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# PENNSYLVANIA BULLETIN

Volume 26

Number 26

Saturday, June 29, 1996 • Harrisburg, Pa.

Pages 2975—3110

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Quality Board Storage  
Tank Technical Standards

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

**No. 259, June 1996**

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**PENNSYLVANIA**

**BULLETIN**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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#### Printing Format

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

#### Fiscal Notes

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

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

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# PENNSYLVANIA BULLETIN

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## **Part II**

This part contains the  
Environmental Quality Board  
Storage Tank Technical Standards

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 5]

Amendment of Rule 503; No. 171; Doc. No. 1

### Order

*Per Curiam.*

And Now, this 7th day of June, 1996, Rule 503 of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 503 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective September 1, 1996, and shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b).

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 5. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### Rule 503. Staff.

\* \* \* \* \*

(b) *Other appointments.* Subject to the approval of the Supreme Court, the Court Administrator may appoint and remove such [ **executive** ] personnel of the Administrative Office and such **appellate and** district court administrators, and their staffs, as are authorized for the system. **After no more than a six-month probationary period, no appellate court administrator, district court administrator, deputy court administrator or special courts administrator may be removed without the prior written approval of the Court Administrator. In the event of a vacancy in the position of appellate court administrator, district court administrator, deputy court administrator or special courts administrator in any of the Judicial Districts of the Commonwealth, the position shall be filled by the President Judge or, in such Districts where there are Administrative Judges, by the majority vote of the President Judge and Administrative Judges, only with the written approval of the Court Administrator of Pennsylvania. If no such approval is obtained, further candidates for the position(s) shall be presented until such approval is obtained. In no case shall an "acting" court administrator or "acting" deputy or special courts administrator be put in place for longer than**

**six months without the written approval of the Court Administrator being sought and received.**

[Pa.B. Doc. No. 96-1043. Filed for public inspection June 28, 1996, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURES

### PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

#### Consensual Participant Monitoring of Oral Communications Within Private Home

On May 6, 1996, the Superior Court of Pennsylvania, pursuant to *Commonwealth v. Brion*, 539 Pa. 256, 652 A.2d 287 (1994), adopted the following Internal Operating Procedures governing Consensual Participant Monitoring of Oral Communications Within Private Home.

#### 591. Authority for Application for Consensual Participant Monitoring of Oral Communication within a Suspect's Residence.

The Supreme Court of Pennsylvania, in *Commonwealth v. Brion*, 539 Pa. 256, 652 A.2d 287 (1994), held that the probable cause determination and warrant requirement for participant monitoring of oral communications within a private home, pursuant to 18 Pa.C.S. § 5704(2), should follow the same procedures set forth in the Wiretap Act, 18 Pa.C.S. § 5701 et seq., for other probable cause determinations.

#### 592. Content of Application for Order Authorizing Consensual Participant Monitoring under Brion.

The application for an order authorizing consensual participant monitoring of an oral communication must be made upon the personal oath or affirmation of the Attorney General (or a deputy attorney general designated in writing by the Attorney General) or the district attorney of the county where the interception is to be accomplished, (or an assistant district attorney designated in writing by the district attorney) and must contain the following:

A. A statement of the applicant's authority to make the application;

B. A statement by the applicant that he or she has reviewed the facts, interviewed the consenting participant, obtained his or her written consent to the monitoring, and is satisfied that the consent of the participant has been provided voluntarily;<sup>1</sup>

C. A statement of the identity and qualifications of the investigative or law enforcement officer who will supervise the conduct of the participant monitoring, and the identity of the agency which will conduct the monitoring;

D. A statement that the applicant is seeking authorization to intercept oral communications of the subject(s) of an investigation concerning one or more of the offenses listed in 18 Pa.C.S. § 5708.

<sup>1</sup>The applicant should also attach to the application the investigating officer's memorandum signed by the officer, the memorandum of approval signed by the authorized assistant district attorney or deputy attorney general, and the signed memorandum of consent form. See: *Commonwealth v. Spence*, 428 Pa. Super. 548, 631 A.2d 666 (1993).

Comment: *See: Commonwealth v. Birdseye*, Pa. , A.2d (1996);

E. A statement that the applicant has discussed, with the officer who has conducted the investigation to date, all of the facts and circumstances surrounding the targeted offenses and has reviewed the investigating officer's affidavit or probable cause prior to attaching it to the application. The officer's affidavit should contain all of the information required by 18 Pa.C.S. § 5709;

F. A statement of the proposed investigative plan for the participant monitoring including the nature of the device to be used, how it will be used and/or concealed, where the conversations will take place, and the intended and expected content of the conversations which will be intercepted;

G. A statement of the plan for, and method of, monitoring and recording the participant conversations setting forth the method of compliance with the recordkeeping requirements of 18 Pa.C.S. § 5714(a);

H. A request that, based upon the facts and circumstances set forth in the application and the attached affidavit of probable cause, the Superior Court issue an order authorizing the interception of oral communications via participant monitoring for a period of thirty (30) days or less;

I. The applicant should state that, in order to accomplish the purposes of the Act, it is reasonably necessary that the cooperating participant be authorized to enter the residence of one or more of the subjects of the investigation and to engage therein in monitored, recorded conversations with one or more of the targets of the investigation; and

J. The application should state that the recording and recordkeeping requirements of 18 Pa.C.S. § 5714(a), as incorporated in 18 Pa.C.S. § 5704(2)(ii), will be supervised by the applicant deputy attorney general or assistant district attorney who will be the custodian of all recorded evidence obtained pursuant to the order and all records relating thereto.

K. See Appendix, Proposed Form Application for an Order Authorizing the Consensual Interception of Oral Communications in a Home.

### **593. Content of Affidavit in Support of Application for Consensual Participant Monitoring.**

Section 5709(3) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5709(3), provides that the investigative or law enforcement officer shall execute an affidavit setting forth facts which justify the application and containing the following information:

A. The affiant's title, pertinent employment history, authority to conduct investigations, and experience in conducting investigations of similar offenses;

B. The name of the agency and the names and qualifications of each of the officers who will supervise and conduct the participant monitoring;

C. A statement by the affiant setting forth facts which establish probable cause to believe that evidence of one of the crimes enumerated in 18 Pa.C.S. § 5708 will be obtained via the participant monitoring as well as all facts necessary to establish the reliability of the information contained in the affidavit;

D. The identity of the person or persons, if known, who are believed to be committing one or more of the crimes enumerated in 18 Pa.C.S. § 5708;

E. The particular type of information to be intercepted, e.g., in a drug case, discussions concerning the purchase/sale of illegal drugs, etc.;

F. The location and description of the particular place or places where the participant monitoring will be conducted, and the identity of the consenting participant;

G. A detailed statement of the facts and circumstances establishing probable cause to believe that:

1. The subject(s) has committed, is committing, or will commit one of the crimes enumerated in 18 Pa.C.S. § 5708;

2. Pertinent conversations concerning the enumerated offenses may be obtained through the proposed participant monitoring;

3. There is necessity for the consenting participant to enter the residence of the subject(s) in order to engage in pertinent conversations regarding an enumerated offense;

4. The location where the oral communications are expected to be intercepted is, or has been, owned, leased to, or commonly used by such subject(s);

H. The period of time (not to exceed thirty (30) days) necessary to obtain the interceptions, and for which the cooperating participant has provided his or her written consent.

### **594. Order: Probable Cause Statement.**

A proposed order should be submitted by the applicant to the Court, and should state that based upon the application, the Court finds probable cause to believe the following:

A. The person(s) whose communication is to be intercepted is committing, has committed, or is about to commit the offense(s) set forth in the application;

B. Particular communications concerning such offense(s) may be obtained through the proposed consensual interception;

C. The location where the oral communications are expected to be intercepted, is, or has been owned, leased to, or commonly used by the subject(s);

D. The investigative or law enforcement officers or agency to be authorized to supervise the interception are qualified by training and experience to execute the interception sought;

E. The consent of the participant is voluntary and is given without any coercion or undue influence.

### **595. Order: Factual Statement.**

After reciting the above facts, the order must set forth the following:

A. The identity of the investigative or law enforcement officers or agency to whom authority to intercept is given;

B. The identity of the person who made application for authority to intercept;

C. The identity of, or a particular description of, the person(s), if known, whose communications are to be intercepted;

D. The location of and description of the particular place or places where the participant monitoring will be conducted and the identity of the consenting participant;

E. A particular description of the type of communications to be intercepted and a statement of the particular offense(s) to which they relate;

F. The period of time during which such interception is authorized (not to exceed thirty (30) days);

G. The order shall require the Attorney General or the District Attorney or their designees to supervise the interception and provide for the original tapes to be maintained by the Supervising Attorney;

H. The order may require periodic progress reports, if so desired by the issuing judge, indicating the progress made toward achieving the objective of the interception and the need for continued interception; and

I. The order shall require a final report to be filed with the Court at the time the authorized consensual interception is terminated. Pursuant to 18 Pa.C.S. § 5712(e), the report shall consist of the date(s) the interception was conducted, and a complete written list of names of participants and evidence of offenses discovered;

J. See Appendix, Proposed Form Order Authorizing the Consensual Interception of Oral Communications in a Home.

**The Application Procedure**

**601. In General.**

The procedures relating to the Application for Consensual Participant Monitoring shall follow the procedures set forth in I.O.P 511—518 and 520—521 relating to other applications under the Wiretapping and Electronic Surveillance Control Act.

**Reporting Requirements: Reports to be Made to the Issuing Judge**

**611. Progress Reports.**

Pursuant to section 5712(d) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712(d), the issuing judge may require periodic progress reports during the course of the participant monitored interception. These reports should explain to the Court the

progress being made toward achieving the objectives of the interception and should explain the need for continued participant monitored interception. Such reporting requirements are entirely discretionary with the issuing judge, who may establish the time period for the filing of the reports within the order authorizing consensual interception. See I.O.P. 551.

**612. Content of Final Report.**

Pursuant to section 5712(e) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5712(e), at the termination of the consensual participant monitoring, the Supervising Attorney must submit a final report consisting of the date(s) the interception was conducted, and a complete written list of names of persons intercepted (if known) and evidence of the offenses discovered.

**613. Submission and Sealing of Final Report.**

Pursuant to sections 5712(e) and 5715 of the Wiretapping and Electronics Surveillance Control Act, 18 Pa.C.S. § 5712(e) and § 5715, the Supervising Attorney should, immediately upon the expiration of the order or the termination of the interception, submit the final report to the issuing judge for sealing. Section 5714(b) of the act, concerning the sealing and transfer to the issuing judge of all monitoring records, tapes and other recordings, is inapplicable to consensual monitoring interceptions since § 5704(2)(ii) provides that the Attorney General, District Attorney, or their deputy/assistant, shall be custodian of recorded evidence obtained from such an interception. However, sealing of the final report, application and orders should be in the format provided by I.O.P. 555.

**614. Service of Inventory.**

The service of inventory required by Section 5716(a) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5716(a), is inapplicable to consensual participant monitoring orders.

IN THE SUPERIOR COURT OF PENNSYLVANIA

IN THE MATTER OF THE APPLICATION : No. \_\_\_\_\_ Misc. Conf.  
OF \_\_\_\_\_, : Dkt-PM-ED 199\_\_  
ATTORNEY GENERAL OF THE :  
COMMONWEALTH OF PENNSYLVANIA :  
(OR \_\_\_\_\_, :  
DISTRICT ATTORNEY OF THE COUNTY :  
OF \_\_\_\_\_,) FOR AN :  
ORDER AUTHORIZING THE :  
CONSENSUAL INTERCEPTION OF :  
ORAL COMMUNICATIONS :

APPLICATION FOR AN ORDER AUTHORIZING THE CONSENSUAL INTERCEPTION OF ORAL COMMUNICATIONS IN A HOME

Deputy Attorney General/Assistant District Attorney \_\_\_\_\_, being duly sworn according to law, states:

1. I am a Deputy Attorney General/Assistant District Attorney with the Pennsylvania Office of Attorney General/ \_\_\_\_\_ County District Attorney's Office. I am designated in writing by the Attorney General/District Attorney to authorize consensual interceptions pursuant to Section 5704(2) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5704(2), and have attached a copy of that authorization hereto, marked as "Exhibit A". I am familiar with an investigation presently pending involving the criminal activities of (name of suspect(s)) and others known and unknown in and around the County(ies) of \_\_\_\_\_.

2. I have been authorized to request an order, pursuant to Section 5704(2) of the Wiretapping and Electronic Surveillance Act, 18 Pa.C.S. § 5704(2) and *Commonwealth v. Brion*, 539 Pa. 256, 652 A.2d 287 (1994), authorizing the consensual interception of the oral communications of (name of consenting party(ies), suspect(s)) and others at a home(s) located at \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania, or any other home wherein oral communications may occur relating to the same consenting party and participants in the herein-referenced criminal activities.



3. The facts and circumstances set forth herein provide your Applicant with probable cause to believe that criminal activity involving the offense(s) of \_\_\_\_\_, has been, is, or will be in progress, and that the consensual interception of oral communications at the above-referenced location(s) will yield evidence relevant to this ongoing criminal investigation.

4. (Name of investigative officer) of the (name of investigative agency) is an "investigative or law enforcement officer" as defined by Section 5702 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5702, and has prepared an affidavit which sets forth the facts and circumstances which provide probable cause to believe that the consensual interception of oral communications at the above-referenced location will involve the above-described criminal activities. The affidavit of probable cause of (name of investigative officer) is attached hereto and incorporated by reference as "Exhibit B".

5. Your applicant has discussed with (name of investigating officer) all of the facts and circumstances surrounding the targeted offenses and has reviewed the affidavit of probable cause of (name of investigating officer) prior to attaching it to this application.

6. Your Applicant certifies that, pursuant to the requirements of Section 5704(2) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5704(2), it has been determined that (name of consenting party) has knowingly, intelligently, and voluntarily consented to have his oral communications, relating to the herein-referenced criminal activity, with (name of suspect(s)) and others monitored and recorded, and that said criminal activity has been, is, or will be in progress. Documentation of these averments is set forth in the "Officer's Memorandum of Request", "Memorandum of Consent", and "Memorandum of Approval", true and correct copies of which are attached hereto and incorporated by reference as "Exhibit C", "Exhibit D", and "Exhibit E" respectively.

7. The recording and recordkeeping requirements of 18 Pa.C.S. § 5714(A) as incorporated in 18 Pa.C.S. § 5704(2)(ii) will be supervised by (name of applicant), who will be the custodian of all recorded evidence obtained pursuant to the order and all records relating thereto.

WHEREFORE, on the basis of those matters set forth above, it is respectfully requested that this Court enter an order authorizing the consensual interception of oral communications of (Name of consenting party, name of suspect(s)) and others occurring within the home(s) located at \_\_\_\_\_ County, Pennsylvania, or any other home or location wherein oral communications may occur relating to the same consenting party(ies) and participants and the above-described criminal activity, for a period of \_\_\_\_\_ (not to exceed 30) days from the date of this application/order.

IT IS FURTHER requested that this Application and the Court's Order be sealed until otherwise directed by the Court.

\_\_\_\_\_  
(Name of Applicant)

Signed and sworn before me  
this \_\_\_\_ day of \_\_\_\_\_,  
1996, at \_\_\_\_ .m.

\_\_\_\_\_  
J.

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF \_\_\_\_\_ :  
AFFIDAVIT

Before me, the undersigned official, personally appeared who being by me first duly sworn did depose and say that the facts set forth in the foregoing Application are true and correct to the best of his knowledge, information, and belief.

\_\_\_\_\_  
(Name of Deputy Attorney General/  
Assistant District Attorney)

Signed and sworn before me  
this \_\_\_\_ day of \_\_\_\_\_,  
1996, at \_\_\_\_ .m.

\_\_\_\_\_  
Notary Public

IN THE SUPERIOR COURT OF PENNSYLVANIA

IN THE MATTER OF THE APPLICATION : No. \_\_\_\_\_ Misc. Conf.
OF \_\_\_\_\_ : Dkt-PM-ED 199\_\_
ATTORNEY GENERAL OF THE :
COMMONWEALTH OF PENNSYLVANIA :
(OR \_\_\_\_\_) :
DISTRICT ATTORNEY OF THE COUNTY :
OF \_\_\_\_\_) FOR AN ORDER :
AUTHORIZING THE CONSENSUAL :
INTERCEPTION OF ORAL :
COMMUNICATIONS :

ORDER AUTHORIZING THE CONSENSUAL INTERCEPTION OF ORAL COMMUNICATIONS IN A HOME

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_, Application under oath having been made by (Deputy Attorney General or Assistant District Attorney) \_\_\_\_\_, an authorized officer within the meaning of section 5709 of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5709, (hereinafter "the Act"), for an Order Authorizing the Interception of Oral Communications via Participant Monitoring, and upon full consideration of the matters set forth therein, including the sworn Affidavit of \_\_\_\_\_, a law enforcement officer as defined in Section 5702 of the Act, 18 Pa.C.S. § 5702, this Court finds that:

- (a) The name of the consenting party is \_\_\_\_\_;
(b) The home wherein consensual interception of oral communications is authorized is located at \_\_\_\_\_, \_\_\_\_\_ County, \_\_\_\_\_ and is owned, has been or will be leased to, or commonly used by (suspect(s)) \_\_\_\_\_;
(c) There is probable cause to believe that (suspect(s)) \_\_\_\_\_ and others as yet unknown, have committed and are committing an offense(s) involving the \_\_\_\_\_ in violation of the \_\_\_\_\_, and conspiracy to commit said offenses, in violation of Section 903 of the Crimes Code, 18 Pa.C.S. § 903;
(d) There is probable cause to believe that particular communications between (cooperating participant) \_\_\_\_\_ and (suspect(s)) \_\_\_\_\_ will be obtained via the participant monitoring herein authorized, and that these communications will concern the details of the involvement of (suspect(s)) \_\_\_\_\_ and others in the offense(s) specified, the methods of operation, and the dates, times and places that transactions involving the enumerated offenses(s) are to occur as well as other information concerning the ongoing criminal conspiracy, the object of which is \_\_\_\_\_;
(e) There is probable cause to believe that information relevant to this ongoing criminal investigation will be obtained through the interception of pertinent communication between (cooperating participant) \_\_\_\_\_ and (suspect(s)) \_\_\_\_\_, and that it may be necessary for the pertinent conversations to be intercepted during conversations occurring within the residence(s) of \_\_\_\_\_, located at \_\_\_\_\_;
(f) There is probable cause to believe that the consent provided by (cooperating participant) \_\_\_\_\_ is voluntary and was given without any coercion or undue influence;
(g) The investigative or law enforcement officers authorized to supervise the participant monitoring of the aforesaid oral communications, whether the conversations are obtained in public places or inside the residence(s) of \_\_\_\_\_, are: \_\_\_\_\_.

AND, following due consideration of the Application of (Deputy Attorney General or Assistant District Attorney) \_\_\_\_\_ and as a result of the foregoing findings,

IT IS ORDERED THAT (investigative or law enforcement officer(s) or agency) \_\_\_\_\_ is authorized to:

- 1. Intercept conversations between (cooperating participant) \_\_\_\_\_ and (suspect(s)) \_\_\_\_\_ which may occur between the date of this Order and \_\_\_\_\_, 199 \_\_, at the residence(s) of \_\_\_\_\_. The type of communications to be intercepted will concern the commission of offenses involving (offense description) \_\_\_\_\_ in violation of (statute) \_\_\_\_\_.
2. Engage in such participant monitoring interception pursuant to Section 5704(2) of the Act, 18 Pa.C.S. § 5704(2), based upon the facts contained in the Application and Affidavit establishing probable cause to believe that additional communications of the same type may be obtained thereafter, and due to the character of the investigation, such interception need not automatically terminate when the type of communication described above in paragraph (1) has first been obtained but may continue monitoring such conversations with the consent of the participant until communications are intercepted which establish and reveal the complete manner in which (suspect(s)) \_\_\_\_\_ and others as yet unknown, conduct the criminal enterprise in violation of (statute) \_\_\_\_\_ and the identities of confederates, places and manner of operation, and the nature of the conspiracy involved therein, or at diverse times during the period of thirty (30) days from the date of this order.
3. Such monitoring shall begin and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of any communications not otherwise subject to interception under the Act.
4. (Name) \_\_\_\_\_ shall be responsible for the supervision of the participant monitoring. (Name) \_\_\_\_\_ is designated as authorized to assist him in the supervision of the participant monitoring.
5. Custody and control of any resultant original tapes shall be maintained by (Name) \_\_\_\_\_, as required by section 5704(2)(ii) of the Act, 18 Pa.C.S. § 5704(2), the attorney who shall also be responsible for filing with the Court a final report, which shall consist of the date(s) the interception was conducted and a complete list of all participants and evidence of offenses discovered. [If desired by Court, interim report requirement should be place here].

THE COURTS

IT IS FURTHER ORDERED THAT the Application and Affidavit in the above-captioned matter, along with this Order, be sealed until further Order of this Court.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 199 \_\_, at \_\_\_\_ .M. at \_\_\_\_\_, Pennsylvania.

SUPERIOR COURT  
COMMONWEALTH OF PENNSYLVANIA

IN THE SUPERIOR COURT OF PENNSYLVANIA SITTING AT \_\_\_\_\_

IN RE:                      The Matter of the Application  
                                    of \_\_\_\_\_                      Docket No \_\_\_\_\_  
                                    \_\_\_\_\_  
                                    \_\_\_\_\_

SEALING ORDER

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the following shall hereby be ordered:

1. That the contents of this envelope consisting of an application, affidavit and order \_\_\_\_\_ relating to the above captioned matter shall be maintained under this seal until such time as this Court shall direct removal of the seal.

2. These sealed items shall be maintained in the Office of the Prothonotary of the Superior Court, Philadelphia, Pennsylvania. It is so ordered.

Judge's signature \_\_\_\_\_  
Date \_\_\_\_\_  
Time \_\_\_\_\_

IN THE SUPERIOR COURT OF PENNSYLVANIA SITTING AT \_\_\_\_\_

IN RE:                      The Matter of the Application  
                                    of \_\_\_\_\_                      Docket No \_\_\_\_\_  
                                    \_\_\_\_\_  
                                    \_\_\_\_\_

SEALING ORDER

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the following shall hereby be ordered:

1. That the contents of this package consisting of:

\_\_\_\_\_  
\_\_\_\_\_

relating to the above captioned matter shall be maintained under this seal until such time as this Court shall direct removal of the seal.

2. These sealed items shall be maintained in the Office of the Prothonotary of the Superior Court, Philadelphia, Pennsylvania. It is so ordered.

Judge's signature \_\_\_\_\_  
Date \_\_\_\_\_  
Time \_\_\_\_\_

OFFICER'S MEMORANDUM OF REQUEST

Investigation No. \_\_\_\_\_

The person freely and voluntarily consenting to the proposed interception is (Name) \_\_\_\_\_, (Age) \_\_\_\_\_, (Born, D.O.B.) \_\_\_\_\_.

Based on the above and the attached Memorandum of Consent, I request that approval be given by the Office of the (District Attorney of \_\_\_\_\_ County or the Attorney General of Pennsylvania) for the proposed interception pursuant to Section 5704 of the Crimes Code, and related sections of the Pennsylvania Wiretapping and Electronic Surveillance Control Act, and that the necessary equipment for the interception be issued to the following person or persons who will conduct the interception.

(NAME)

(AGENCY)

\_\_\_\_\_  
SIGNATURE OF APPLICANT/OFFICER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TIME

Exhibit "C"

MEMORANDUM OF APPROVAL

Investigation No. \_\_\_\_\_

I, (Assistant District Attorney or Deputy Attorney General), (Address) \_\_\_\_\_, Pennsylvania, having been officially designated by (District Attorney of \_\_\_\_\_ County or Attorney General of Pennsylvania) pursuant to Section 5704 and related sections of the Pennsylvania Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. § 5704, have reviewed the Memorandum of (Investigating Officer or Trooper) \_\_\_\_\_ of (Agency) \_\_\_\_\_, dated \_\_\_\_\_ and the Memorandum of Consent signed by \_\_\_\_\_, dated \_\_\_\_\_. In order to determine whether the Consent of the person named above was freely and voluntarily given, I have also interviewed him/her in person and discussed:

- 1) The purpose of the interview;
- 2) Prior participation in wiretaps;
- 3) Reason for cooperation;
- 4) Relationship to any party to be intercepted;
- 5) Equipment;
- 6) Nature and purpose of intended interception;
- 7) Time limits;
- 8) Right to withdraw at any time;
- 9) Any threats or promises; and
- 10) Any drugs or alcohol within the last 24 hours.

I also offered to answer any questions concerning the interception.

As a result of all the foregoing, I find that the Consent of the person named above was freely and voluntarily given and that the proposed interception involves suspected criminal activities and appears to be otherwise in accord with the law. The proposed interception is approved and the authorization is given for the issuance of such devices as are necessary to accomplish the interception in the manner described in the officer's Memorandum.

In regard to persons under criminal charges, particular care must be exercised to avoid the interception of any conversation of that person which pertains to his culpability in relation to his pending charges or the strategy which he contemplates using in his defense.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TIME

EXHIBIT "D"

MEMORANDUM OF CONSENT

Investigation No. \_\_\_\_\_

I, (Name of consenting party) \_\_\_\_\_, Age \_\_\_\_\_, Born D.O.B. \_\_\_\_\_, do freely and voluntarily consent to the interception and recording by the (Name of Agency) \_\_\_\_\_ of my communications with (Name or names of proposed interceptees) \_\_\_\_\_ and anyone else contacted during attempts to reach the persons named above, or present during conversations with the above-named persons which may occur on or about \_\_\_\_\_.

WITNESS

SIGNATURE OF CONSENTING PARTY

DATE

TIME

EXHIBIT "E"

[Pa.B. Doc. No. 96-1044. Filed for public inspection June 28, 1996, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### [231 PA. CODE CH. 1920]

#### Proposed Amendments to Rules 1920.42, 1920.72 and 1920.73; Recommendation 43

The Domestic Relations Committee proposes the following amendments to the Rules of Civil Procedure relating to divorce. The committee solicits comments and suggestions from all interested persons prior to submission of the proposed rule to the Supreme Court.

Written comments relating to the proposed amendments must be received no later than August 23, 1996, and must be directed to Linda C. Liechty, Esquire, Executive Director, Domestic Relations Committee, 429 Forbes Avenue, Suite 300, Pittsburgh, PA 15219, FAX (412) 565-2336.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.42. Affidavit and Decree under [Section] § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in [Section] § 3301(c), § 3301(d)(1)(i) Divorces. Counter-Affidavit.

(a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under [Section] § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a [Section] § 3301(d) affidavit under [Section] § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72[(c)](d) the averments of which the other party has admitted or failed to deny, the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter the appropriate decree. No master shall be appointed.

(b) The affidavit required by [Section] § 3301(c) of the Divorce Code must have been executed

\* \* \* \* \*

(d)(1) Except as provided in (e), no decree shall be entered by the court under [Section] § 3301(c) or

§ 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered[ , at least twenty days prior to the date of the filing of the praecipe to transmit the record, ] to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, at least twenty days prior to the date of the filing of the praecipe to transmit the record. [ A copy of the notice shall be attached to the ] The praecipe [ which ] shall state the date and manner of service of the notice, a copy of which shall be attached.

(2) If the party against whom the decree is to be entered has no attorney of record, the notice required by subdivision [ (c)(1) ] (d)(1) shall be accompanied by a form counter-affidavit substantially in the form prescribed by Rule 1920.72[ (d) ] (e) [ which the other party may use to deny allegations of the Section 3301(d) affidavit or to claim economic relief under the Divorce Code ].

(e) Notice of intention to request entry of divorce decree shall not be required prior to entry of a divorce decree

(1) under § 3301(c) where the parties have executed and filed with the prothonotary a waiver of notice substantially in the form set forth in Rule 1920.72(c); or

(2) under § 3301(d) where the court finds that no appearance has been entered on defendant's behalf and that defendant cannot be located after diligent search.

**Official Note:** This counter-affidavit will be filed only if the [ defendant ] party against whom the decree is to be entered has not previously denied the allegations of the [ plaintiff's ] other party's affidavit or has not previously claimed economic relief by counterclaim or petition.

Rule 1920.72. Form of Complaint. Affidavit under [Section] § 3301(c) or 3301(d) of the Divorce Code. Counter-Affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c).

(a) The complaint in an action of divorce under [Section] § 3301(c) or 3301(d) shall begin with the Notice to Defend and Claim Rights required by Rule 1920.71 and shall be substantially in the following form:

\* \* \* \* \*

(b) The affidavit of consent required by [Section] § 3301(c) of the Divorce Code and Rule 1920.42(a)(1) shall be substantially in the following form:

(Caption)

AFFIDAVIT OF CONSENT

1. A Complaint in divorce under [ Section ] § 3301(c) of the Divorce Code was filed on \_\_\_\_\_ (Date)

2. The marriage of plaintiff and defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.

\* \* \* \* \*

(c) The waiver permitted by Rule 1920.42(e) shall be in substantially the following form:

\* \* \* \* \*

Date: \_\_\_\_\_

[ Plaintiff/Defendant ] (Plaintiff)(Defendant)

(d) The affidavit required by [ Section ] § 3301(d) of the Divorce Code and Rule 1920.42(a)(2) shall be substantially in the following form:

\* \* \* \* \*

(e)(1) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(c) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further delay.

I verify that the statements made in this counter-affidavit are 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: \_\_\_\_\_ (Plaintiff)(Defendant)

NOTICE: If you do not wish to claim economic relief, you should not file this counter-affidavit.

(2) The counter-affidavit prescribed by Rule 1920.42 [ (c) ](d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)

COUNTER-AFFIDAVIT UNDER [ SECTION ] § 3301(d) OF THE DIVORCE CODE

\* \* \* \* \*

2. Check either (a) or (b):

\* \* \* \* \*

(b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on

the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further delay.

I verify that the statements made in this counter-affidavit are 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: \_\_\_\_\_ (Plaintiff)(Defendant)

Notice: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you [ need ] should not file this counter-affidavit.

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record Forms.

(a)(1) The notice of the intention to request entry of divorce decree prescribed by Rule 1920.42 [ (c) ](d) shall be substantially in the following form if there is an attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE

TO: \_\_\_\_\_ [ (Plaintiff/Defendant) ] (Plaintiff)(Defendant)

\_\_\_\_\_ [ (Plaintiff/Defendant) ] (Plaintiff)(Defendant) intends to file with the court the attached Praecepto to Transmit Record on or after \_\_\_\_\_, 19\_\_\_\_, requesting that a final decree in divorce be entered.

Attorney for [ (Plaintiff/Defendant) ] (Plaintiff)(Defendant)

(2)(i) The notice of the intention to request entry of a § 3301(c) divorce decree prescribed by Rule 1920.42(d) shall be substantially in the following form if there is no attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(c) DIVORCE DECREE

TO: \_\_\_\_\_ (Plaintiff)(Defendant)

You have signed a § 3301(c) affidavit consenting to the entry of a divorce decree. Therefore, on or after \_\_\_\_\_, 19\_\_\_\_, the other party can request the court to enter a final decree in divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce and you will lose forever the right to ask for economic relief. YOU MAY CLAIM THESE RIGHTS BY FILING WITH THE PROTHONOTARY THE FORM COUNTER-AFFIDAVIT FORM WHICH ACCOMPANIES THIS NOTICE.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

**Official Note: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).**

**The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.**

(ii) The notice of the intention to request entry of § 3301(d) divorce decree prescribed by Rule 1920.42 [ (c) ](d) shall be substantially in the following form if there is no attorney of record:

(Caption)

NOTICE OF INTENTION TO REQUEST ENTRY OF § 3301(d) DIVORCE DECREE

TO: \_\_\_\_\_  
[ (Plaintiff/Defendant) ] (Plaintiff)(Defendant)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the [ plaintiff's ] § 3301(d) affidavit. Therefore, on or after \_\_\_\_\_, 19\_\_\_\_, the [ plaintiff ] other party can request the court to enter a final decree in divorce.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. A COUNTER-AFFIDAVIT WHICH YOU MAY FILE WITH THE PROTHONOTARY OF THE COURT IS ATTACHED TO THIS NOTICE.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(TELEPHONE NUMBER)

NOTE: The above lines are to be completed with the name, address and telephone number of the officer, organization, agency or person designated by the court in accordance with Rule 1018.1(c).

The date to be inserted in the first paragraph of the notice must be at least twenty days after the date on which the notice was mailed or delivered.

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Ground for divorce: irretrievable breakdown under [ Section ] § (3301(c) (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section).

2. Date and manner of service of the complaint: \_\_\_\_\_ .

3. (Complete either paragraph (a) or (b).)

(a) Date of execution of the affidavit of consent required by [ Section ] § 3301(c) of the Divorce Code: by plaintiff \_\_\_\_\_ ; by defendant \_\_\_\_\_ .

(b)(1) Date of execution of the [ plaintiff's ] affidavit required by [ Section ] § 3301(d) of the Divorce Code: \_\_\_\_\_ ; (2) Date of filing and service of the plaintiff's affidavit upon the [ defendant ] respondent: \_\_\_\_\_ .

4. Related claims pending: \_\_\_\_\_ .

5. [ Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached, if the decree is to be entered under Section 3301(d)(1)(i) of the Divorce Code. ]

(Complete either (a) or (b).)

(a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached: \_\_\_\_\_

(b) Date plaintiff's Waiver of Notice in § 3301(c) Divorce was filed with the prothonotary: \_\_\_\_\_

Date defendant's Waiver of Notice in § 3301(c) Divorce was filed with the prothonotary: \_\_\_\_\_

\_\_\_\_\_  
Attorney for (Plaintiff)(Defendant)

[Pa.B. Doc. No. 96-1045. Filed for public inspection June 28, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CH. 65]

#### Fish and Fishing

The Fish and Boat Commission (Commission) by this order amends § 65.24 (relating to miscellaneous special regulations). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendment deals with fish and fishing.

##### A. *Effective Date*

This amendment will take effect upon publication of this order.

##### B. *Contact Person*

For further information on the amendment, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

##### C. *Statutory Authority*

The amendment is published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

##### D. *Purpose and Background*

The amendment updates a Commission fishing regulation.

##### E. *Summary of Changes*

*Miscellaneous special regulations, § 65.24.* The Commission adopted a change to the miscellaneous special fishing regulation applicable to the Little Juniata River in Blair and Huntingdon Counties. The change involves year-round angling with a 14" minimum length limit and a two trout daily creel limit during the period from the opening day of the regular trout season through Labor Day. When this regulation was published on final rulemaking at 26 Pa.B. 1706 (April 13, 1996), the Commission inadvertently omitted certain language. The Commission is now correcting this error by adding the omitted language. This correction is made under § 51.5 (relating to correction of regulations).

##### F. *Paperwork*

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

##### G. *Fiscal Impact*

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

##### H. *Public Involvement*

A notice of proposed rulemaking containing the proposed amendment was published under Regulation 48A-52 at 25 Pa.B. 5738 (December 16, 1995). The Commission received 14 comments concerning the proposed change to § 65.24. In addition, prior to the formal comment period, the Commission received a petition, signed by 488 individuals, asking for no new regulations on the Little Juniata River. Since the petition was dated prior to consideration of this item by the Commission at its October, 1995 meeting, it is unclear whether the signers objected to the specific proposals. On December 18, 1995, the Commission held a public information meeting on the proposed regulation change. Of the more than 25 anglers in attendance, only two indicated opposition to the proposed change. Many of the commentators had suggestions for other regulatory schemes, but with the two exceptions, all favored this amendment as at least a first step. An order adopting the amendment on final rulemaking was published at 26 Pa.B. 1706.

##### *Findings*

The Commission finds that:

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

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

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

##### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24, to read as set forth at Annex A, with ellipses referring to the existing text of the regulation.

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

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

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-57. No fiscal impact; (8) recommends adoption.



RULES AND REGULATIONS

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * *	* * *
Blair and Huntingdon	Little Juniata River from the mouth of Bald Eagle Creek (near Tyrone) downstream to the railroad bridge at the east (downstream) border of Ironville	No closed season on trout. Daily limit: Opening day of trout season to Labor Day—eight trout. Labor Day to succeeding opening day of trout season—three trout. Inland regulations apply to warmwater species.
	From the railroad bridge at the east (downstream) border of Ironville downstream to the mouth	Trout: Opening day of trout season in April until midnight, day before Labor Day. Minimum size limit: 14 inches. Daily creel limit: 2 trout (combined species) except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under the regulation. Other species: inland regulations apply.
	* * *	* * *

[Pa.B. Doc. No. 96-1046. Filed for public inspection June 28, 1996, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### State Plan on Aging for 1996—1999; Public Hearing

The Department of Aging (PDA) is making available for public review and comment the 1996—1999 State Plan on Aging. Comments on this document will be used to formulate the Department's final plan submitted to the Federal Administration on Aging in order for the Commonwealth to receive Federal funds under the Older Americans Act of 1965, as amended.

The Department of Aging develops a State Plan on Aging every 3 years; the plan being proposed will guide the Department during the Federal fiscal years October 1, 1996, through September 30, 1999. The purpose of the State Plan is to structure the Department's priorities and to set an aging agenda for the Commonwealth.

Citizens, local government officials and interested organizations in the Commonwealth are invited to submit comments on the Plan. Persons wishing to submit written comments on the Plan must do so by July 19, 1996. Comments should be addressed to Robert J. McNamara, Department of Aging, Planning and Research Division, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

The Department of Aging will hold the following public hearings on the 1996—1999 State Plan of Aging:

<i>Date</i>	<i>Location</i>	<i>Time</i>
July 8, 1996	2nd Floor Auditorium Rachel Carson State Office Building 400 Market Street Harrisburg, PA 17101- 2301	1:30 p.m.— 3:30 p.m.
July 11, 1996	Philadelphia Center in the Park 5818 Germantown Avenue Philadelphia, PA 19144	1:30 p.m.— 3:30 p.m.
July 22, 1996	Kingston Senior Center 680 Wyoming Avenue Kingston, PA 18704	1:30 p.m.— 3:30 p.m.
July 24, 1996	Hampton Inn Route 255 South (Exit 17, I-80) DuBois, PA	2 p.m.— 4 p.m.
July 25, 1996	Tanglewood Senior Center 80 Hanson Avenue Lyndora, PA 16045	9 a.m.— 11 a.m.

Anyone who wishes to speak must call to schedule a time to give oral testimony at the hearings. Testimony is limited to 10 minutes per person. To schedule oral testimony at any of the hearings, please contact Cheryl Brown at (717) 783-8975.

Anyone with a hearing impairment who wishes to attend one of the public hearings should notify Carol Lyons at (717) 783-8975 in advance so accommodations

can be made. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984.

Copies of the plan are available upon request from the Department of Aging, Division of Planning and Research, 400 Market Street, Harrisburg, PA 17101-2301, or telephone (717) 783-8975. Copies of the Plan are also available at the Area Agencies on Aging and the 29 District Libraries listed below.

Audio cassette copies of the State Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind:

Patricia Summers, Coordinator, Harrisburg Area Radio Reading Service, 1800 N. Second Street, Harrisburg, PA 17102, (717) 238-2531.

#### *Pennsylvania's District Libraries*

B. F. Jones Memorial Library, Aliquippa  
Allentown Public Library, Allentown  
Altoona Public Library, Altoona  
Centre County Library, Bellefonte  
Bethlehem Area Public Library, Bethlehem  
Conococheague District Library, Chambersburg  
Bucks County Free Library, Doylestown  
Easton Area Public Library, Easton  
Erie County Library, Erie  
Dauphin County Library, Harrisburg  
Cambria County Library, Johnstown  
Lancaster County Library, Lancaster  
Delaware County Library, Brookhaven  
Monessen Public Library, Monessen  
New Castle Public Library, New Castle  
Montgomery County—Norristown Public Library,  
Norristown  
Oil Creek District Library, Oil City  
Free Library of Philadelphia, Philadelphia  
Carnegie Library of Pittsburgh, Pittsburgh  
Neighborhood & Outreach Services, Pittsburgh  
Pottsville Free Public Library, Pottsville  
Reading Public Library, Reading  
Scranton Public Library, Scranton  
Warren Public Library, Warren  
Citizens Library, Washington  
Chester County Library, Exton  
Osterhout Free Library, Wilkes-Barre  
James V. Brown Library, Williamsport  
Martin Memorial Library, York

RICHARD BROWDIE,  
*Secretary*

[Pa.B. Doc. No. 96-1047. Filed for public inspection June 28, 1996, 9:00 a.m.]

# DEPARTMENT OF AGRICULTURE

## Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of section 8 of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law (3 P. S. §§ 68.1—68.9) hereby establishes the commercial values per pound of nitrogen, phosphoric acid and potash.

The values are established as follows:

nitrogen	\$0.32 per pound
phosphoric acid	\$0.28 per pound
potash	\$0.14 per pound

### *Further Information*

Further information is available by contacting John W. Breitsman, Program Specialist, Division of Agronomic Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

### *Effective Date*

These commercial values are effective commencing July 1, 1996, and shall remain effective until further notice.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-1048. Filed for public inspection June 28, 1996, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 18, 1996.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-13-96	Johnstown Bank and Trust Company, Johnstown, and The Armstrong County Trust Company, Kittanning surviving institution— Johnstown Bank and Trust Company, Johnstown	Johnstown	Effective

The former main office of The Armstrong County Trust Company will become a branch office of Johnstown Bank and Trust Company as follows:

#### *Branches Acquired:*

6-12-96	First Commonwealth Bank Indiana Indiana County	Indiana	Effective
	Purchase of assets/assumption of liabilities of one branch office of The Moxham National Bank, Johnstown, located at: Salem Plaza Route 22 Delmont Westmoreland County		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-12-96	The York Bank and Trust Company York York County	Weis Market 4300 Linglestown Road Harrisburg Dauphin County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-14-96	The York Bank and Trust Company York York County	Weis Market 3885 Union Deposit Rd. Harrisburg Dauphin County	Filed
6-14-96	Parkvale Savings Bank Monroeville Allegheny County	Raceway Plaza 2100 Washington Pike Scott Township Allegheny County	Approved
6-14-96	The York Bank and Trust Company York York County	Weis Market 3885 Jonestown Road Harrisburg Dauphin County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-12-96	First Republic Bank Philadelphia Philadelphia County	<i>To:</i> 1601 Walnut Street Philadelphia Philadelphia County  <i>From:</i> 1513 Walnut Street Philadelphia Philadelphia County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-14-96	Summit Bank Johnstown Cambria County	To provide for a change in corporate title to "1st Summit Bank."	Approved Effective 6-15-96

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1049. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Election by Port Richmond Savings to Exercise Conditional Powers**

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by Port Richmond Savings authorized by section 513(b) of the Banking Code of 1965 (7 P. S. § 513), Port Richmond Savings is hereby granted the following conditional powers as described by sections 504(b)(xiii), 506(a)(iv)(B) and 506(a)(vi) of the Banking Code of 1965, to be exercised only with the prior written approval of the Department of Banking.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-1050. Filed for public inspection June 28, 1996, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

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

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, July 8, 1996. The meeting will be held at 10 a.m. in the 1st Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Glenda Miller at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800)

654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 96-1051. Filed for public inspection June 28, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

### APPLICATIONS

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day 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 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 accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0020095.** Industrial waste, SIC: 3433. (Gas Heaters). **Thomas & Betts Corporation**, Reznor Facility, 150 McKinley Avenue, Mercer, PA 16137.

This application is for renewal of an NPDES permit, to discharge treated industrial waste, noncontact cooling water and stormwater to Munnell Run in Mercer Borough, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver River and Beaver Falls Municipal Authority located at approximately 45.5 miles below point of discharge.

The proposed discharge limits based on a design flow of 0.0125 mgd are:

*Outfall No. 002*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Copper	0.17	0.26	0.43
Mercury	XX		
Oil and Grease	15		30
pH	6.0—9.0 at all times		

*Outfall Nos. 004—007*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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These discharges shall consist solely of stormwater.

\*Refer to Special Condition in Part C concerning uncontaminated stormwater outfalls.

The EPA waiver is in effect.

**PA 0037931.** Sewage. **Municipal Authority of the Township of Cambridge**, R. D. 1, Box 53F, Cambridge Springs, PA 16403.

This application is a renewal of a Part I NPDES Permit to discharge treated sewage to an unnamed tributary of French Creek in Cambridge Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the General Authority of the City of Franklin on French Creek located at Franklin, approximately 41 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after chlorine contact tank) based on a design flow of 0.015 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	.5		1.2
Dissolved Oxygen	minimum of 3 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

\*\*This Notice reflects changes to the May 14, 1996 Bulletin\*\*

**PA 0032905.** Sewage, **Sunnyview Mobile Home Park**, 90 Shenango Park Road, Transfer, PA 16154.

This application is for a renewal of a Part I NPDES Permit to discharge treated sewage to Dry Swale to Brush Run in Pymatuning 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Sharpsville Municipal Authority on the Shenango River located at Sharpsville, approximately 6 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Total Phosphorus (as P)	1	2
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.0	2.3
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 00034789.** Industrial waste, SIC: 4941, **St. Marys Area Water Authority**, 429 Ridgeway Rd., P. O. Box 33, St. Marys, PA 15857.

This application is for a renewal of an NPDES permit to discharge treated industrial waste to Laurel Run in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Clarion River and PA American Water Company located at Clarion, approximately 68 miles below point of discharge.

The proposed discharge limits based on a design flow of .157 mgd are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report on monthly DMRs		
Total Suspended Solids	30	60	75
Aluminum	2.6	5.2	6.5
Total Iron	2.0	4.0	5.0
Manganese	1.0	2.0	2.5
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0222062.** Sewage, **Remington's Steakhouse, Inc.**, 1266 Perry Highway, Mercer, PA 16137.

This application is a new Part I NPDES permit to discharge treated sewage to an unnamed tributary to Neshannock Creek in Springfield Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver River and is used by the Municipal Authority of the Township of North Sewickley which is 37.65 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.001500 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Fecal Coliforms (5-1 to 9-30)	200/10 ml as a geometric average	
(10-1 to 4-30)	24,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0028274.** Sewage. **Borough of New Wilmington**, 134 High Street, New Wilmington, PA 16142.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to Little Neshannock Creek in New Wilmington Borough, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickley, on the Beaver River located at North Sewickley Township, approximately 22 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank) based on a design flow of 0.564 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen (5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	4,400/100 ml as a geometric average		
Total Residual Chlorine (Interim Limits)	monitor and report		
(Final Limits)	0.2		0.7
Copper	0.032		0.064
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

**PA 0020320.** SIC: 4952, Sewage, **Borough of Lititz**, 50 Lititz Run Road, Lititz, PA 17543.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Lititz Run, in Warwick Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Lancaster Municipal Water Authority located in Lancaster City, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 3.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	15	22.5		30
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	1.5			3
(11-1 to 4-30)	4.5			9
Total Phosphorus	2			4
Total Residual Chlorine	0.2			0.64
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0 to 9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	2,000/100 ml as a geometric average			

The EPA waiver is not in effect.

**PA 0021067.** SIC: 4952, Sewage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Little Chickies Creek, in East Donegal Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.53 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	45	50
Suspended Solids	40	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Total Phosphorus	2		4
Total Residual Chlorine	0.43		1.4
Dissolved Oxygen	minimum of 5.0 at all times		
pH	6.0—9.0		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,100/100 ml as a geometric average		

The EPA waiver is not in effect.

**PA 0087351.** Industrial waste, **New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664.

This application is for issuance of an NPDES permit for an existing discharge of treated industrial waste to unnamed tributary to New Creek, in Frankstown Township, **Blair County**.

The receiving stream is classified for high quality cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable



water supply intake considered during the evaluation was United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.010 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (s.u.)	from 6.0—9.0 inclusive		
Total BTEX	0.1	0.2	0.25
Benzene	0.001	0.002	0.0025
Toluene	Monitor and Report		
Ethylbenzene	Monitor and Report		
Xylene	Monitor and Report		
Naphthalene	Monitor and Report		
TRPH	Monitor and Report		
Dissolved Lead	Monitor and Report		

The EPA waiver is in effect.

**PA 0052400.** SIC: 6515, Sewage, **Irish Creek Village**, 552 Irish Creek Road, Mohrsville, PA 19541-9611.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Irish Creek, in Centre Township, **Berks County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Glen Alsace Water Company on the Schuylkill River located in Robeson Township, Berks County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.009 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Total Residual Chlorine	1.5			2.5
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	100,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0082015.** SIC: 4952, Sewage, **Meadows Sewer Company**, 5015 East Trindle Road, Mechanicsburg, PA 17055-3622.

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

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pennsylvania American Water Company located in Silver Spring Township, Cumberland County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.170 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25			50
Total Suspended Solids	30			60
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.63
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	100,000/100 ml as a geometric average			

The EPA waiver is in effect.

**PA 0044113.** SIC: 4952, Sewage, **South Middleton Municipal Authority**, P. O. Box 8, Boiling Springs, PA 17007-0008.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Yellow Breeches Creek, in Monroe Township, **Cumberland County**.

The receiving stream is classified for high quality cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Mechanicsburg Water Company located in Fairview Township, York County. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
Total Phosphorus	2.0			4.0
Total Residual Chlorine	1.0			2.0
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	68,000/100 ml as a geometric average			

The proposed final effluent limits for Outfall 001 for a design flow of 1.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22		30
(11-1 to 4-30)	17.5	26		35
Suspended Solids	20	30		40
NH <sub>3</sub> -N				
(5-1 to 10-31)	8.0			16
(11-1 to 4-30)	9.5			19
Total Phosphorus	1.5			3.0
Total Residual Chlorine	0.50			1.63
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	35,000/100 ml as a geometric average			

The EPA waiver is not in effect.

**Penn Township Municipal Authority**, 100 Municipal Building Road, Duncannon, PA 17020 has applied to renew its current NPDES permit, **PA 0084701**, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions, under waiver provisions 40 CFR 123.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Department of Environmental Protection, Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days from the date of this public notice. Comments received within this 30-day period will be considered before taking a final permit action. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Regional Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water 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 permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file in the Regional Office. The documents may be inspected at, or a copy requested from, the Regional Office listed above.

**All American Travel Plazas, Inc.**, P. O. Box 302, I 28/22, Bethel, PA 19507 has applied to renew its current NPDES Permit, **PA 0084115**, to allow the continued discharge of controlled wastewaters into the waters of the Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew the permit, subject to the 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. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions, under waiver provision 40 CFR 123.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Department of Environmental Protection, Southcentral Regional Office, Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days from the date of this public notice. Comments received within this 30-day period will be considered before taking a final permit action. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Regional Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water 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 permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file in the Regional Office. The documents may be inspected at, or a copy requested from, the Regional Office listed above.

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*Pittsburgh Office: Regional Water Quality Manager, Highland Building, 121 South Highland Avenue, Pittsburgh, PA 15206-3988, (412) 645-7100.*

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

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

The following effluent limitations are proposed for discharge to the receiving waters known as Sewickley Creek classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is McKeesport MWA, located at Youghiogheny River, 29.4 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.198 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor only				
CBOD <sub>5</sub>					
(5-1 to 10-30)			10	20	
(11-1 to 4-30)			20	40	
Ammonia-Nitrogen					
(5-1 to 10-30)			3	6	
(11-1 to 4-1)			9	18	
Fecal Coliforms	See Condition No. 3 in Part C of the permit				
TSS			30	60	
TRC			0.5		1.25
pH	6.0—9.0				

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
TSS			31	60	
Chromium			1.59	3.18	
Oil and Grease			15	30	
Cadmium			0.0083	0.017	
Copper			0.175	0.35	
Lead			0.022	0.044	
Zinc			0.277	0.544	
Silver			0.0015	0.003	

<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>
Nickel			0.55	1.1	
Fluoride			17.4	32.0	
Cyanide (T)			0.65	1.2	
TTO				1.37	
pH	6.0—9.0				

The EPA waiver is not in effect.

**PA 0216607.** Industrial waste, SIC: 4922, **Texas Eastern Transmission Corporation**, 5444 Westheimer Court—WT 712, Houston, TX 77056-5388.

This application is for issuance of an NPDES permit to discharge treated groundwater and condensate water from Delmont Compressor Station in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver Run, classified as high quality-cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Westmoreland Municipal Water Authority, located at Beaver Run, approximately 5.0 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0102 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				
Total PCBs*			0.00013	0.00026	
pH	6.0—9.0				

*Other Conditions:* The above water quality based effluent limitations are well below the minimum detection level and are not quantifiable using EPA approved analytical methods. Therefore, a special language is included in the permit to address this issue. See Item No. 3 in Part C of the permit for more information.

The EPA waiver is in effect.

**PA 0092835.** Amendment No. 1, Sewage, **Maronda Farms, Inc.**, 11 Timberglen Drive, Imperial, PA 15126.

This application is for amendment of an NPDES permit to discharge treated sewage from the Washington Acres Sewage Treatment Plant in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Pucketa 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 Oakmont Borough Municipal Authority.

Outfall 001: existing discharge, new 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 <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
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	.02			.07
Dissolved Oxygen	not less than 6.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

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

**PA 0029289.** Sewerage, **Borough of Stroudsburg**, Seventh and Sarah Streets, Stroudsburg, PA 18360.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into McMichael Creek in the Borough of Stroudsburg, **Monroe County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Easton Water Authority located on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of 2.50 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N (5-1 to 10-31)	10.0		20.0
Fecal Coliforms (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	1.0		2.30

The EPA waiver is not in effect.

**PA 0028568.** Sewerage, **Bangor Borough Authority**, P. O. Box 51, Bangor, PA 18013.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Martins Creek in Washington Township, **Northampton County**.

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

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

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31) (11-1 to 4-30)	2.4 7.2	— —	4.8 14.4
Dissolved Oxygen	a minimum of 5 mg/l at all times		
Fecal Coliforms (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 First Month through 36th Month 37th Month through Expir. Date	monitor and report 0.16		0.37

The EPA waiver is not in effect.

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

**PA 0056928.** Sewage, **H. Fred Read**, 30 Slitting Mill Road, Glen Mills, PA 19342.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residential STP in Thornbury Township, **Delaware County**. This is a new discharge to unnamed tributary of Chester Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0056910.** Sewage, **Rowland J. Pearl**, 146 Scholls School Road, Quakertown, PA 18951.

This application is for issuance of an NPDES permit to discharge treated sewage from the Rowland Pearl single residence sewage treatment plant in Plumstead Township, **Bucks County**. This is a new discharge to an unnamed tributary to North Branch Neshaminy Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliforms	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0114880.** Sewerage, SIC: 4952, **Church of Jesus Christ of the Latter Day Saints**, R. R. 1 Box 121, Springville, PA 18844.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of West Branch Briar Creek in North Centre Township, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Water Authority located in Danville.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0009 mgd are:

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

The EPA waiver is in effect.

**PA 0030601.** Sewerage, SIC: 4952, **Clearfield Area School District**, P. O. Box 710, Clearfield, PA 16830.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of West Branch Susquehanna River in Goshen Township, **Clearfield County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limited for Outfall 001 based on a design flow of 0.0018 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
TSS	30		60
Ammonia-N	20		
(5-1 to 10-31)	monitor and report		
Total Residual Cl <sub>2</sub>	monitor and report		

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

The EPA waiver is in effect.

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### Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
0080055	Conewago Industrial Park 1600 N. Second Street Harrisburg, PA 17102	Lancaster West Donegal	Conewago Creek	
PA0084387	Akzo Nobel Salt, Inc. North 6th Street Reading, PA 19601	Berks Reading	Schuylkill River	None
PA0033553	Gehmans Mennonite School 650 Gehman School Road Denver, PA 17517	Lancaster Brecknock	Little Muddy Creek	None
PA0081027	Newberry Estates 1950 Chestnut Court Camp Hill, PA 17011	York	Unnamed Tributary of Conawago Creek	None
PA0084417	Robert L. Brunner The Village Square R. D. 1 Shermansdale, PA 17090-1997	Perry Carroll	UNIT Sherman Creek	TRC
PA0080471	James Dersham DeCoven Facilities 1900-3 State Road Duncannon, PA 17020	Perry Penn	UNT Susquehanna River	TRC
PA0093801	Leslie and Elenora Lutz Gateway Unlimited, Inc. 871 Range End Rd. Dillsburg, PA 17019	York Franklin Twp.	UNT North Branch Ber- mudian Creek	TRC
PA0051829	Schuylkill Valley School District R. R. 2, Box 2165 Leesport, PA 19533-0915	Berks Ontelawnee	Maiden Creek	TRC

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0022233	Arendtsville Municipal Authority P. O. Box 181 Arendtsville, PA 17303-0508	Adams Arendtsville Borough	Conewago Creek	TRC
PA0083135	Mifflin County School District 103 Green Avenue Lewistown, PA 17094	Mifflin Derry Township	Jacks Creek (12366)	TRC
PA0084115	Clarks Ferry Auto/Truck Stop P. O. Box 57 Duncannon, PA 17020	Dauphin Reed Township	Susquehanna River	TRC

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

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

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

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

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

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

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

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

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

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

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

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

**NPDES Permit PAS10D081.** Stormwater. **Cutler Group Inc.**, 5 Sentry Parkway West, Blue Bell, PA 19422 has applied to discharge stormwater from a construction activity located in Warrington Township, **Bucks County**, to UNT to Neshaminy Creek.

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

**NPDES Permit PAS10F057.** Stormwater. **Frederick Kissinger**, Cedar Run Farm Subdivision, 245 S. Allen Street, State College, PA 16801 has applied to discharge stormwater from a construction activity located in Harris Township, **Centre County**, to Cedar Run.

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

**NPDES Permit PAS10K017.** Stormwater. **The Cafaro Company**, 2445 Belmont Avenue, Youngstown, OH 44504-0186 has applied to discharge stormwater from a construction activity located in Millcreek Township, **Erie County**, to Walnut Creek.

*Lackawanna County Conservation District, District Manager, 395 Bedford St., Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.*

**NPDES Permit PAS10N019.** Stormwater. **Leon and Betty Walczak**, R. R. 2, Box 313, Carbondale, PA 18413 has applied to discharge stormwater from a construction activity located in Glenburn Township, **Lackawanna County**, to UNT to Ackerly Creek.

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

**NPDES Permit PAS10T065.** Stormwater. **Cutler Group**, 5 Sentry Parkway West, Ste. 100, Blue Bell, PA 19422 has applied to discharge stormwater from a construction activity located in Montgomery Township, **Montgomery County**, to Little Neshaminy Creek.



*Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-4812.*

**NPDES Permit PAS106604.** Stormwater. **Sylvan Glen, Inc.**, P. O. Box 61, Gaines, PA 16921-0061 has applied to discharge stormwater from a construction activity located in Gaines Township, **Tioga County**, to Shin Hollow.

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

**NPDES Permit PAS10X064.** Stormwater. **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690 has applied to discharge stormwater from a construction activity located in Washington Township, **Westmoreland County**, to UNT to Beaver Run.

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

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

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

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

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

**A. 2282406.** Sewage, **Berrysburg Municipal Authority**, First and Hickory Streets, Berrysburg, PA 17005, in Berrysburg Borough, **Dauphin County**, to add a tertiary sand filter to the Sewage Treatment Plant was received in the Southcentral Regional office on June 5, 1996.

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

**2396404.** Sewerage. **H. Fred Read** (30 Slitting Mill Road, Glen Mills, PA 19342). Construction of a proposed small flow treatment facility to serve the Read residence located in Thornbury Township, **Delaware County**.

**4696410.** Sewerage. **John D. Cabot** (3353 Salford Station Road, Perkiomenville, PA 18074). Construction of a sewage treatment plant with spray irrigation to serve the Cabot residence located in Douglass Township, **Montgomery County**.

**Pennsylvania Priority List of Hazardous Sites for Remedial Response**

*Preamble*

1. *Background*

The Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of Pennsylvania sites that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites For Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System (HRS; 40 CFR Part 300, Appendix A), established under the Federal Superfund Act, as amended, is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. The proposed listing notice is issued under HSCA section 502(c). The HRS was created by the U. S. Environmental Protection Agency and appears at 40 CFR Part 300, Appendix A in accordance with the Superfund Amendments and Reauthorization Act of 1986.

2. *Summary and Purpose*

Placement of a site on the PAPL is used to identify sites which need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

### 3. Technical Evaluation Grants under Act 108

Under section 510 of HSCA, the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. However, the grant will not be awarded until the proposed remedial response is available for public review. At that time, the municipality will receive the official grant award in order to proceed with the review of the Department's proposed remedial response.

#### Pennsylvania Priority List of Hazardous Sites For Remedial Response

##### A. Effective Date

The site listed below is being placed on the Pennsylvania Priority List of Hazardous Sites For Remedial Response (PAPL) effective upon publication of this *Pennsylvania Bulletin*.

##### B. Contact Persons

For further information concerning the Pennsylvania Priority List of Hazardous Sites for Remedial Response, contact David Crownover, Chief, Hazardous Sites Cleanup Section, P. O. Box 8471, Harrisburg, PA 17105, telephone (717) 783-7816.

Individual site information may be obtained by contacting the Department's regional office in which the site is located whose address can be found in the Additional Information section of this notice.

##### C. Statutory Authority

The Pennsylvania Priority List of Hazardous Sites For Remedial Response is published under the authority of

section 502(a) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the Judicial Act Repealer Act (42 P. S. §§ 20001—20004), 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), or the Environmental Hearing Board Act (35 P. S. §§ 7511—7514), nor shall it confer a right or duty upon the Department or any person.

##### D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the formal 30-day comment period for the sites being added with this publication. Written comments should be sent to David Crownover, Chief, Hazardous Sites Cleanup Section, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816.

The regional office site files contain all information considered by the Department in placing a site on the PAPL. Files are available for review in the appropriate Regional Office, by appointment only, from 8 a.m. to 4 p.m. Monday through Friday excluding State holidays. Contact the Regional Environmental Cleanup Manager whose address can be found in the Additional Information section of this notice.

The Department considers all written comments received during the formal comment period. All written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

##### E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL by this notice. The name of the site, HRS score, municipality, county and Department region are included in this table.

Table 2 lists all sites currently on the PAPL including the site added by this notice. The name of the sites, HRS score, municipality, county and Department region are included in this table. The sites are listed in decreasing order of HRS scores.

TABLE 1  
SITE BEING ADDED BY THIS NOTICE

Site	HRS	Municipality	County	DEP Region
Dupont/Newcastle	54.75	Newcastle	Lawrence	Northwest

TABLE 2  
PENNSYLVANIA PRIORITY LIST FOR REMEDIAL RESPONSE

Site	HRS	Municipality	County	DEP Region
Ind. Solvents & Chem.	55.72	Newberry Twp	York	Southcentral
Dupont/Newcastle	54.75	Newcastle	Lawrence	Northwest
H. K. Porter	48.04	Hopewell Twp.	Beaver	Southwest
Delta Chemicals, Inc	39.61	N. Buffalo Twp.	Armstrong	Southwest
Avtex Fibers, Inc.	38.08	Vernon Twp.	Crawford	Northwest
Crown Industries	36.92	Lackawaxen Twp.	Pike	Northwest
J. C. Cleaners	35.68	Gettysburg	Adams	Southcentral
Easterly STP	35.06	Logan Twp.	Blair	Southcentral
F. E. Cooper Lumber	33.62	Broad Top Twp.	Bedford	Southcentral
Presque Isle Chemical	32.27	Washington Twp.	Erie	Northwest
Oliver Site	30.20	Waterford Twp.	Erie	Northwest
Shaler/JTC	22.70	Bruin	Butler	Northwest
Quakertown Foundry	22.25	Quakertown	Bucks	Southeast

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DEP Region</i>
Mun. & Ind. Disposal	19.58	Elizabeth Twp.	Allegheny	Southwest

#### F. *Site Listing Summaries*

The site summary for the Dupont/New Castle Junk Yard site is listed below. Site summaries for the sites previously placed on the PAPL are listed in the *Pennsylvania Bulletins* published on May 5, 1990, September 15, 1990, May 4, 1991, October 26, 1991, June 13, 1992, August 1, 1992, December 10, 1994, June 3, 1995, October 28, 1995, and March 9, 1996.

##### Dupont/New Castle Junk Yard

The Dupont/New Castle Junk Yard Site is approximately 25 acres in size, and is located in the northwestern section of the City of New Castle, and Union Township, in Lawrence County, PA. The site is located in an industrial area of New Castle. The site consists of two adjacent properties, an inactive junkyard owned by New Castle Junk Company, Inc. (NCJC) and the former "Shenango China" facility owned by Realties U.S.A., Inc. (located south of the junk yard).

From 1910 to 1961, the northern portion of the site was the location of a chemical manufacturing facility and was operated by three different companies during the period. Chemical manufacturing operations involved the production of sulfuric acid from zinc sulfide by the lead chamber process. Since 1961, the northern portion has been the location of a scrap metal recycling operation (currently inactive junkyard); from 1961 to 1979, a battery reclaiming business was also in operation on this portion. Lead acid batteries were reclaimed by cutting off the tops, draining the fluid inside the casing onto the ground the removing the lead plates inside. The southern portion of and site contains a large china waste disposal area which has been used for the disposal of broken chinaware, plaster scrap molds, wooden pallets and other types of waste. Except for a small refractory operation, the china/pottery manufacturing facility is current inactive.

Three general types of materials are present at the site: waste material, fill material and unconsolidated sediments. Waste materials included battery casings, scrap and china/pottery manufacturing by-products, and were generally found near the ground surface. Fill materials consisted primarily of steel mill slag, cinders and ash, and were most likely deposited onsite to raise the elevation of the chemical manufacturing facility above the floodplain. The unconsolidated sediments (natural materials) consisted of clay, silt, sand and rock fragments, and were usually found near the bottom of the RI excavations/borings.

Site studies have indicated the presence of heavy metal (primarily lead), volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs; mainly polynuclear aromatic hydrocarbons or PAHs), pesticides and polychlorinated biphenyls (PBCs). Battery casings are present at the site in two significant disposal areas (north and south); primary contaminants in these disposal areas are inorganics with several samples exceeding the hazardous waste leaching level for lead.

Based on a review of historical photographs and observations during the site study, it is apparent that slag fill material (probably originating from local steel mills) was deposited at the site and along the steep river embankment. The slag fill has been present at the site at least as long as the chemical manufacturing facility (1910), and

varies from 0 feet along the western edge of the site to more than 15 feet along the bank of the Shenango River. Contaminants in the slag fill include PAHs, as well as inorganics; several samples tested as hazardous waste for lead. A contaminated soils area is located west of the site fence line and east of the railroad tracks, along the former "Shenango China" facility; contaminants include PAHs and inorganics.

Detected concentrations of VOCs were exhibited by groundwater samples from six monitoring wells. No significant concentrations of SVOCs, pesticides or PCBs were exhibited by groundwater samples from the site. Inorganic concentrations greater than background were detected in groundwater samples from monitoring wells throughout the site. Currently, no human or ecological exposures to site-related groundwater contamination are occurring at the site.

Surface water and sediment samples were collected from the Shenango River, southern tributary and intermittent northern tributary. The Shenango River forms the eastern border of the site, and the southern tributary is a small stream which crosses the northern half of the site flowing west to east and discharging into the Shenango River. Water in the southern tributary originates primarily from offsite sources located west of the site; however, the site is contributing to the surface water and sediment contamination in this tributary prior to entering the Shenango River. The most significant impact of the site to the surface water and sediments in the study area are to the sediments. Impacts to river sediments are most evident in areas immediately adjacent to the site.

The Department has determined that hazardous substances and contaminants are present in the surface and subsurface soil/fill/waste materials, surface water and sediments, and groundwater at the site.

#### G. *Additional Information*

Department Regional Office address and phone number for site file review and technical evaluation grant information: Bruce Beitler, Environmental Cleanup Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Ste. 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6212.

#### **Beneficial use determination received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.**

*Regional Office: Regional Solid Waste Manager, 208 W. Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Beneficial Use Request No. BU4022, A & C University Area Joint Authority**, (1576 Spring Valley Road, State College, PA 16801). Modification of beneficial use approval to utilize compost on vegetable crops intended for human consumption. Composting facility is located in College/Benner Townships, **Centre County**. Comments will be accepted and considered within 60 days of the publication of the notice, and may recommend conditions upon revisions to, approval or disapproval of the beneficial use modification. Request received in Regional Office May 10, 1996.

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**Applications submitted 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.**

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*Regional Office: Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**A. 101125** (Permit Reissuance). **Lycoming County Transfer Station**, Lycoming County Commissioners (Courthouse, 48 West Third Street, Williamsport, PA 17701). Operation of transfer station, formerly Bower County Transfer, located in the City of Williamsport, **Lycoming County**. Application received in regional office June 7, 1996.

**A. 100955** (Permit modification). **Wayne Township Landfill, Clinton County Solid Waste Authority**, (P. O. Box 209, McElhattan, PA 17748). Modify existing permit to accept Form S Waste (municipal-like residual waste) from various generators. Facility is located in Wayne Township, **Clinton County**. Application received in Regional Office May 28, 1996.

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

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

**06-1007D**. Construction of five annealing furnaces by **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) in Muhlenberg Township, **Berks County**. The sources are subject to New Source Review (25 Pa. Code 127, Subchapter E).

**06-319-077A**. Construction of two lead pots controlled by a type-N rotoclone scrubber by **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) in Muhlenberg Township, **Berks County**. The sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**21-322-001A**. Installation of a landfill gas collection system by **Cumberland County Landfill** (142 Vaughn Road, Shippensburg, PA 17257) in Hopewell Township, **Cumberland County**. The source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

**28-318-032**. Construction of a surface coating line by **Grove North America** (P. O. Box 21, Shady Grove, PA 17256) in Antrim Township, **Franklin County**.

**28-318-033**. Construction of a new paint booth by **Grove North America** (P. O. Box 21, Shady Grove, PA 17256) in Antrim Township, **Franklin County**.

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

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

**46-310-047**. On June 3, 1996, an application was received from **Pottstown Trap-Rock Quarries, Inc.** (P. O. Box 196, Skippack, PA 19426) for the construction

of a portable crushing plant to be located in Lower Pottsgrove Township, **Montgomery County**.

**46-313-117C**. On June 5, 1996, an application was received to amend to previous application for **Merck & Company, Inc.** (P. O. Box 4, AP20-208, Sumneytown Pike, West Point, PA 19464) for the pharmaceutical formulation bldg. to be located in Upper Gwynedd Township, **Montgomery County**.

**23-312-172C**. On June 4, 1996, an application was received to amend to previous application for **Epsilon Products Company** (P. O. Box 432, Marcus Hook, PA 19486) for the polypropylene manufacturer to be located in Marcus Hook Borough, **Delaware County**.

**46-327-016**. On June 6, 1996, an application was received from **Uniform Tubes, Inc.** (P. O. Box 992, Collegeville, PA 19061) for the modification of a vapor degreaser to be located in Trappe Borough, **Montgomery County**.

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

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

**22-323-016**. The Department intends to issue an Air Quality Operating Permit to **Mack Trucks, Inc.** (2800 Commerce Drive, Middletown, PA 17057) for two thermal cleaning systems with integral afterburners in Lower Swatara Township, **Dauphin County**.

**36-303-029**. The Department intends to issue an Air Quality Operating Permit to **Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for an asphalt concrete plant located in their Silver Hill Quarry in Brecknock Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**36-313-022B**. The Department intends to issue an Air Quality Operating Permit to **Armstrong World Industries, Inc.** (P. O. Box 169, Marietta, PA 17547) for three perlite expanders controlled by a wet scrubber in East Donegal Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart UUU, Standards of Performance for New Stationary Sources.

**38-2008**. The Department intends to issue an Air Quality Operating Permit (VOC RACT) to **Rich Maid Cabinetry** (633 West Lincoln Avenue, Myerstown, PA 17067) for three spray booths in Jackson Township, **Lebanon County**.

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

**18-399-014**. The Department intends to issue an operating permit to **Autoline Industries East, Inc.** (P. O. Box 210, McElhattan, PA 17748) for the operation of a burnoff oven and three rust inhibitor dip tanks in Wayne Township, **Clinton County**.

**18-318-013**. The Department intends to issue an operating permit to **Avis America** (P. O. Box 420, Avis, PA 17721-0420) for the operation of a modular home manufacturing operation in Pine Creek Township, **Clinton County**.

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### Air Quality Operating Permits

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#### Keystone Cement Company

Operating Permits No. 48-309-040C & 48-309-041C

The Department of Environmental Protection (DEP) intends to issue air quality operating permits modifying the air quality operating permits issued on June 19, 1995, to Keystone Cement Company for the Nos. 1 and 2 cement kilns to fire nonhazardous and hazardous waste as fuels in the cement manufacturing process at its facility located in East Allen Township, Northampton County.

The Department will consider any written comments received within 30 days of publication of this notice. Any person may oppose this preliminary determination by filing a written protest within 30 days of the date of this publication to the Department of Environmental Protection, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Attention: Babu H. Patel. Each protest shall include the following:

1. Name, address and telephone number of the person filing each protest.
2. Identification of the proposed Operating Permits No. 48-309-040C and 48-309-041C.
3. Concise statement of the reasons for objection to the issuance of the operating permit modifications and relevant facts upon which your objections are based.

Request for a public fact finding conference or hearing may also be made by writing DEP at the address shown above. A public conference may be held if DEP in its discretion decides that such a conference is warranted on the basis of the information received. All persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient.

In order to assure compliance with the applicable standards, DEP will modify the following conditions on each operating permit.

A. Condition No. 6, relating to the metal concentration limits, shall be modified to read as follows:

The Permittee shall not fire any waste fuels in the cement kiln having as-fired metal concentrations in excess of the following limits:

—arsenic	— 100 ppm
—beryllium	— 20 ppm
—cadmium	— 1,000 ppm
—hexavalent chromium	— 1,000 ppm
—mercury	— 10 ppm
—nickel	— 1,000 ppm
—lead	— 2,500 ppm

The Permittee shall not accept waste fuels with metal concentrations limits in excess of the "as-fired" limits, unless Permittee applies for and receives a hazardous waste treatment permit authorizing the blending of the waste fuels or the Department or Environmental Quality Board determines that such a permit is not required.

B. Condition No. 11e, relating to the automatic operation of the interlocks to stop the flow of waste fuel for visible air contaminants, shall be modified to read as follows:

Visible air contaminants from the kiln as measured by opacity is equal to or greater than 20% for any 6 minute rolling average, or equal to or greater than 60% for any 1 minute block average.

C. Condition No. 13, relating to stack sampling for metals, chlorine and particulates, shall be deleted. (See Paragraph E below.)

D. Condition No. 14, relating to stack sampling for PCDD and PCDF, shall be deleted. (See Paragraph E below.)

E. Condition No. 15, which requires stack sampling for arsenic, beryllium, cadmium, hexavalent chromium, mercury, nickel, lead, HCl, metals, chlorine, particulates, PCDD and PCDF, at a frequency prescribed by the Department but at a minimum every 6 months for the first 18 months, then annually thereafter, shall be modified to read as follows:

The Permittee shall conduct stack sampling for the following pollutants on an annual basis: arsenic, beryllium, cadmium, hexavalent chromium, mercury, nickel, lead, HCl, chlorine, particulates, PCDD and PCDF. All stack sampling and analysis shall be conducted by an independent Department approved third party and shall be conducted while the source is operating at maximum routine operating conditions. The Department reserves the right to require the Permittee to sample the emissions in accordance with such methods and procedures and at such locations and intervals of time as the Department may reasonably prescribe and provide the Department with the results, as authorized by law.

F. Condition No. 24, relating to modification of the Department in the case of exceedances of emission limits, shall be modified to read as follows:

The Permittee shall promptly notify the Department at (610) 861-2070 of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the regulation contained in Article III of the Rules and Regulations of the Department of Environmental Protection.

G. Condition No. 33, relating to prior permits and plan approvals, shall be modified to read as follows:

For Operating Permit No. 48-309-040C (Kiln No. 1):

This Operating Permit supersedes all Plan Approvals, Temporary Operating Permits and Operating Permits bearing the Nos. 48-309-040, 48-309-040B and 48-309-040C issued before June 19, 1995. The terms and conditions of the June 19, 1995 Operating Permit are restated herein and remain in full force and effect, except to the extent expressly modified.

For Operating Permit No. 48-309-041C (Kiln No. 2): This Operating Permit supersedes all Plan Approvals, Temporary Operating Permits and Operating Permits bearing the Nos. 48-309-041, 48-309-041B and 49-309-041C issued before June 19, 1995. The terms and conditions of the June 19, 1995 Operating Permit are restated herein and remain in full force and effect, except to the extent expressly modified.

For any additional information regarding the above, please contact Babu H. Patel or Thomas A. DeLazaro at (717) 826-2543 or by writing the Department at the Wilkes-Barre address given above.

Except for the seven conditions described above, all terms and conditions of Operating Permits No. 49-309-040C and 48-309-041C issued on June 19, 1995, shall remain in full force and effect, unaffected by these Permit modifications.

**Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonably Available Control Technology.**

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

**OP-46-0081.** On May 30, 1996, an application was received from **Markel Corporation** (416 School Lane, Box 752, Norristown, PA 18974) for the construction of Facility VOC/NOx RACT to be located in Plymouth Township, **Montgomery County**.

**OP-15-0040.** On June 3, 1996, an application was received from **Beckett Corporation** (219 Welsh Pool Road, Lionville, PA 19401) for the construction of Facility VOC/NOx RACT to be located in Uwchlan Township, **Chester County**.

**OP-46-0082.** On June 3, 1996, an application was received from **Stabilus** (92 County Line Road, Colmar, PA 19353) for the construction of Facility VOC/NOx RACT to be located in Hatfield Township, **Montgomery County**.

**OP-23-0006A.** On February 1, 1996, an application was received from **Foamex International, Inc.** (1500 East Second Street, Eddystone, PA 19440) for the construction of Facility VOC/NOx RACT to be located in Eddystone Borough, **Delaware County**.

**OP-09-0040.** On June 6, 1996, an application was

received from **Howard Printing** (P. O. Box 2875, Warminster, PA 19013) for the construction of Facility VOC/NOx RACT to be located in Warminster Township, **Bucks County**.

**Reasonably Available Control Technology; Public Hearing**

Approval of Reasonably Available Control Technology (RACT) Plans for: Grows, Inc. (Falls Township, Bucks County) Foamex International, Inc. (Eddystone Borough, Delaware County) DELCORA Western Regional Treatment Plant (City of Chester, Delaware County) Cleveland Steel Container Corporation (Quakertown Borough, Bucks County)

DEP has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the U.S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

*Grows, Inc. (Operating Permit OP-09-0007)*

<i>Source</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
2 Gas Turbines	42 ppm NOx	Good Work Practices	Implemented
Landfill	88% VOC Removal	Landfill Gas Collection	Implemented

*Foamex International, Inc. (Operating Permit OP-23-0006A)*

<i>Source</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Maxfoam Machine	189.42 tons VOC/year	Good Housekeeping and Work Practices	Implemented
CTM/Log Machines	189.42 tons VOC/year	Good Housekeeping and Work Practices	Implemented
Bun Zapper	27.60 tons VOC/year	Good Housekeeping and Work Practices	Implemented
Felt Presses	22.34 tons VOC/year	Good Housekeeping and Work Practices	Implemented
Boiler Nos. 1, 2 & 3	0.14 lb NOx/MMBtu	Manufacturers' Specifications	Implemented

*Delcora (Operating Permit OP-23-0032)*

<i>Source</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Wastewater Treatment	140 tons VOC/year	Good Work Practices	Implemented
Sludge Incinerators	6.1 lbs VOC/hr	Good Work Practices	Implemented
Sludge Incinerators	13 lbs NOx/hr	Good Work Practices	Implemented

All other minor NOx/VOC emitting sources shall be operated and maintained in accordance with manufacturer's specifications as well as in accordance with manufacturer's specifications as well as in accordance with good air pollution control practices.

*Cleveland Steel Container Corporation (Operating Permit OP-09-0022)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Pail Line Clean-Up Solvent	13.03	Good Housekeeping Practices	Implemented

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Roller Coater Clean-Up Solvent	2.18	Good Housekeeping Practices	Implemented

This facility is not a major NOx emitter.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held 7 p.m.-8 p.m. on July 30, 1996, at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before July 30, 1996.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

### MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when neces-

sary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

#### *Coal Applications Received*

**56850107.** Permit Renewal. **Sanner Energies, Inc.** (R. D. 2, Box 358A, Rockwood, PA 15557), commencement, operation and restoration of bituminous strip mine in Southampton Township, **Somerset County**, affecting 226.6 acres, receiving stream unnamed tributaries to the North Branch Jennings Run, application received June 11, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**16930105. Doverspike Bros. Coal Co.** (R. D. 4, Box 271, Punxsutawney, PA 15767) Revision to an existing bituminous surface strip operation in Perry Township, **Clarion County** affecting 105.0 acres. Receiving streams unnamed tributary to the Allegheny River. Revision to include a post-mining landuse change from "pastureland, land occasionally cut for hay" to "industrial, commercial" on the lands of C & K Coal Company. Application received June 10, 1996.

**33880106. P & N Coal Company** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface strip operation in Knox Township, **Jefferson County** affecting 178.0 acres. Receiving streams

an unnamed tributary to Sandy Lick Creek. Application for reclamation only. Application received June 10, 1996.

**101887-16940104-E-1. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201) Application for a stream encroachment to conduct mining activities within 100 feet of an unnamed tributary to Cherry Run in Toby Township, **Clarion County**. Receiving streams an unnamed tributary to Cherry Run. Application received May 29, 1996.

**33960106. R & L Coal Corporation** (P. O. Box 26, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous surface strip operation in Oliver Township, **Jefferson County** affecting 66.0 acres. Receiving streams Hadden Run and an unnamed tributary to Hadden Run. Application to include a post-mining landuse change from "forestland or surface abandoned mine land" to "pastureland, land occasionally cut for hay" on the lands of Richard and Margaret Newcome, James and Colleen V. Burkett and Olive C. Smathers. Application received May 28, 1996.

**37930106. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous surface strip operation in Shenango Township, **Lawrence County** affecting 158.0 acres. Receiving streams five unnamed tributaries to McKees Run. Revision to include a post-mining landuse change from "forestland and/or abandoned surface mine" to "land occasionally cut for hay" on the lands of Sam Arcuri. Application received June 5, 1996.

**10930104. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous surface strip operation in Center Township, **Butler County** affecting 145.0 acres. Receiving streams an unnamed tributary to Stoney Run and three unnamed tributaries to Pine Run. Application to include a post-mining landuse change from "forestland and/or abandoned surface mine" to "land occasionally cut for hay" on the lands of George Broszinski. Application received June 5, 1996.

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

**54871303T. D and D Coal Company,** (139 East Independence Street, Shamokin, PA 17982), transfer of an existing anthracite deep mine operation in Cass Township, **Schuylkill County** affecting 2.8 acres, receiving stream—Wheeler Creek. Application received June 6, 1996.

**54830104C2. Hardway Coal Company** (R. D. 1, Box 1181, Schuylkill Haven, PA 17972), correction to an existing anthracite surface mine operation to include a processing facility in Cass Township, **Schuylkill County** affecting 54.5 acres, receiving stream—Schuylkill River. Application received June 7, 1996.

**54930102C3. Harriman Coal Corporation,** (P. O. Box 127, Valley View, PA 17983), Commencement, operation and restoration of a fly ash disposal source at existing SMP #54930102 in Porter Township, **Schuylkill County**, affecting 460.0 acres, receiving stream Good Spring Creek and E. Branch of Rausch Creek. Application received June 6, 1996.

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

**65910103R. Calvin W. Hepler** (R. D. 1, Box 224, Smithton, PA 15479). Renewal application received for continued operation and reclamation of a bituminous

surface mine located in South Huntingdon Township, **Westmoreland County**. Receiving streams unnamed tributaries to Barren Run to Jacobs Creek to the Youghiogheny River. Renewal application received May 1, 1996.

**03960105. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface auger mine with a coal preparation plant/processing facility located in Cowanshannock Township, **Armstrong County**, proposed to affect 470.0 acres. Receiving streams Huskins Run and unnamed tributary to Huskins Run. Application received May 8, 1996.

**65850105R. American Coal Company** (P. O. Box 810, McMurray, PA 15317-0810). Renewal application received for continued operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**. Receiving streams unnamed tributary of Hunters Run and Lick Run to Sewickley Creek and to the Youghiogheny River watershed. Renewal application received May 9, 1996.

**02960901. ACV Power Corporation** (P. O. Box 402, Emlenton, PA 16373). Application received for commencement, operation, and reclamation of an incidental coal extraction site located in Indiana Township, **Allegheny County**, affecting 12.0 acres. Receiving streams Little Deer Creek. Application received May 10, 1996.

**65900107R. FNR Mining Company** (950 Stonebraker Road, Indiana, PA 15701). Renewal application received for continued reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**. Receiving streams unnamed tributary to Brush Run and Brush Run. Renewal application received May 29, 1996.

**30860102R. Boyle Land & Fuel Company** (P. O. Box 576, Fredericktown, PA 15333). Renewal application received for continued reclamation of a bituminous surface mine located in Morga Township, **Greene County**. Receiving streams unnamed tributary to Castile Run to Ten Mile Creek to the Monongahela River. Renewal application received June 4, 1996.

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

**63901302. Bologna Coal Company** (Box 271, Avella, PA 15312), to renew the permit for the Avella bituminous deep mine in Cross Creek Township, **Washington County** for reclamation only, no additional discharge. Application received May 31, 1996.

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

*Noncoal Applications Received*

**65962301. Kenneth E. Beacon** (1064 Dutch Hollow Road, Jeannette, PA 15644). Application received for commencement, operation and restoration of a noncoal (sandstone) surface mine located in Penn Township, **Westmoreland County**, affecting 14.3 acres. Receiving streams unnamed tributary to Brush Creek, to Turtle Creek, to the Monongahela River. Application received May 31, 1996.

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

**4975SM4A1C2. Glen-Gery Corporation,** (P. O. Box 7001, Wyomissing, PA 19610-6009), renewal of NPDES Permit #PA0594971 in Mt. Pleasant Township, **Adams**



**County**, receiving stream—unnamed tributary to Conewago Creek. Application received May 31, 1996.

**7775SM11A2C2. Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit #PA0595101 in Lower Heidelberg Township, **Berks County**, receiving stream—unnamed run to Cacoosing Creek. Application received June 4, 1996.

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 Environment Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

**E20-433. Encroachment. Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. To install and maintain a sanitary sewage pump station in a de minimus area of wetland. The project is located along Martin Road (T-974) approximately 550 feet west of the intersection of Martin Road (T-974) and S. R. 0086 (Meadville, PA Quadrangle N: 8.9 inches; W: 1.25 inches) located in West Mead Township, **Crawford County**.

**E25-538. Encroachment. Wegmans Food Market Inc.**, 1500 Brooks Avenue, P. O. Box 844, Rochester, New York 14692-0844. To place fill in a total of 0.37 acre of wetland and to relocate 1,940 linear feet of a tributary of Walnut Creek (CWF, MF) (Watershed Drainage Area 130 acres) to construct a commercial retail facility. This project will also construct 0.4 acre of replacement wetlands. The project is located north of S. R. 0020 approximately 1,800 feet west of the intersection of S. R. 0020 and Asbury Road (Swanville, PA Quadrangle N: 12.8 inches; W: 8.7 inches) located in Millcreek Township, **Erie County**.

**E37-109. Encroachment. Universal Development**, 1607 Motor Inn Drive, Girard, OH 44420. To place fill in a total of 0.515 acre of three separate wetland areas. General Permit 7 will be utilized for three road crossings of a total of 0.17 acre of wetland and the remaining 0.345 acre of wetland will be filled for residential development. In addition, this project will create a total of 0.768 acre of

replacement wetlands in three separate areas adjacent to existing wetlands on this property. The project is located on the north side of Mitchell Road (T-561) approximately 1,200 feet east of the intersection of S. R. 0018 and Mitchell Road (T-561) (New Castle, PA Quadrangle N: 12.0 inches; W: 14.6 inches) located in Neshannock Township, **Lawrence County**.

The following Environmental Assessment and request for Water Quality Certification are being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

**EA61-001NW. Environmental Assessment. Atlantic Richfield Company**, 444 South Flower Street 32-14, Los Angeles, CA 90071. This project will involve removal of tar and contaminated soil as part of an environmental clean-up program on the former Eclipse refinery property. The excavated areas will be backfilled with clean soil and revegetated with native vegetation. The affected area dimensions measure approximately 100 feet long measured parallel to the Allegheny River and approximately 270 feet wide measured from the Allegheny River in-land (extending 5 to 10 feet into the Allegheny River. This project will include usage of cofferdams to allow for the excavation in stream. The project is located on the north bank of the Allegheny River approximately 2,500 feet upstream of Hoge Island (Franklin, PA Quadrangle N: 5.1 inches; W: 7.0 inches) located in Sugarcreek Borough, **Venango County**.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E02-1150. Encroachment. Hal Kestler**, Gerard Cipriani, 650 Washington Rd., Pittsburgh, PA 15228. To place and maintain fill in 0.35 acre of wetland for the purpose of developing a 5.2 acre site located approximately 2,500 feet northeast of the intersection of Oxford Drive and Fort Couch Road, between the Scandinavian Health Spa and Village Square Mall (Bridgeville, PA Quadrangle N: 19.0 inches; W: 6.7 inches) in Bethel Park, **Allegheny County**.

**E02-1151. Encroachment. Moldock, Inc.**, P. O. Box 1451, Clearfield, PA 16830. To place and maintain approximately 500—1,000 c.y. of fill in floodway (east bank) of the Ohio River located at the Buncher Industrial Plant for the purpose of stabilization and extending an existing railroad track to eliminate moveable track platform (Ambridge, PA Quadrangle N: 10.7 inches; W: 12.4 inches) in Leetsdale Borough, **Allegheny County**.

**E02-1152. Encroachment. Redevelopment Authority of the City of McKeesport**, 201 Lysle Blvd., McKeesport, PA 15132. To construct and maintain recreational floating docks in the Youghiogheny River located near the Jerome Street Bridge adjacent to the Richard Gergely Memorial Park (McKeesport, PA Quadrangle N: 18.1 inches; W: 16.7 inches) in the City of McKeesport, **Allegheny County**.

**E26-222. Encroachment. Wharton Township**, P. O. Box 1, Farmington, PA 15437. To remove existing structure and to construct and maintain (2) 36-inch corrugated plastic pipes in McIntyre Run at a point 0.93 mile southwest of the village of Wharton Furnace on T-339 (Brownfield, PA Quadrangle N: 11.8 inches; W: 3.3 inches) in Wharton Township, **Fayette County**.

**E26-223. Encroachment. DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain fish enhancement structures in Meadow Run as part of an

Adopt-A-Stream project located in Ohiopyle State Park (Fort Necessity, PA Quadrangle N: 18.0 inches; W: 0.9 inch) in Stewart Township, **Fayette County**.

**E56-264.** Encroachment. **Dept. of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove existing structure; to construct and maintain a single span prestressed concrete box beam structure with normal clear span of 48.0 feet and underclearance of 6.78 feet for the purpose of carrying S. R. 3015 over West Branch Coxes Creek; to perform channel cleaning and to place and maintain bank stabilization in/along 191 feet of said stream; to place and maintain fill in a de minimus area of wetlands less than or equal to 0.05 acre; and to construct and maintain a temporary road crossing. The project is located 2.5 miles south of the intersection of S. R. 3015 and 0031 (Murdock, PA Quadrangle N: 17.06 inches; W: 14.56) in Milford Township, **Somerset County**.

**E56-265.** Encroachment. **Dept. of Transportation**, 1620 N. Juniata St., Hollidaysburg, PA 16648. To remove existing structure; to construct and maintain a single span prestressed concrete or steel I-beam structure with a normal clear span of 32.5 feet and underclearance of 4.3 feet for the purpose of carrying S. R. 0160 over Little Dark Shade Creek; and to perform channel cleaning in said stream. The project is located 3.5 miles north of intersection of S. R. 0160 and US Route 30 at Reels Corner, at the intersection of S. R. 0160 and S. R. 1021 (Central City, PA Quadrangle N: 19.2 inches; W: 9.3 inches) in Shade Township, **Somerset County**.

**E63-414.** Encroachment. **Kirk, William & Stella**, 40 Mingo Church Rd., Finleyville, PA 15332. To construct and maintain a 24-inch diameter, 100-foot long culvert in an unnamed tributary to Peters Creek (Hackett, PA Quadrangle N: 21.0 inches; W: 4.6 inches) in Nottingham Township, **Washington County**.

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

**E23-344.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To construct and maintain a single span bridge having a 75-foot span, 40-foot wide and having a 17-foot underclearance across Little Crum Creek (WWF) on West Ridley Avenue (S. R. 2004, section 64S) located along West Ridley Avenue and crosses over the spillway to West Ridley Avenue Lake (locally known as Ridley Park Lake) Lansdowne, PA Quadrangle N: 0.2 inch; W: 11.1 inches) in Ridley Park Borough, **Delaware County**. This bridge will replace the previously demolished bridge.

**E46-746.** Encroachment. **Heritage Construction Company, Inc.**, 730 N. Lewis Road, Limerick, PA 19468. To complete construction and maintain a stormwater management facility associated with the Waterford Green Residential Subdivision. The dam has impacted approximately 250-feet and the reservoir has impacted approximately 450-feet of an unnamed intermittent tributary to Landis Creek (TSF) located approximately 2,300 feet northeast of the intersection of Limerick Road (T-316) (Phoenixville, PA Quadrangle N: 18.25 inches; W: 4.0 inches) in Limerick Township, **Montgomery County**.

#### **Requests for Certification under Section 401 of the Federal Water Pollution Control Act**

The following requests have been made to the Department of Environmental Protection for certification under § 401(a) of the 1972 amendments to the Federal Water

Pollution Control Act (33 U.S.C.A. § 1341(a)) that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments, suggestions and objection which are submitted in writing 30 days of the date of this Notice. Comments should be submitted to the Department of Environmental Protection at the address indicated above each of the following requests for certification. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections and suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

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

*Certification Request Initiated By:* Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

*Project Description/Location:* This project involves dredging approximately 45,000 cubic yards of sediment from Zone 4 of the Delaware Estuary in the vicinity of Ft. Mifflin. Also, a floating dock, boat lift and 9 steel pipe pilings are to be installed as part of this project. The dredged sediment will be disposed of at the USACOE's Ft. Mifflin Dredged Material Disposal Area with supernatant discharged into Zone 4 of the Delaware Estuary.

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

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

**E08-236.** Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure and to construct and maintain a prestressed concrete box beam bridge with a normal clear span of 54.2 feet and average underclearance of 7.6 feet at approximately an 80 degree skew over Parks Creek on S. R. 1044 approximately 1 mile south of Union Valley Church (Windham, PA Quadrangle N: 8.5 inches; W: 15.2 inches) in Rome Township, **Bradford County**. Stream classification is WWF and stream disturbance is less than 250.0 lineal feet.

**E08-238.** Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to

construct and maintain an 18 foot RC box culvert on an 80 degree skew in the north branch of Sugar Creek. This project is located on S. R. 2010 about 300 feet west of its intersection with Paradise Road (Wyalusing, PA Quadrangle N: 2.45 inches; W: 6.15 inches) in Terry Township, **Bradford County**. Estimated stream disturbance is 80 feet with no wetland impacts; stream classification is CWF.

**E14-288.** Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 342, Clearfield, PA 16830. Remove the existing structure and to construct and maintain a single span I-beam bridge with a normal span of 60 feet and underclearance of 3.2 feet over Cold Stream at a 90 degree skew on S. R. 504 just east of S. R. 307 (Philipsburg, PA Quadrangle N: 4.75 inches; W: 11.75 inches) in Philipsburg Borough, **Centre County**. Stream classification is CWF; stream impact is less than 250.0 lineal feet.

**E18-216.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552. To 1) construct and maintain a 12 foot by 5 foot reinforced concrete box culvert with reinforced concrete wingwalls with an approx. skew of 50 degrees in Middle Branch 2) construct and maintain a 14 foot by 5 foot reinforced concrete box culvert with reinforced concrete wingwalls in Two Mile Run (Renovo West, PA Quadrangle N: 15.7 inches; W: 14.5 inches) in Noyes Township, **Clinton County**. This project proposed to impact approximately 50 linear feet of Middle Branch and approximately 70 linear feet of Two Mile Run. Estimated stream disturbance is 50 linear feet of Middle Branch and approximately 70 linear feet of Two Mile Run which are designated as TSF.

**E18-217.** Water obstruction and encroachment. **Dennis P. Heydrick**, R. R. 2, Box 644, Lock Haven, PA 17745-9701. Repair and maintain an existing private road bridge with a clear span of 8 feet and average underclearance of 3.75 feet over Reeds Run just off S. R. 664 approximately 3 miles north of Lock Haven by replacing one abutment and two beams damaged in the flood of February 1996 (Lock Haven, PA Quadrangle N: 7.5 inches; W: 7.25 inches) in Woodward Township, **Clinton County**. Estimated stream disturbance is less than 250.0 lineal feet; stream classification is CWF.

**E19-155.** Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure consisting of a single span steel truss bridge on S. R. 3014 0.2 mile off of S. R. 42 (Catawissa, PA Quadrangle N: 13.5 inches; W: 12.5 inches) in Catawissa Borough, **Columbia County**. Stream classification is CWF; stream disturbance is less than 250.0 lineal feet.

**E41-374.** Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a single span multiple glulam timber beam bridge to carry Rock Run Road across Miners Run. The project is located along the north right-of-way of Rock Run Road approximately 1.6 miles east of the intersection of McIntyre Road and Rock Run Road (Ralston, PA Quadrangle N: 2.8 inches; W: 5.7 inches) in McIntyre Township, **Lycoming County**. Estimated stream disturbance is 64.80 linear feet; stream classification is High Quality-Cold Water Fishery.

**E41-375.** Water obstruction and encroachment. **Kenneth Nottle**, 90 Old Locust Point Rd., Elkton, MD 21921. Remove a flood damaged culvert and to place and main-

tain a 60 inch culvert with a stone headwall in Jakes Run located approximately 0.75 mile up Temple Hill Road from its intersection with S. R. 0118 (Hughesville, PA Quadrangle N: 18.4 inches; W: 1.6 inches) in Moreland Township, **Lycoming County**. This project proposes to impact approximately 25 feet of Jakes Run which is CWF.

**E49-200.** Water obstruction and encroachment. **Shamokin Township**, R. R. 1, Box 936, Paxinos, PA 17860. Remove the existing structure and to construct and maintain two 60 inch culverts in an unnamed tributary to Shamokin Creek on T-485 approximately .3 mile west of S. R. 4015 (Treverton, PA Quadrangle N: 16.6 inches; W: 2.3 inches) in Shamokin Township, **Northumberland County**. Stream classification is CWF; estimated stream disturbance is less than 250 feet.

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

**E07-258.** Encroachment. **Allegheny Township Sewer & Water Authority**, 3131 Old Sixth Avenue Road, North, Duncansville, PA 16635. To construct and maintain about 88,000 L.F. of sanitary sewer line which will cross three separate wetland areas each being greater than 10 acres in size located in Gillians Run and Spencer Run watersheds (Hollidaysburg, PA Quadrangle N: 9.7 inches; W: 9.8 inches) in Allegheny Township, **Blair County**.

**E07-259.** Encroachment. **Allegheny Township Water & Sewer Authority**, 3131 Old Sixth Avenue Road, North, Duncansville, PA 16635. To construct and maintain a sewage pumping station in the floodplain of the Beaverdam Branch of the Juniata River to replace an existing station located about 75 feet east of the Penn Central railroad crossing of Gillians Run (Hollidaysburg, PA Quadrangle N: 10.7 inches; W: 6.6 inches) in Allegheny Township, **Blair County**.

**E07-260.** Encroachment. **Quality Chemicals, Inc.**, P. O. Box 216, Tyrone, PA 16686. To place fill in 0.16 acre of wetland for the purpose of constructing an expansion to an administration/storage building and a new parking area located along Adams Avenue at its crossing with Gypsy Run (Tyrone, PA Quadrangle N: 12.3 inches; W: 14.6 inches) in Tyrone Borough, **Blair County**.

**E21-249.** Encroachment. **Shippensburg Lions Club**, 12 W. King St., Shippensburg, PA 17257. To construct and maintain a 4-foot wide x 30-foot long pedestrian bridge across Middle Spring Creek located about 300 feet downstream of West King Street (U. S. 11) bridge (Shippensburg, PA Quadrangle N: 9.12 inches; W: 3.35 inches) in Shippensburg Borough, **Cumberland County**.

**E36-611.** Encroachment. **West Earl Township**, 157 West Metzler Road, Brownstown, PA 17508. To remove the existing structure, construct and maintain a twin-cell reinforced concrete box culvert having openings of 10-foot wide x 5-foot high each cell in Groff Creek on North Hershey Avenue located approximately 2 miles north of Leola (Leola, PA Quadrangle N: 21.4 inches; W: 6.6 inches) in West Earl Township, **Lancaster County**.

**E36-617.** Encroachment. **East Donegal Township**, 190 Rock Point Road, Marietta, PA 17547. To remove the existing structure, construct and maintain a 12-foot span x 6.5-foot rise precast concrete box culvert across Schock's Creek on Marietta Road (T-683) (Columbia West, PA Quadrangle N: 11.5 inches; W: 15.6 inches) in East Donegal Township, **Lancaster County**.

**E67-566.** Encroachment. **Springettsbury Township Board of Supervisors**, 1501 Mount Zion Road, York, PA

17402. To construct and maintain a 6-foot wide pedestrian bridge having a clear span of 50 feet across a tributary to Kreutz Creek, to be located 350 feet upstream of the Eastern Boulevard bridge for access to facilities within Camp Security Park (York, PA Quadrangle N: 19 inches; W: 3 inches) in Springettsbury Township, **York County**.

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

**E64-169.** Encroachment. **Department of Transportation**, P. O. Box 111, Scranton, PA 18501. To maintain a 91-inch x 58-inch precast concrete elliptical pipe culvert in Mill Creek along S. R. 0196, Segment 0090, 0.7 mile north of S. R. 0507 (Newfoundland, PA Quadrangle N: 6.9 inches; W: 16.3 inches) in Dreher Township, **Wayne County** (Philadelphia District, Army Corps of Engineers). This culvert replaced a collapsed 6-foot diameter C.M.P. culvert at the same location under Emergency Permit EP6496406.

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## ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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#### *Permits Issued*

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

**NPDES Permit No. PA-0012963.** Industrial waste. **Rock Tenn Company**, Paper Mill Road, Delaware Water Gap, PA 18327 is authorized to discharge from a facility located in Smithfield Township, **Monroe County** to Broadhead Creek.

**NPDES Permit No. PA-0020168.** Sewerage. **Borough of East Stroudsburg**, P. O. Box 303, East Stroudsburg, PA 18301 is authorized to discharge from a facility located in the Borough of East Stroudsburg, **Monroe County** to Broadhead Creek.

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

**NPDES Permit No. PA0052019.** Sewerage. **Avon Grove Trailer Park**, 352 Chestnut Street, West Grove, PA 19390 is authorized to discharge from a facility located in London Grove Township, **Chester County** into an unnamed tributary to the east branch of White Clay Creek.

**NPDES Permit No. PA0011363.** Amendment No. 2. Industrial waste. **NGK Metals Corporation**, Tuckertown Road, P. O. Box 13367, Reading, PA 19612-3367 is authorized to discharge from a facility located in Muhlenberg Township, **Berks County** into Laurel Run.

**NPDES Permit No. PA0054917.** Sewerage. **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341-1940 is authorized to discharge from a facility located in Uwchlan Township, **Chester County** into the Schuylkill River.

**NPDES Permit No. PA0050431.** Industrial waste. **Concord Beverage Company**, Conchester Road and Aldan Avenue, Concordville, PA 19331 is authorized to discharge from a facility located in Concord Township, **Delaware County** into an unnamed tributary to the West Branch Chester Creek.

**NPDES Permit No. PA0056049.** Industrial waste. **Ashland Chemical Inc.**, P. O. Box 2219, Columbus, OH 43216 is authorized to discharge from a facility located in Conshohocken Borough, **Montgomery County** into Plymouth Creek.

**NPDES Permit No. PA0056839.** Industrial waste. **Sun Company, Inc.**, 1801 Market Street, 10 Penn Center, Philadelphia, PA 19103 is authorized to discharge from a facility located in Radnor Township, **Delaware County** into Ithan Creek.

**NPDES Permit No. PA0012467.** Industrial waste. **Laurel Pipe Line Company**, P. O. Box 368, Emmaus, PA 18049-0368 is authorized to discharge from a facility located in Bethel Township, **Delaware County** into an unnamed tributary to Green Creek.

**NPDES Permit No. PA0056855.** Sewerage. **Pat Dantis**, 216 Neiffer Road, Schwenksville, PA 19473 is authorized to discharge from a facility located in Limerick Township, **Montgomery County** into Mine Run.

**NPDES Permit No. PA0036412.** Sewerage. **Tel Hai Retirement Community Inc.**, P. O. Box 190, Beaver Dam Road, Honeybrook, PA 19344 is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** into Two Log Run.

**NPDES Permit No. PA0056871.** Industrial waste. **SmithKline Beecham Research Company**, 1250 South Collegeville Road, Collegeville, PA 19426 is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** in Doe Run.

**NPDES Permit No. PA0056791.** Industrial waste. **Sun Oil Company, Inc.**, 1835 Market Street, Philadelphia, PA 19103 is authorized to discharge from a facility located in Marple Township, **Delaware County** into Trout Run.

**NPDES Permit No. PA0056821.** Sewerage. **The Goddard School-Glen Mills**, 20 Creek Road, Glen Mills, PA 19342 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into the east branch of Chester Creek.

**NPDES Permit No. PA0056782.** Industrial waste. **Jewish Community Centers of Greater Philadelphia**, 45 Haverford Road, Wynnewood, PA 19096 is

authorized to discharge from a facility located in Lower Merion Township, **Montgomery County** into the West Branch Indian Creek.

**NPDES Permit No. PA0050148.** Sewerage. **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929 is authorized to discharge from a facility located in Warwick Township, **Bucks County** in Fish Creek.

**NPDES Permit No. PA0054143.** Sewerage. **John Schmoock**, 46 First Avenue, P. O. Box 430, Richlandtown, PA 18955 is authorized to discharge from a facility located in Richland Township, **Bucks County** to a Dry Swale Tributary to Tohickon Creek.

**NPDES Permit No. PA0024058.** Sewerage. **Borough of Kennett Square**, North Broad and East Linden Streets, Kennett Square, PA 19348 is authorized to discharge from a facility located in Kennett Square Borough, **Chester County** into the west branch of Red Clay Creek.

**NPDES Permit No. PA0053180.** Sewerage. **Montgomery Township Municipal Sewer Authority**, P. O. Box 514, Montgomeryville, PA 18936-0514 is authorized to discharge from a facility located in Montgomery Township, **Montgomery County** to Little Neshaminy Creek.

**NPDES Permit No. PA0050326.** Amendment No. 2. Industrial waste. **Lukens Steel Company**, P. O. Box 3001, Coatesville, PA 19320-0911 is authorized to discharge from a facility located in Plymouth Township, **Montgomery County** to the Schuylkill River.

**NPDES Permit No. PA0024058.** Sewerage. **Borough of Kennett Square**, North Broad and East Linden Streets, Kennett Square, PA 19348, Kennett Township, **Chester County**. The following notice reflects changes to the notice published in the April 13, 1996, *Pennsylvania Bulletin*: Based on the most recent information, the effluent limitations for silver are deleted from the permit.

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

**NPDES Permit No. PA 0034045.** Sewerage. **Greene Township Supervisors**, Horseshoe Subdivision, 8899 Old Wattsburg Road, Erie, Pa 16510 is authorized to discharge from a facility located in Greene Township, **Erie County** to an unnamed tributary to Four Mile Creek.

**NPDES Permit No. PA 0032778.** Sewerage. **Department of Transportation**, Rest Stop 22 I-80 West Bound, Transportation and Safety Building, Room 1112, Harrisburg, PA 17120 is authorized to discharge from a facility located in Irwin Township, **Venango County** to an unnamed tributary to Scrubgrass Creek.

**NPDES Permit No. PA 0032727.** Sewerage. **Department of Transportation**, Rest Stop 21 I-80 East Bound, Transportation and Safety Building, Room 1112, Harrisburg, PA 17120 is authorized to discharge from a facility located in Irwin Township, **Venango County** to an unnamed tributary to east branch of Wolf Creek.

**NPDES Permit No. PA 0002020.** Industrial waste. **Motion Control Industries, Inc.**, Carlisle Corporation, Gillis Avenue, Ridgway, PA 15853 is authorized to discharge from a facility located in Ridgway Borough, **Elk County** to the Clarion River.

**NPDES Permit No. PA 0037931.** Sewerage. **Municipal Authority of the Township of Cambridge**, R. D. 1, Box 53F, Cambridge Springs, PA 16403 is authorized to

discharge from a facility located in Cambridge Township, **Crawford County** to French Creek.

**NPDES Permit No. PA 0209902.** Sewerage. **James A. and Jeanette B. Pavlicek**, R. D. 2, Box 242A, Cochranon, PA 16314 is authorized to discharge from a facility located in Greenwood Township, **Crawford County** to an unnamed tributary to Sandy Creek.

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

**NPDES Permit No. PA 0040177.** Industrial waste, **Pennsylvania American Water Company**, 800 Hersheypark Drive, Hershey, PA 17033 is authorized to discharge from a facility located at Brownsville WTP, Brownsville Borough, **Fayette County** to Monongahela River.

**NPDES Permit No. PA 0217255.** Industrial waste, **Campbell's Ultra Service Station**, 1111 Clay Pike, North Huntingdon, PA 15642 is authorized to discharge from a facility located at North Huntingdon Township, **Westmoreland County** to Tinker's Run.

**NPDES Permit No. PA 0217298.** Industrial waste, **Mon River Towing**, 200 Speers Road, Belle Vernon, PA 15012 is authorized to discharge from a facility located at Speers Borough, **Washington County** to the Monongahela River.

**NPDES Permit No. PA 0028711.** Sewerage. **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317 is authorized to discharge from a facility located at Brush Run Sewage Treatment Plant located at Brush Run Sewage Treatment Plant, Peters Township, **Washington County** to Brush Run.

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

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##### *Permits Issued*

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

**NPDES Permit No. PA 0081035.** Sewerage. **Roxbury Holiness Camp, Inc.**, P. O. Box 28, Roxbury, PA 17251 is authorized to discharge effluent to the receiving waters named Conodoguinet Creek in Letterkenny Township, **Franklin County**.

**NPDES Permit No. PA 0082945.** Sewerage. **Hamilton Township Supervisors**, 272 Mummerts Church Road, Abbottstown, PA 17301 is authorized to discharge treated effluent to the receiving waters named Conewago Creek in Hamilton Township, **Adams County**.

**NPDES Permit No. PA 0080608.** Sewerage. **Fellowship of Bible Churches, Inc.**, P. O. Box 120, Mercersburg, PA 17236 is authorized to discharge treated effluent from a facility located in Montgomery Township, **Franklin County** to the receiving waters named Licking Creek.

**NPDES Permit No. PA 0070360.** Sewerage. **Frystown All American Travel Plazas, Inc.**, P. O. Box 302, Bethel, PA 19507-0302 is authorized to discharge treated effluent from a facility located in Bethel Township, **Berks County** to the receiving waters of an unnamed tributary of Crosskill Creek.

**NPDES Permit No. PA 0081591.** Sewerage. **Eastern York County Sewer Authority**, 44 Walnut Springs Lane, York, PA 17406 is authorized to discharge treated

effluent from a facility located in Hallam Borough, **York County** to the receiving waters named Kreutz Creek.

**NPDES Permit No. PA 0081035.** Sewerage. **Oakwood Heights Mobile Home Park**, R. D. 2, Box 2421, Stewartstown, PA 17363 is authorized to discharge treated effluent from a facility located in Hopewell Township, **York County** to the receiving waters of an unnamed tributary to Deer Creek.

**NPDES Permit No. PA 0087181.** Sewerage. **Ephrata Borough Authority**, 114 East Main Street, Ephrata, PA 17522 is authorized to discharge from a facility located in Ephrata Township, **Lancaster County** to the receiving waters named Cocalico Creek.

**NPDES Permit No. PAG 043538.** Sewerage. **Mr. and Mrs. Joseph Sherkness**, 218 Summit Avenue, Conshohocken, PA 19428 located in Douglass Township, **Berks County** are authorized to discharge treated effluent to an unnamed tributary to the Schuylkill River.

**NPDES Permit No. PA 0086673.** Sewerage. **Marklesburg Authority**, P. O. Box 24, James Creek, PA 16657 located in Marklesburg Borough, **Huntingdon County** is authorized to discharge treated effluent to an unnamed tributary of James Creek.

**NPDES Permit No. PA 0032379.** Industrial waste. **Safe Harbor Water Power Corporation**, P. O. Box 97, Conestoga, PA 17516 is authorized to discharge from a facility located in Manor Township, **Lancaster County** to the receiving waters named Conestoga River and Susquehanna River.

**NPDES Permit No. PA 0009164.** Industrial. **Standard Steel**, 500 North Walnut Street, Burnham, PA 17009 is authorized to discharge treated effluent from a facility located in Burnham Borough, **Mifflin County** to the receiving waters named Kishacoquillas Creek.

**NPDES Permit No. PA 0080454.** Industrial. **Borough of Carlisle**, 53 West South Street, Carlisle, PA 17013 is authorized to discharge treated effluent from a facility located in North Middleton Township, **Cumberland County** to the receiving waters named Conodoguinet Creek.

**NPDES Permit No. PA 0041033.** Industrial. Amendment No. 1, **Bayway Refining Company**, 1400 Park Avenue, Linden, NJ 07036 is authorized to discharge treated effluent from a facility located in Blair Township, **Blair County** to the receiving waters of a drainage ditch to Dry Run.

**NPDES Permit No. PA 0087068.** Industrial. **Chiyoda America, Inc.**, Thousand Oaks Corporate Center, P. O. Box 470, Morgantown, PA 19543 is authorized to discharge treated effluent from a facility located in Caernarvon Township, **Berks County** to the receiving water named East Branch Conestoga River.

**NPDES Permit No. PA 0053520.** Sewerage. **Mr. and Mrs. Felix Rivera**, 1610 Vine Street, Laureldale, PA 19605 is authorized to discharge treated effluent from a facility located in Richmond Township, **Berks County** to the receiving waters named Moselem Creek.

**NPDES Permit No. PA 0081396.** Sewerage. **Investment Management**, 4740 Delbrook Road, Mechanicsburg, PA 17055 is authorized to discharge treated effluent from a facility located in Newberry Township, **York County** to the receiving waters of an unnamed tributary of Bennett Run.

**NPDES Permit No. PA 0030171.** Sewerage. **Llewellyn Mobile Home Court**, 4550 Bull Road, Dover, PA

17315 is authorized to discharge treated effluent from a facility located in Conewago Township, **York County** to the receiving waters of an unnamed tributary of Little Conewago Creek.

**NPDES Permit No. PA 0086932.** Sewerage. **David W. Smith**, 330 Ridge Road, York, PA 17402 is authorized to discharge treated effluent from a facility located in Lower Windsor Township, **York County** to the receiving waters of an unnamed tributary to Cabin Creek.

**NPDES Permit No. PA 0087254.** Industrial waste. **Kalas Manufacturing, Inc.**, 25 Main Street, Denver, PA 17517 is authorized to discharge treated effluent from a facility located in East Cocalico Township, **Lancaster County** to the receiving water named Stony Run.

**NPDES Permit No. PA 0080721.** Sewerage. **Frank Perano**, Box 278, King of Prussia, PA 19406 is authorized to discharge treated effluent from a facility located in Londonderry Township, **Dauphin County** to the receiving waters of an unnamed tributary of Conewago Creek.

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

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

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

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

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

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

*Cambria County Conservation District: District Manager, P. O. Box 187, Ebensburg, PA 15931, telephone (814) 472-2120.*

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

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

*Clinton County Conservation District: District Manager, 2 State Route 150, Mill Hall, PA 17751, telephone (717) 726-3798.*

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

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

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

*Lackawanna County Conservation District: District Manager, 395 Bedford St., Bedford Station, Clarks Summit, PA 18411, telephone (717) 587-2607.*

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

*Lebanon County Conservation District: District Manager, 2120 Cornwall Rd., Ste. 5, Lebanon, PA 17042, telephone (717) 272-3377.*

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

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

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

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

*Northampton County Conservation District: District Manager, R. R. 4, Nazareth, PA 18064, telephone (610) 746-1971.*

*Union County Conservation District: District Manager, 60 Bull Run Crossing, Lewisburg, PA 17837, telephone (717) 523-8782.*

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A136-1	Bayer Corporation 100 Bayer Rd. Pittsburgh, PA 15205	Robinson Twp. Allegheny Co.	Robinson Run
PAR10A173	Carol Mazzaro P. O. Box M Clinton, PA 15026	Findlay Twp. Allegheny Co.	Montour Run
PAR10B010	Allegheny Power 800 Cabin Hill Dr. Greensburg, PA 15601	Washington, Perry Madison, Fairview Twps. Armstrong, Butler, Clarion Co.	Allegheny River, Mast, Catfish, Black Fox, Birch, and Cove Runs, Redbank Crk.
PAR100235	Geneva College 3200 College Ave. Beaver Falls, PA 15010	City of Beaver Fls. Beaver Co.	Beaver River
PAR10C152	Spring Ridge L D Corp. 4 S. 4th St. Reading, PA 19603	Spring Twp. Berks Co.	Tulpehocken Crk.
PAR100632	New Enterprise Stone and Lime Co. P. O. Box 77 New Enterprise, PA	Logan Twp. Blair Co.	UNT to Sandy Run
PAR101029	Dept. of General Serv. 18th and Herr St. Harrisburg, PA 17120	Cresson Boro. Cambria Co.	Ltl. Conemaugh and Turner Run
PAR101030	DEP-BAMR P. O. Box 149 Ebensburg, PA 15931	Reade Twp. Cambria Co.	Clearfield Crk. UNT to Laurel Rn.
PAR101022	Richard Bodenschatz R. D. 1, Box 344 Summerhill, PA 15958	Croyle Twp. Cambria Co.	Conemaugh Run
PAR10F030-1	Dept. of Transportation P. O. Box 342 1924-30 Daisy St. Clearfield, PA 16830	Benner and College Twps. Centre Co.	UNT to Logan Br.
PAR10F048	Balanced Care Corp. 3507 Market St. Camp Hill, PA 17011	Ferguson Twp. Centre Co.	UNT to Big Hollow

## NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10F049	Donald Coyne 300 S. Allen St. State College, PA 16801	Ferguson Twp. Centre Co.	Slab Cabin Run
PAR10F051	Daniel Hawbaker 325 W. Aaron Dr. State College, PA	Spring Twp. Centre Co.	Gap Run
PAR10G164	Herr Foods Corp. P. O. Box 300 Nottingham, PA 19362	W. Nottingham Twp. Chester Co.	UNT to Northeast Cr.
PAR10G174	Al Hanscom 3615 Lincoln Hwy. Thorndale, PA 19372	W. Caln Twp. Chester Co.	W. Br. Brandywine
PAR10G175	Fred Schubert 6 Maggies Ln. Downingtown, PA 19335	W. Whiteland Twp. Chester Co.	Valley Crk.
PAR10I909	WalMart Stores 701 S. Walton Blvd. Bentonville, AR 72716	Bald Eagle Twp. Clinton Co.	Fishing and Bald Eagle Crks.
PAR10H095	John Knaub 580 Wilson Rd. Mechanicsburg, PA	U. Allen Twp. Cumberland Co.	Cedar Run
PAR10H096	Weis Markets P. O. Box 471 Sunbury, PA 17801	L. Allen Twp. Cumberland Co.	Conodoguinet Crk.
PAR10H099	Donald and Shirley Heishman 398 Centerville Rd. Newville, PA 17241	W. Pennsboro Twp. Cumberland Co.	Conodoguinet Crk.
PAR10I091	Kase Farm Assocs. P. O. Box 0888 Camp Hill, PA 17001	L. Paxton Twp. Dauphin Co.	UNT to Beaver Crk.
PAR102505	City of St. Marys P. O. Box 1994 St. Marys, PA 15857	St. Marys Twp. Elk Co.	Iron Run Elk Crk.
PAR102506	Game Commission 2001 Elmerton Ave. Harrisburg, PA 17110	Benezette Twp. Elk Co.	Porcupine Run
PAR10N041	Thomas Durkin 3030 Grant Ave. Philadelphia, PA	Archbald Boro. Lackawanna Co.	UNT to Lackawanna River
PAR10-O-166	Caldwell Devel. Inc. 434 N. Front St. Wormleysburg, PA	U. Leacock Twp. Lancaster Co.	UNT to Mill Crk.
PAR10-O-183	Stober, LTD, Sam Spender 128 Omega Circle Wernersville, PA	Adamstown Boro. Lancaster Co.	Ltl. Muddy Crk.
PAR10-O-198	Glenn Eshleman 1090 Penryn Rd. Manheim, PA	Strasburg Twp. Lancaster Co.	Pequea Crk.
PAR10-O-207	Boro. of Ephrata 114 E. Main St. Ephrata, PA	Ephrata Twp. Lancaster Co.	Cocalico Crk.
PAR10-O-212	Goodhart Sons Inc. 2515 Horseshoe Rd. Lancaster, PA	U. Leacock Twp. Lancaster Co.	Mill Crk.
PAR10P049	Lebanon Valley Cable 1220 Mifflin St. Lebanon, PA 17042	N. Lebanon Twp. Lebanon Co.	Quittapahilla Crk.



<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10Q071	Dept. of Transportation 1713 Lehigh St. Allentown, PA 18103	N. Whitehall Twp. Lehigh Co.	Lehigh River
PAR10Q075	J P Foodservice Inc. 1135 Plymouth St. Allentown, PA 18103	City of Allentown Lehigh Co.	Lehigh Rvr.
PAR10R088	Gayleway Development 481 Hoyt St. Pringle, PA 18709	Exeter Boro. Luzerne Co.	Hicks Crk.
PAR104318	Lakeview Area Indus. Corp. 147 N. Diamond St. Mercer, PA 16137	Jackson Twp. Mercer Co.	Yellow Crk.
PAR104322	National Fuel Gas Supply Corp. 1100 State St. Erie, PA	City of Hermitage Mercer Co.	Bobby and Hogback Run
PAR10T255	Moyer Packing Co. P. O. Box 395 Souderton, PA 18964	Franconia Twp. Montgomery Co.	Skippack Crk.
PAR10U057	Nazareth Area School District 8 Center Sq. Nazareth, PA 18064	Nazareth Boro. Northampton Co.	Shoeneck Crk.
PAR106818	Michael Fisher P. O. Box 68 Watsontown, PA	E. Buffalo Twp. Union Co.	Turtle Crk.
PAR10X088	Ed Folwarczny R. D. 4, Box 373 Mt. Pleasant, PA	M. Pleasant Twp. Westmoreland Co.	Shupe Run
PAR10X089	Texas Eastern 5444 Westheimer St. Houston, Texas 77056	Salem Twp. Westmoreland Co.	Porters Run
PAR10X090	CNG Transmission 445 W. Main St. Clarksburg, WV	Hempfield and Penn Twps. Westmoreland Co.	Brush Crk.
PAR10Y152	Pillowtex Inc. 401 Moulstown Rd. Hanover, PA 17331	Penn Twp. York Co.	Gitts Run
PAR10Y118	Robert Kinsley 2700 Water St. York, PA	New Freedom Boro. York Co.	Bee Tree Run
PAR10Y211	York Adams Area Council Boy Scouts of America 800 E. King St. York, PA 17403	W. Manchester Twp. York Co.	UNT to Willis Rn.

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

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

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

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG046110	4	William and Eileen Stocks 4462 Finleyville, Elrama Rd. Finleyville, PA 15332	Washington Union Township	Tributary to Monongahela River	8811
PAG046108	4	David E. Weber 536 Schoolhouse Drive Ashville, PA 16613	Cambria Clearfield Twp.	Unnamed tributary to Swartz Run	8811

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG048379	PAG-4	Richard C. Kelley 445 Bartlett Rd. Harborcreek, PA 16421	Erie Harborcreek Twp.	Unnamed Tributary to Lake Erie	
PAR148302	PAG-3	International Paper— Lowville Site No. 3 Landfill R. D. 1, Jones Rd., T645 Wattsburg, PA 16442	Erie Venango Twp.	Unnamed Tributary to French Creek	2611
PAG043539	4	Donald Elsasser P. O. Box 21 Cocolamus, PA 17014	Juniata Fayette	Cocolamus Creek	
PAG043543	4	Stanley J. Ferguson Box 225 Buffalo Mills, PA 15534	Bedford Manns Choice	Buffalo	
PAG043545	4	Dennis D. Cowher Box 72 Queen, PA 16670	Bedford Kimmel Township	Beaverdam	
PAG043541	4	J A Toner Box 223, Bull Run Wrightsville, PA 17368	York Lower Windsor	Bull Run	
PAG043548	4	Marcy McQuaite 167 Geiger Road Douglassville, PA	Berks Amity Township	Monococy Creek	
PAG043546	4	Thomas Honn R. D. 2, Box 527 Everett, PA 15537	Bedford East Providence	Tub Mill Run	
PAG043547	4	Woodrow and Scott Heilman R. D. 1, Box 527 Barto, PA 19504	Berks Hereford Township	West Branch Perkiomen Creek	

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S.

§ 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

**PAS-10-I025.** Individual NPDES. **Department of Transportation**, Harrisburg International Airport, Middletown, PA 17057. To implement an Erosion and Sedimentation Control Plan for the construction of a parking lot and associated roadway improvements on 36 acres in Middletown Borough and Lower Swatara Township, **Dauphin County**. The project is located near the intersection of Grant and Ann Streets (Middletown, PA Quadrangle N: 12.5 inches; W: 16.2 inches). Drainage will be to the Susquehanna River.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10E050	H J Schneider Construction Inc. 2080 Ehrman Rd. Cranberry Township, PA 16066-2204	Cranberry Twp. Butler Co.	Brush and Connoquenessing Creek
PAS10K004-01	Maleno Developers Inc. 2236 West 38th St. Erie, PA 16506	Millcreek Twp. Erie Co.	Unnamed Tributary to Walnut Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G204	Robert Sweeney, Jr. 116 Culbertson Run Road Downingtown, PA 19335	Honey Brook Twp. Chester County	West Branch of Brandywine Creek
PAS10-T063	Heritage Construction Company 2226 Oly York Road, Suite B Furlong, PA 18925	Limerick Twp. Montgomery County	Landis Creek

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

#### *Permits Issued*

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

**Permit No. 0995423-T1.** Amendment No. 1. Sewerage. **John E. and Maxine Daly**, 110C Veterans Lane, Doylestown, PA 18901. Construction of the single residence sewage treatment plant with spray irrigation system located in Plumstead Township, **Bucks County** to serve the Daly residence.

**Permit No. 4695422.** Sewerage. **Charles H. Long**, 679 West Ridge Pike, Royersford, PA 19468. Construction of a sewage treatment plant located in Limerick Township, **Montgomery County** to serve the Long residence.

**Permit No. 4696409.** Sewerage. **Jay and Nancy Rodenburger**, 2117 Old Bern Road, East Greenville, PA 18041. Construction and operation of a single residential small flow sewage treatment plant with spray irrigation located in Upper Hanover Township, **Montgomery County** to serve the Rodenberger residence.

**Permit No. 4695428.** Sewerage. **Lower Salford Township Authority**, P. O. Box 243, 57 Main Street, Harleysville, PA 19438-0243. Construction of a sewage treatment plant located in Lower Salford Township, **Montgomery County** to serve Mainland Wastewater Treatment Plant.

**Permit No. 4696405.** Sewerage. **Robert and Christine Clark**, 23 Brenda Lane, Audubon, PA 19403-2043.

Construction of a single residence sewage treatment plant located in Limerick Township, **Montgomery County** to serve the Clark residence.

**Permit No. 4696408.** Sewerage. **Whitpain Township**, 960 Wentz Road, P. O. Box 800, Blue Bell, PA 19422. Construction and modifications of a pump station and force main located in Whitpain Township, **Montgomery County** to serve Mermaid Run.

**Permit No. 4696201.** Industrial waste. **SmithKline Beecham Research Company**, 1250 South Collegeville Road, Collegeville, PA 19426. Construction and operation of an industrial wastewater treatment plant located in Upper Providence Township, **Montgomery County** to serve SmithKline Beecham Research Company to treat air conditioning condensate.

**Permit No. 0995421.** Sewerage. Amendment No. 1. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209. Amend permit to include the relocation of a proposed force main located in Plumstead Township, **Bucks County** to serve Landis-Green Pump Station.

**Permit No. 2396402.** Sewerage. **The Goddard School**, 20 Creek Road, Glen Mills, PA 19342. Construction of a sewage treatment plant located in Thornbury Township, **Delaware County** to serve the Goddard School.

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

**WQM Permit No. 2596401.** Sewerage. **Birchdale Woods Phase II**, Rodney R. Dale, 8600 Ridge Road,

Girard, PA 16417. This project is for plans to provide sewage treatment for Birchdale Woods Phase II development in Girard Township, **Erie County**.

**WQM Permit No. 2096405.** Sewerage. **Meadville Area Sewer Authority**, Martin/Ryan Road, Plateau Drive, South Main Street, and Clark Road Sewer Lines, 984 Water Street, Meadville, PA 16335. This project is for plans to install new sewer extensions and replace existing sewer line at the locations of Martin/Ryan Road, Plateau Drive, South Main Street, and Clark Road in West Mead Township, **Crawford County**.

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

**Permit No. 0292201.** Amendment No. 1. Industrial waste, **U. S. Steel Group**, 600 Grant Street, Pittsburgh, PA 15219-2749. Construction of landfill and leachate treatment facility located in the Borough of West Mifflin, **Allegheny County** to serve the South Taylor Landfill.

**Permit No. 6396201.** Industrial waste, **Mon River Towing, Inc.**, 200 Speers Street, Belle Vernon, PA 15012. Construction of bilge water treatment facility located in the Borough of Speers, **Washington County**.

**Permit No. 6596202.** Industrial waste, **Campbell's Ultra Service Station**, 1111 Clay Pike, North Huntingdon, PA 15642. Construction of granular activated carbon filters located in the Township of North Huntingdon, **Westmoreland County** to serve the Berton's property.

**Permit No. 1196401.** Sewerage, **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904. Construction of sewer extension located in the Township of Richland, **Cambria County** to serve Carwyn Drive Parallel Sewer/Sweeney Interceptor.

**Permit No. 2696401.** Sewerage, **Doug Cortea**, 101 Frankie Lane, Leisenring, PA 15455. Construction of sewage treatment plant located in the Township of Dunbar, **Fayette County** to serve the Divito Park.

**Permit No. 6396405.** Sewerage, **William and Eileen Stocks**, 4462 Finleyville-Elrama Road, Finleyville, PA 15332. Construction of single residence sewage treatment plant located in the Township of Union, **Washington County** to serve the Stocks residence.

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

**Permit No. 3696403.** Sewerage. **Ephrata Regional Wastewater Treatment Facility**, Ephrata Borough Authority, 114 East Main Street, Ephrata, PA 17522. Construction of a new sewage treatment plant in Ephrata Borough, **Lancaster County**.

**Permit No. 3696402.** Sewerage. **Christiana Borough**, 14 Maple Avenue, Christiana, PA 17509. Installation of belt filter press and controls to existing facilities in Christiana Borough, **Lancaster County**.

**Permit No. 3696404.** Sewerage. **Suburban Lancaster Sewer Authority**, P. O. Box 4058, Lancaster, PA 17603. Construction of sewage pump station in Lancaster Township, **Lancaster County**.

**Permit No. 0696403.** Sewerage. **Municipal Authority of the Township of Spring**, 2800 Shillington Road, Cornwall Terrace, Reading, PA 19608. Construction of sewers and appurtenances in Spring Township, **Berks County**.

**Permit No. 6796403.** Sewerage. **West Manchester Township Sewer Authority**, 2501 Catherine Street, York, PA 17404. Construction of new pump station, force main and gravity sewer line in Manchester Township, **York County**.

**Permit No. 3195403.** Sewerage. **Marklesburg Authority**, P. O. Box 24, James Creek, PA 16657. Construction of collection system with two pump stations in Marklesburg Borough, **Huntingdon County**.

**Permit No. 2194406.** Sewerage. Amendment 96-1. **Monroe Township Sewer Authority**, 1220 Boiling Springs Road, Mechanicsburg, PA 17055. Amendment of permit allowing for the construction of a lift station in Monroe Township, **Cumberland County**.

**Permit No. 3695403.** Sewerage. Amendment 96-1. **Mazza Vineyards, Inc.**, P. O. Box 685, Cornwall, PA 17016. Amendment 96-1. Amendment of permit to construct sewage treatment facilities in Rapho Township, **Lancaster County**.

**Permit No. 3696402.** Sewerage. **Peter B. Shirk, Inc.**, R. D. 2, Box 62A, Denver, PA 17517. Construction of sewers and appurtenances in Millcreek Township, **Lebanon County**.

**Permit No. 2196403.** Sewerage. **Silver Spring Township Authority**, 6475 Carlisle Pike, Mechanicsburg, PA 17055. Construction of sewers and appurtenances in Silver Spring Township, **Cumberland County**.

**Permit No. 6796406.** Sewerage. **York Township Water and Sewer Authority**, 25 Oak Street, York, PA 17402. Construction of sewers and appurtenances in York Township, **York County**.

**Permit No. 2179410.** Sewerage. Amendment 96-1. **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013. Amendment of permit to construct sewage treatment facilities in North Middleton Township, **Cumberland County**.

**Permit No. 6796406.** Sewerage. **York Township Water and Sewer Authority**, 25 Oak Street, York, PA 17402. Construction of sewers and appurtenances in York Township, **York County**.

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

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

#### Permits Issued

**Permit No. 4396504.** Public water supply. **South Pymatuning Township**, 3483 Tamarack Drive, Sharpsville, PA 16150. Permit issued for the construction of approximately 13,000 l. f. of 12" water main and a 650,000 gallon water storage tank in South Pymatuning Township, **Mercer County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Lawrence P. Habarka, Project Engineer, E. A. Winslow & Associates, Inc., 220 Hickory Street, Sharpsville, PA 16150.

*Permit to Construct Issued:* June 10, 1996.

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

**Permit No. 0696502.** **Borough of Topton**, Topton Borough and portions of Longswamp Township, **Berks**

**County.** The addition on the spring supply of a raw storage tank, two submersible pumps, two trains of two high-rate pressure filters and a polymer feed system.

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

**6696501.** Public water supply. **National Utilities, Inc.**, (Rivercrest Subdivision) c/o Joseph Bontrager, 1120 South Washington Ave., Scranton, PA 18505. This proposal involves: the construction of a booster pump station and distribution system to serve 23 homes in a new subdivision (Highfields Section 2). It is located in Tunkhannock Township, **Wyoming County**.

**1396502.** Public water supply. **Lehigh State Police**, R. D. 1, Box 1561, Gouldsboro, PA 18424. This proposal involves addition of soda ash and phosphate inhibitor treatment to the existing well source water supply. It is located in Towamensing Township, **Carbon County**.

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**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**A-1 Medical Waste Removal, Inc.**, 209 Latimer Avenue, Staten Island, NY 10314; License No. **PA-HC 0173**; license issued June 14, 1996.

**Regniers Refrigerated Express**, 648 Frenchtown Road, New Castle, DE 19720; License No. **PA-HC 0050**; license issued June 14, 1996.

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

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*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.*

**A. 603442. Thomas Rogers Farm, Thomas A. Rogers/Rural Septic**, R. R. 2, Box 76, Harvey's Lake, PA 18618. A permit for the agricultural utilization of septage at this facility, located in Lake Township, **Luzerne County**. The permit was issued in the Regional Office on June 7, 1996.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.*

Unpermitted, **General Chemical Corporation**, 2500 Kingshighway, East St. Louis, IL 62201, located in the Borough of Johnsonburg, **Elk County**. A Closure Plan to close the Johnsonburg Works APR Residual waste ponds was approved in the Regional Office on June 4, 1996.

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

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

**Permit ID No. 301276. Recycled Rubber Products, Inc.**, One Railroad Street, P. O. Box 62, Schenley, PA 15682. Operation of a Residual Waste Processing Facility in Gilpin Township, **Armstrong County**. Permit application denied in the Regional Office on June 4, 1996.

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**Operating permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and operate air contamination sources or air cleaning devices.**

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

**53-313-006.** The Department intends to issue an operating permit to **Morgan Advanced Materials and Technologies, Inc.** (441 Hall Avenue, St. Marys, PA 15857) for the operation of four carbon molding flour batch mixers and associated air cleaning devices (electric thermal oxidizers and filters) previously owned and operated by the Stackpole Corporation, Pure Carbon Company, in Eulalia Township, **Potter County**.

**17-302-019A.** The Department intends to issue an operating permit to **Howes Leather Corporation** (P. O. Box 57, Curwensville, PA 16833) for the operation of two natural gas/#2 oil-fired boilers and one #2 oil-fired boiler previously owned and operated by Howes Leather Company, Inc. in Curwensville Borough, **Clearfield County**.

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

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

**21-307-005B.** On May 31, 1996, the Department issued a plan approval to **The Frog, Switch & Mfg. Company** (P. O. Box 70, Carlisle, PA 17013) for the modification of two vacuum process molding systems controlled by two fabric filters in Carlisle Borough, **Cumberland County**.

**28-318-031.** On May 31, 1996, the Department issued a plan approval to **Champion Road Machinery, Inc.** (P. O. Box 439, Chambersburg, PA 17201-0439) for the installation of a surface coating operation in Chambersburg Borough, **Franklin County**.

#### **MINING ACTIVITY ACTIONS**

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits

issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

*Coal Applications Issued*

**11960103. K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous strip mine in Chest Township, **Cambria County**, affecting 29.0 acres, receiving stream unnamed tributaries to Chest Creek, application received February 27, 1996, permit issued June 10, 1996.

**56870102.** Transfer from **Heritage Mining Company to Starlite Mining, Inc.** (828 Statler Road, Windber, PA 15963), commencement, operation and restoration of a bituminous strip mine in Shade and Quemahoning Townships, **Somerset County**, affecting 78.0 acres, receiving stream unnamed tributary to Oven Run, application received March 27, 1996, permit issued May 31, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**33930101. P & N Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), renewal of an existing bituminous strip and auger operation in Gaskill and Henderson Townships **Jefferson County** affecting 152.9 acres. Receiving streams unnamed tributary to east branch Mahoning Creek, unnamed tributary to Laurel Run. Application received April 8, 1996. Permit issued May 19, 1996.

**33950107. R & L Coal Corporation** (Box 26, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous strip operation in Warsaw Township, **Jefferson County** affecting 30.0 acres. Receiving streams two unnamed tributaries of Mill Creek. Application received September 26, 1995. Permit issued May 22, 1996.

**33950109. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous strip and auger operation in Beaver Township, **Jefferson County** affecting 110.5 acres. Receiving streams unnamed tributary to Tarkiln Run and Red Run. Application received December 27, 1995. Permit issued May 24, 1996.

**24960101. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824), commencement, operation and restoration of a bituminous strip and auger operation in Horton Township, **Elk County** affecting 231.0 acres. Receiving streams four unnamed tributaries of Mead Run and Mead Run. Application received January 3, 1996. Permit issued May 31, 1996.

**102327-24960101-E-1. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824), application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary A to Mead Run in Horton Township, **Elk County**. This variance includes plans to construct and maintain a haul road crossing over unnamed tributary A. Receiving streams four unnamed tributaries of Mead Run and Mead Run. Application received January 3, 1996. Permit issued May 31, 1996.

**102327-24960101-E-2. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824), application for a stream encroachment to conduct mining activities within 100 feet

of unnamed tributary E to Mead Run in Horton Township, **Elk County**. This variance includes plans to construct erosion and sedimentation controls within 100 feet of and mine through and reconstruct unnamed tributary E. Receiving streams four unnamed tributaries of Mead Run and Mead Run. Application received January 3, 1996. Permit issued May 31, 1996.

**102327-24960101-E-3. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824), application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary F to Mead Run in Horton Township, **Elk County**. This variance includes plans to mine through and reconstruct and place erosion and sedimentation controls within 100 feet of unnamed tributary F. Receiving streams four unnamed tributaries of Mead Run and Mead Run. Application received January 3, 1996. Permit issued May 31, 1996.

**33940105. Leonard Zenzi** (P. O. Box 62, Anita, PA 15711), commencement, operation and restoration of a bituminous strip operation in Pinecreek Township, **Jefferson County** affecting 118.1 acres. Receiving streams two unnamed tributaries to Five Mile Run and Mill Creek. Application received August 8, 1994. Permit issued June 12, 1996.

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

**49960201. Split Vein Coal Company, Inc.,** (R. R. 1, Box 1027, Paxinos, PA 17860), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 77.5 acres, receiving stream none. Permit issued June 10, 1996.

**54860206C3. Westwood Energy Properties, LTD Partnership,** (1177 West Loop South, Houston, TX 77227-2427), correction to an existing coal refuse reprocessing operation in Frailey Township, **Schuylkill County** affecting 441.4 acres, receiving stream Lower Rausch Creek. Correction issued June 10, 1996.

**54851325R2. B & B Anthracite Coal Co.,** (225 Main Street, Joliett, PA 17981), renewal of an existing anthracite deep mine operation in Tremont Township, **Schuylkill County** affecting 8.0 acres, receiving stream Lorberry Creek. Renewal issued June 10, 1996.

**19950101. Blaschak Coal Corp.,** (P. O. Box 12, Mahanoy City, PA 17948), commencement, operation and restoration of an anthracite surface mine operation in Conyngham Township and Centralia Borough, **Columbia County** affecting 846.0 acres, receiving stream none. Permit issued June 10, 1996.

**54951303. International Anthracite Corp.,** (P. O. Box 127, Valley View, PA 17983), commencement, operation and restoration of an anthracite deep mine operation in Hegins Township, **Schuylkill County** affecting 73.0 acres, receiving stream Good Spring Creek. Permit issued June 14, 1996.

**49851310T. Sheldon Derck t/a Jordan L. Coal Co.,** (133 Academy Street, Shamokin, PA 17872), transfer of an existing anthracite deep mine operation in Coal Township, **Northumberland County** affecting 2.0 acres, receiving stream none. Transfer issued June 6, 1996.

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

**26910110. Patterson Coal Company** (R. D. 2, Box 335, Smithfield, PA 15478). Permit revised to add 1 acre

through an insignificant boundary correction on a bituminous surface mining site located in Georges Township, **Fayette County**, affecting 46.0 acres. Receiving streams unnamed tributaries to York Run, York Run, Georges Creek, and the Monongahela River. Application received February 26, 1996. Revision issued April 29, 1996.

**63900104R. Robinson Coal Company** (P. O. Box 9347, Neville Island, PA 15225). Permit renewed for reclamation only of a bituminous surface mine located in Robinson and North Fayette Townships, **Washington and Allegheny Counties**, affecting 177 acres. Receiving streams unnamed tributaries to Little Raccoon Creek. Application received January 29, 1996. Renewal issued April 29, 1996.

**65950103. Buchinsky Brothers Coal** (R. D. 3, Box 94, Saltsburg, PA 15681). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Loyalhanna Township, **Westmoreland County**, affecting 18.7 acres. Receiving streams unnamed tributaries to the Conemaugh River. Application received April 3, 1995. Permit issued May 7, 1996.

**04940102. Kerry Coal Company** (R. D. 2, P. O. Box 19, Portersville, PA 16051). Permit revised to allow auger mining of the Mahoning coal seam on a surface mining site located in Darlington Township, **Beaver County**, affecting 277 acres. Receiving streams unnamed tributaries to Dilworth Run, unnamed tributaries to Coalbank Run, North Fork, Little Beaver Creek, Beaver River. Application received February 28, 1996. Revision issued May 8, 1996.

**03950111. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Redbank Township, **Armstrong County**, affecting 46.3 acres. Receiving streams unnamed tributary to Pine Run to Pine Run to Mahoning Creek to Allegheny River. Application received December 8, 1995. Permit issued May 8, 1996.

**03950108. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelcta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Burrell and South Bend Townships, **Armstrong County**, affecting 193.3 acres. Receiving streams Long Run and unnamed tributaries "A" and "B" to Long Run to Crooked Creek. Application received November 22, 1995. Permit issued May 8, 1996.

**26910106R. Bridgeview Coal Company** (P. O. Box 257, 3735 National Pike, Farmington, PA 15437). Permit renewed for reclamation only of a bituminous surface mine located in Georges Township, **Fayette County**, affecting 152 acres. Receiving streams two unnamed tributaries to Muddy Run. Application received February 5, 1996. Renewal issued May 16, 1996.

**26743202R. Carbon Fuel Resources, Inc.** (Three Penn Center West, Building Three, Suite 401, Pittsburgh, PA 15276). Permit renewed for continued operation and reclamation of a coal refuse reprocessing site located in Dunbar and North Union Townships, **Fayette County**, affecting 113.0 acres. Receiving streams unnamed tributaries to and including Rankin Run. Renewal application received March 26, 1996. Renewal issued May 23, 1996.

**03910102R. T. C. Mining** (R. D. 2, Box 301B, Kittanning, PA 16201). Permit renewed for reclamation only of a bituminous surface mine located in Valley Township, **Armstrong County**, affecting 72.6 acres. Receiving

streams unnamed tributary to and including Long Run. Renewal application received April 22, 1996. Renewal issued May 28, 1996.

**65850104R. M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1310). Permit renewed for continued operation and reclamation of a bituminous surface auger mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 177.5 acres. Receiving streams Brinker Run, unnamed tributaries to Sewickley Creek and Sewickley Creek. Renewal application received February 13, 1996. Renewal issued May 31, 1996.

**63860109R. Bologna Coal Company** (Box 271, Burgettstown, PA 15021). Permit renewed for continued reclamation of a bituminous surface auger mine located in Hanover Township, **Washington County**, affecting 49.9 acres. Receiving streams an unnamed tributary to Raccoon Creek. Renewal application received November 15, 1995. Renewal issued May 31, 1996.

**26900116R. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610). Permit renewed for continued reclamation of a bituminous surface mine located in Upper Tyrone Township, **Fayette County**, affecting 30.0 acres. Receiving stream Galley Run. Renewal application received January 16, 1996. Renewal issued May 31, 1996.

**65860109R. M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Permit renewed for continued operation and reclamation of a bituminous surface mine located in Ligonier Township, **Westmoreland County**, affecting 143.8 acres. Receiving streams unnamed tributaries to Hannas Run. Renewal application received March 28, 1996. Renewal issued May 31, 1996.

**26900111R. Patterson Coal Company** (R. D. 2, Box 335, Smithfield, PA 15478). Permit renewed for continued reclamation of a bituminous surface mine located in German and Nicholson Townships, **Fayette County**, affecting 59.0 acres. Receiving streams Cats Run and two unnamed tributaries to Jacobs Creek. Renewal application received May 2, 1996. Renewal issued May 31, 1996.

**03950109. Walter L. Houser Coal Co., Inc.** (R. D. 1, Box 434, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Mahoning Township, **Armstrong County**, affecting 80 acres. Receiving streams unnamed tributary to Mahoning Creek, and Mahoning Creek. Application received November 30, 1995. Permit issued June 4, 1996.

**02860201R. Minerals Technology, Inc.** (3 Penn Center West, Suite 401, Pittsburgh, PA 15276). Renewal issued for continued operation and reclamation of a bituminous surface mine (coal refuse reprocessing facility) located in Harmar Township, **Allegheny County**, affecting 156.6 acres. Receiving stream Guys Run. Application received March 28, 1996. Permit issued June 4, 1996.

**26850117R. Harry Lee and Rolland Herring** (204 Columbus Avenue, Masontown, PA 15461). Renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in German Township, **Fayette County**, affecting 56 acres. Receiving streams two unnamed tributaries to Cats Run to Monongahela River. Application received April 3, 1996. Renewal issued June 7, 1996.

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

**32871301. The Florence Mining Company**, (P. O. Box 51, New Florence, PA 15944), to renew the permit for the Heshbon bituminous deep mine in West Wheatfield

Township, **Indiana County** for reclamation only, no additional discharge. Permit issued June 4, 1996.

**16831602. C & K Coal Company**, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Rimersburg Prep Plant in Toby Township, **Clarion County** for reclamation only, no additional discharge. Permit issued June 4, 1996.

**56743701. Laurel Mines Corporation**, (c/o Triebel, Inc., P. O. Box 51, New Florence, PA 15944), to renew the permit for the Laurel Refuse Area in Shade Township, **Somerset County**, no additional discharge. Permit issued June 4, 1996.

**03950701. Canterbury Coal Company**, (R. D. 1, Box 119, Avonmore, PA 15618), to operate the No. 6 Refuse Area in Kiskiminetas Township, **Armstrong County** for new refuse site, receiving stream unnamed tributary to Long Run. Permit issued June 5, 1996.

**30733701. Consolidation Coal Company**, (P. O. Box 1314, Morgantown, WV 26507-1314), to revise the permit for the Robena CRDA in Monongahela Township, **Greene County** to modify slurry pond No. 4 and add two NPDES discharge points, receiving streams unnamed tributary to Whitely Creek and Whitely Creek. Permit issued June 5, 1996.

**32841313. Consolidation Coal Company**, (P. O. Box 1314, Morgantown, WV 26507-1314), to revise the permit for the Dilworth bituminous deep mine in Jefferson Township, **Greene County** to comply with provisions of Act 54, no additional discharge. Permit issued June 4, 1996.

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

#### *Noncoal Permits Issued*

**03950301. Glacial Sand and Gravel Company** (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a large noncoal surface mining operation located in East Franklin Township, **Armstrong County**, affecting 310 acres. Receiving streams unnamed tributaries to the Allegheny River. Application received July 11, 1995. Permit issued May 23, 1996.

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

**4873SM10A2C2. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17402), renewal of NPDES Permit #PA0595284 in Manchester Township, **York County**, receiving stream unnamed tributary to Codorus Creek. Correction issued June 6, 1996.

**7475SM4T. ESSROC Materials, Inc.**, (P. O. Box 32, Nazareth, PA 18064), transfer of an existing quarry operation in Upper and Lower Nazareth Townships, **Northampton County** affecting 255.0 acres, receiving stream unnamed tributary to Monacacy Creek. Transfer issued June 7, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**20870305. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Company** (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation from Wood Gravel Company in Troy Township, **Crawford County** affecting 33.5 acres. Receiving streams Sugar Creek. Application received January 22, 1996. Permit issued June 4, 1996.

**4877SM5. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Company** (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation from Wood Gravel Company in Steuben Township, **Crawford County** affecting 13.0 acres. Receiving streams Marsh Run. Application received January 22, 1996. Permit issued June 4, 1996.

**20950301. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Company** (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation from Wood Gravel Company in Bloomfield Township, **Crawford County** affecting 29.5 acres. Receiving streams Pine Hollow Run and Bloomfield Run. Application received January 22, 1996. Permit issued June 4, 1996.

**20910304. Tionesta Sand & Gravel, Inc. d/b/a Wood Gravel Company** (P. O. Box 307, Tionesta, PA 16353). Transfer of an existing sand and gravel operation from Wood Gravel Company in Steuben Township, **Crawford County** affecting 5.2 acres. Receiving streams N/A. Application received January 22, 1996. Permit issued June 4, 1996.

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

**09890302C2. G.R.O.W.S., Inc.**, (1000 New Ford Mill Road, Morrisville, PA 19067), correction of an existing quarry operation in Falls Township, **Bucks County** affecting 364.6 acres, receiving stream none. Correction issued June 14, 1996.

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

#### *Coal Applications Withdrawn*

**32960901. KMP Associates** (301 Salt Street, Saltsburg, PA 15681), commencement, operation and restoration of an incidental coal extraction mine in Young Township, **Indiana County**, affecting 8.1 acres, receiving stream unnamed tributary to Whisky Run, application received March 1, 1996, application withdrawn June 4, 1996.

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

#### *General Small Noncoal Authorizations Granted*

**65952302. David M. Stronko** (P. O. Box 164, Lemont Furnace, PA 15456). Permit issued for commencement, operation and reclamation of a small noncoal surface mining operation located in Mt. Pleasant Township, **Westmoreland County**, affecting 19.3 acres. Receiving streams Shupe Run to Youghioghny River. Application received October 3, 1995. Permit issued May 23, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**25960802. Philip L. Spotts** (5255 Wheelertown Road, Waterford, PA 16441), commencement, operation and restoration of a sand and gravel operation in LeBoeuf Township, **Erie County** affecting 4.0 acres. Receiving streams N/A. Application received April 12, 1996. Authorization granted May 29, 1996.

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

**58960804. Scott C. Tyler**, (R. R. 2, Box 179A, Meshoppen, PA 18630), commencement, operation and restoration of a small quarry operation in Auburn Township,



**Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted June 13, 1996.

**40950801. Harold Post**, (R. R. 2, Box 2155, Shickshinny, PA 18655), commencement, operation and restoration of a small quarry operation in Ross Township, **Luzerne County** affecting 5.0 acres, receiving stream none. Authorization granted June 14, 1996.

**40960801. Pork Properties, Inc.**, (R. R. 3, 34 Alfred Road, Wyoming, PA 18644), commencement, operation and restoration of a small topsoil operation in Plains Township, **Wyoming County** affecting 11.5 acres, receiving stream Susquehanna River. Authorization granted June 6, 1996.

**45960802. Royal Oak Homes, Inc.**, (Rt. 209, Box 798, Brodheadsville, PA 18322), commencement, operation and restoration of a shale operation in Eldred Township, **Monroe County** affecting 1.0 acre, receiving stream none. Authorization granted June 7, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

*Noncoal Permits Denied*

**16910102. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the William J. Mauthe and Robert D. Lyle properties in Limestone Township, **Clarion County** affecting 27.8 acres. Receiving streams two unnamed tributaries to Runaway Run. Application received April 18, 1996. Permit denied June 3, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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*Permits Issued and Actions on 401 Certification*

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D30-029A. Dam. Consolidation Coal Company**, P. O. Box 1314, Morgantown, WV 26507-1314. To modify, operate and maintain the existing Coal Refuse Slurry Impoundment—Pond No. 4 at the Robena Preparation Plant along Whiteley Creek located in Monongahela Township, **Greene County**.

Environmental Assessment Approvals and Actions on 401 Certification

**EA59-004C0. Environmental assessment. Dale Spitzer**, R. R. 2, Box 803B, Lawrenceville, PA 16929. To construct and maintain a nonjurisdictional dam across a tributary to Cummings Creek (WWF) impacting a de minimus area of wetlands (PEM) less than 0.05 acre for the purpose of recreation located approximately 4,200 feet north of Farmington Hill (Tioga, PA-NY Quadrangle N: 11.10 inches; W: 16.55 inches) in Farmington Township, **Tioga County**.

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

**EA20-001NW. Environmental assessment. David L. Walton**, 4546 Center Road, Conneaut, OH 44030. To remove the deck and superstructure from the abandoned Gothic Street bridge across Foster Run approximately 250 feet upstream of Mulberry Street (Conneautville, PA Quadrangle N: 1.2 inches; W: 16.8 inches) located in Conneautville Borough, **Crawford County**.

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

**E46-740. Encroachment. Whitpain Township**, 960 Wentz Road, Blue Bell, PA 19422. To modify and maintain the Mermaid Run Pumping Station within the 100-year floodplain of the east branch of Stony Creek located approximately 1,000 feet southeast of the intersection of Township Line Road and DeKalb Pike (S. R. 0202) (Lansdale USGS Quadrangle N: 3.9 inches; W: 7.5 inches) in Whitpain Township, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

**E39-299. Encroachment. North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037-2118. To remove the existing structure and to construct and maintain a 16-foot × 5-foot concrete box culvert across Fells Creek. The project is located on T-702 (Riverview Road) approximately 0.1 mile north of its intersection with S. R. 4014 (Neffs-Laurys Road) (Cementon, PA Quadrangle N: 14.8 inches; W: 8.4 inches) in North Whitehall Township, **Lehigh County**.

**E45-291. Encroachment. William Koller**, 27 Roanoake Road, Bridgewater, NJ 08807. To construct and maintain a private road crossing through a de minimus area of wetlands less than or equal to 0.05 acre consisting of clean rock fill having approximate dimensions of 135 feet by 10 feet with three 8-inch diameter cross drain pipes to provide access to a proposed single family dwelling. The project is located in Country Woods Estates Subdivision, Lot 25, Section 2, approximately 1,200 feet east of the

intersection of T630 (Coolbaugh Drive) and Stoney Brook Road (Bushkill, PA Quadrangle N: 14.7 inches; W: 16.0 inches) in Middle Smithfield Township, **Monroe County**.

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

**E14-281.** Encroachment. **Ferguson Township Supervisors**, 3127 Research Drive, State College, PA 16801. To construct and maintain a 3.3 mile bike path with an 8 foot fill section which will be in the floodway of Big Hollow with existing drainage patterns to remain unchanged. The path follows Big Hollow south of Sleepy Hollow Drive and Circleville Road and then south opposite Corl St. (Julian, PA Quadrangle N: 8.3 inches; W: 2.0 inches) in Ferguson Township, **Centre County**.

**E14-282.** Water obstruction and encroachment. **Staimen Brothers Inc.**, P. O. Box 1235, Williamsport, PA 17701. To remove the existing superstructure of eight two-span railroad bridges across Beech Creek for the purpose of salvaging steel. The proposed work shall consist of removing the superstructures, leaving abutments and center piers intact, from existing grade that will not impact wetlands or Beech Creek: a cold water fishery. The project is located along the northern right of way T-710 approximately 5.0 miles west of the intersection of S. R. 0364 and T-710 (Snow Shoe SE, PA Quadrangle N: 17.2 inches; W: 6.1 inches) in Curtin Township, **Centre County**.

**E14-283.** Water obstruction and encroachment. **Centre Lime and Stone Co.**, 325 West Aaron Drive, State College, PA 16801. To construct and maintain single span concrete box beam bridge with a clear span of 40 feet and an underclearance of 5 feet across Gap Run Channel located in the northeast corner of the intersection of S. R. 0026 and Harrison Road (Centre Hall, PA Quadrangle N: 22.3 inches; W: 15.5 inches) in Spring Township, **Centre County**. This project as proposed, will not impact Gap Run Channel which is classified as a CWF. This was published in error under E14-383 on April 20, 1996.

**E41-355.** Encroachment. **Muncy Creek Township Supervisors**, P. O. Box 336, Muncy, PA 17756. To construct and maintain a wastewater pumping station in the floodway of the west branch Susquehanna River, a WWF stream. This project will have no stream or wetland impacts and is located off Pepper Street about 0.25 mile west of its intersection with Railroad Street (Muncy, PA Quadrangle N: 13.0 inches; W: 7.0 inches) in Muncy Creek Township, **Lycoming County**.

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

**E07-245.** Encroachment. **Westvaco**, 1600 Pennsylvania Avenue, Tyrone, PA 16686. To remove the superstructure of a two span steel beam privately owned bridge across the Frankstown Branch of the Juniata River located about 1,600 feet upstream of the S. R. 2015 bridge at Williamsburg Borough (Williamsburg, PA Quadrangle N: 16.4 inches; W: 11.1 inches) in Williamsburg Borough and Catharine Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E21-245.** Encroachment. **Carlisle Suburban Authority**, 240 Clearwater Drive, Carlisle, PA 17013. To construct and maintain a reed bed sludge drying facility within the right bank's 100-year floodplain of the Conodoguinet Creek located in the vicinity of the existing

wastewater treatment plant 1,000 feet downstream of PA 34 bridge (Carlisle, PA Quadrangle N: 20.38 inches; W: 7.25 inches) in North Middleton Township, **Cumberland County**.

**E22-351.** Encroachment. **City of Harrisburg**, 10 North Second Street, Harrisburg, PA 17101. To construct and maintain a floating dock facility, a parking area and a pedestrian plaza in and along the Susquehanna River at a point approximately 500 feet downstream of Market Street (Harrisburg East, PA Quadrangle N: 0.8 inch; W: 1.5 inches) in the City of Harrisburg, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E67-560.** Encroachment. **York Building Products Company, Inc.**, 1020 N. Hartley St., York, PA 17404. To replace an existing stream enclosure with 418 linear feet of 42-inch diameter R.C.P. along the Little Conewago Creek located under an existing runway at York Airport (Abbottstown, PA Quadrangle N: 7.95 inches; W: 0 inch) in Jackson Township, **York County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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## SPECIAL NOTICES

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### Proposed Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications Under The Clean Streams Law; Notice of Availability

The Department of Environmental Protection (DEP) is seeking comment on a proposed policy setting forth a process for prioritizing and reviewing minor NPDES permit renewal applications under sections 202 and 307 of The Clean Streams Law, and Chapter 92 of the Department's regulations.

Section 202 of The Clean Streams Law provides that no municipality or person shall discharge or permit the discharge of sewage in any manner, directly or indirectly, into waters of the Commonwealth unless such discharge is authorized by the rules and regulations of DEP or such person or municipality has first obtained a permit from DEP. Section 307 provides that no person or municipality shall discharge or permit the discharge of industrial wastes in any manner, directly or indirectly, into any of the waters of the Commonwealth unless such discharge is authorized by the rules and regulations of DEP or such person or municipality has first obtained a permit from DEP. Chapter 92 sets forth substantive and procedural requirements for wastewater discharges to surface waters.

The proposed policy would streamline the NPDES minor permit renewal process by allowing permit application reviews to be conducted based on the results of a prioritization evaluation. The prioritization would focus on the current environmental significance of the discharge and the legal status of the permittee. Permittees who are in compliance with their existing permit, have made no major changes over the life of the permit, and are causing no known water quality impairment would receive an expedited application review. The accelerated review process would allow the reviewer to accept previous water quality modeling efforts if they reasonably reflect up to date information on the discharge and stream conditions, and the original calculations are accurate in all material respects. This proposed policy would ensure more timely action on minor NPDES renewal applications, and would enable DEP to apply the resultant savings in staff time to higher priority cases.

Persons wishing to obtain a copy of the proposed policy should request it from the Bureau of Water Quality Management, Division of Permits and Compliance, 10th Floor, Rachel Carson State Office Building, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 787-8184, or by Internet E-mail (Gansell.Stuart@a1.dep.state.pa.us). Comments on the proposal will be accepted until 30 days after the date of this notice and should be submitted to the above address. Persons with a disability who need accommodations to comment may use the AT&T relay service by calling 1 (800) 654-5984 (TDD users) or 1 (800) 654-5988 (voice users).

After reviewing and addressing public comments on the proposed policy, the Department will publish notice of the final Policy for Conducting Technical Reviews of Minor NPDES Renewal Applications in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 96-1052. Filed for public inspection June 28, 1996, 9:00 a.m.]

### Money-Back Guarantee Permit Review Program Expansion

The Money-Back Guarantee Permit Review Program, established August 23, 1995, by Governor's Executive Order 1995-5, establishes clear timelines for the processing of certain Department of Environmental Protection (DEP) permits. Should DEP fail to meet a published processing time, the Department will automatically return the permit fee to the applicant.

The program, as originally established by the Executive Order, included 19 permit types. On March 4, 1996, DEP expanded the program to include an additional 30 permit types. Effective July 1, 1996, DEP will add the following permit application types to the program:

#### *Water Management*

- Earth Disturbance—New, Amendment, Renewal and Transfer
- Individual NPDES/Stormwater-Construction—New, Amendment, Renewal, Transfer, Co-permittee
- General NPDES/Stormwater-Construction (PAG-2)—New, Renewal, Amendment, Transfer and Co-permittee
- Individual NPDES/Stormwater-Construction/Notice of Termination
- General NPDES/Stormwater-Construction (PAG-2) Notice of Termination
- Limited Power Permit
- Water Obstruction & Encroachment General Permits (1,2,3,4,5,6,7,8,9,10,15)
- Public Water Supply Permit/Bulk Water Hauler, Bottled Water System—Out of State—Minor Amendment
- Public Water Supply Permit/Bulk Water Hauler, Bottled Water System—Minor Amendment
- Public Water Supply Permit/Community Water System—Minor Amendment
- Public Water Supply Permit/Non-Community Water System—New and Minor Amendment
- Public Water Supply Permit/Retail Water System—Minor Amendment

- Public Water Supply Permit/Retail Water System—New Operation
- Public Water Supply Permit/Vended Water System—Minor Amendment
- Public Water Supply Permit/Vended Water System—New Operation
- Water Allocation Permit
- 537 Base Plan Approval
- NPDES Permit/Sewage Discharge/Minor Amendment
- NPDES Permit/Industrial Wastewater Discharge—Minor Renewal
- NPDES Permit/Sewage Discharge/Minor Municipal—Amendment
- NPDES Permit/Sewage Discharge/Minor Municipal—New
- NPDES Permit/Sewage Discharge/Minor Municipal Renewal
- NPDES Permit/Sewage Discharge/Non-Municipal—Major Amendment
- NPDES Permit/Sewage Discharge/Non-Municipal—Major New
- NPDES Permit/Sewage Discharge/Non-Municipal—Minor Amendment
- NPDES Permit/Sewage Discharge/Non-Municipal—Minor New
- NPDES Permit/Sewage Discharge/Non-Municipal—Minor Renewal
- NPDES Permit/Single Residence Sewage Treatment Plant (GP-4)
- NPDES Permit/Stormwater—Industrial Site Runoff/New, Amendment and Renewal
- NPDES Permit/Stormwater—Municipal Site Runoff/New, Amendment and Renewal
- NPDES Permit/Combined Sewer Overflow Discharge (GP-6)
- NPDES Permit/Stormwater—Industrial Activities (GP-3)

#### *Mineral Resources*

- Industrial Mineral Surface Mining—Small
- Industrial Mineral Underground Mining
- Oil and Gas Well Inactive Status Request
- Orphan Well Classification
- Section 13(c) Order to Plug
- Oil and Gas Well Plugging Notice
- Oil and Gas Well Registration (Abandoned and Operated)
- Deep Mine Safety Mining Plans
- Deep Mine Safety Equipment Approvals
- Coal Mine Officials Certificates
- Industrial Minerals Mine Officials Certificate
- Coal Miner's Certificate
- Coal Machine Runner's Certificate
- Coal Shot Firer's Certificate
- Coal Permit for the Purchase of Explosives
- Industrial Minerals Explosives Purchase Permit

Coal Explosives Storage License  
 Non-coal Explosives Storage License  
 Non-coal Blaster's License—New and Renewal  
*Air, Recycling and Radiation Protection*  
 Residual Waste General Permit Processing—Single Company and Multiple Company  
 Municipal Waste General Permit Beneficial Use and Processing  
 Radon Certification  
 Hazardous Waste Captive BIF  
 Hazardous Waste Captive Incinerator  
 Hazardous Waste Captive Disposal  
 Hazardous Waste Captive Disposal Closure Plan Approval  
 Hazardous Waste Captive Disposal Construction Certification  
 Hazardous Waste Captive Disposal Post Closure  
 Hazardous Waste Captive Permit By Rule  
 Hazardous Waste Captive Recycling  
 Hazardous Waste Captive Storage  
 Hazardous Waste Captive Storage Closure Plan Approval  
 Hazardous Waste Captive Storage Construction Certification  
 Hazardous Waste Captive Treatment  
 Hazardous Waste Captive Treatment Closure Plan Approval  
 Hazardous Waste Captive Treatment Construction Certification  
 Hazardous Waste Commercial Disposal Closure Plan Approval  
 Hazardous Waste Commercial Disposal Construction Certification  
 Hazardous Waste Commercial Disposal Module One Approval  
 Hazardous Waste Commercial Disposal Post Closure Permit  
 Hazardous Waste Storage Closure Plan Approval  
 Hazardous Waste Storage Construction Certification  
 Hazardous Waste Storage Module One Approval  
 Hazardous Waste Commercial Treatment Closure Plan Approval  
 Hazardous Waste Commercial Treatment Construction Certification  
 Hazardous Waste Commercial Treatment Module One Approval  
 Municipal Waste Construction/Demolition Landfill Closure Plan Approval  
 Municipal Waste County Plan Approval  
 Municipal Waste Demonstration Permit  
 Municipal Waste Landfill Permit Closure Plan Approval  
 Municipal Waste Landfill Permit Form 37  
 Municipal Waste Landfill Permit Form 43  
 Municipal Waste Landfill Permit Form S  
 Municipal Waste Landfill Permit Form U  
 Municipal Waste Permit by Rule  
 Municipal Waste Resource Recovery Form S  
 Municipal Waste and Other Processing Permit Form U  
 Municipal Waste Transfer Station Form U  
 Residual Waste Composting Form U  
 Residual Waste Demonstration Permit  
 Residual Waste Disposal Impoundment  
 Residual Waste Class I or II  
 Residual Waste Class I or II Closure Plan Approval  
 Residual Waste Class I or II Form 19R  
 Residual Waste Class I or II Form U  
 Residual Waste Generator  
 Residual Waste Captive Landfill—Class I, II or III  
 Residual Waste Captive Landfill—Class I, II or III Form 37  
 Residual Waste Captive Landfill—Class I, II or III Form S  
 Residual Waste Captive Landfill—Class I, II or III Form U  
 Residual Waste Permit by Rule  
 Major Source Plan Approval New Source Review  
 Major Source Plan Approval Air Toxics  
 Major Source Plan Approval New Source Performance Standard  
 Minor Significance Review  
 Minor Source Operation Permit  
 Minor Source Operation Permit Air Toxics  
 Minor Source Plan Approval Air Toxics  
*Certification, Licensing and Bonding*  
 Act 537 Sewage Enforcement Officer Certification  
 Waterworks Operator Certification  
 Wastewater Plant Operator Certification

To date, all permit types included in the DEP Money-Back Guarantee Permit Review Program had been assigned a standardized processing time. With this latest program expansion, the Department will not only add the above-named permit types to the standardized processing time category, it will also add a new category of permit application types—Alternative Project Timeline permit applications.

The Department will not assign standardized processing times to permit applications in the Alternative Project Timeline category. Instead, because of the size, complexity and technical issues generally associated with certain applications and the Department's desire to involve the public to a greater degree in these decisions, the Department along with other stakeholders, will negotiate a customized timeline for the processing of the application. Parties to the negotiation shall include DEP, the applicant and its representatives and representatives of the host community. DEP will not accept an application until such time that a timeline has been fully negotiated.

In the event the parties are unable to reach consensus on a timeline, the Department will determine an appro-

ropriate timeline. In these situations, the Department shall consider the level of public interest and incorporate into the timeline sufficient opportunities for meaningful public participation. Public notice of a negotiated timeline shall be made in the *Pennsylvania Bulletin* as part of the permit application acceptance announcement.

Should the Department fail to meet the Alternative Project Timeline, the Department will automatically return the permit application fee just as it would for a permit covered by a standardized processing time. Effective July 1, 1996, the Department will process all applications received for the following permit types according to a negotiated timeline:

Low Level Radioactive Waste Disposal Siting  
Hazardous Waste Commercial, BIF, Disposal, Treatment  
Municipal Waste Landfill  
Municipal Waste Construction/Demolition Landfill  
Residual Waste Commercial Landfill

For Fact Sheets and additional information regarding specific processing times, contact the nearest regional office, mining district office or Kimberly T. Nelson at (717) 787-9580 or Nelson.Kimberly@a1.dep.pa.us. Additional information may also be obtained at the DEP World Wide Web Site—<http://www.dep.state.pa.us>.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-1053. Filed for public inspection June 28, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 1997

The Department of Health is making copies available of the draft Preventive Health and Health Services Block Grant Application for FFY 1997, under 42 U.S.C.A. § 300 w-4. This application is the Commonwealth of Pennsylvania's draft request to the United States Department of Health and Human Services for block grant funding to address the Healthy People 2000 Health Status Objectives.

The block grant application describing proposed services, program goals, and objectives and activities will be available on or after July 22, 1996, and can be obtained by calling the Bureau of Preventive Health Programs at (717) 787-6214. Persons with a disability who require an alternative format of the above-mentioned application (for example, large print, audio tape, braille) should also contact the Bureau of Preventive Health Programs at (717) 787-6214 or TDD: (717) 783-6514.

A public hearing will be conducted by the Department of Health for the purpose of receiving testimony on the above-mentioned application in accordance with 42 U.S.C.A. § 300 w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 9 a.m. until 3:30 p.m., Friday, August 16, 1996, Room 60 E, East Wing, Main Capitol Complex, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the

Bureau of Preventive Health Programs at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Testifiers should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau of Preventive Health Programs, Room 1000, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, and should be received no later than 4 p.m., Monday, August 5, 1996.

Persons with a disability who desire to comment in alternative format (for example, large print, audio tape, braille) should notify the Bureau of Preventive Health Programs at (717) 787-6214 or TDD: (717) 783-6514.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1054. Filed for public inspection June 28, 1996, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content Under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are re-

sponsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability may also submit questions to Dr. Shoemaker in alternative formats, such as audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille) should contact Dr. Shoemaker so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

Abington Memorial Hospital-S  
1200 Old York Road  
Abington, PA 19001  
215-576-2350

ACT Lab Services, Inc.-SC  
270 Commerce Drive  
Fort Washington, PA 19034  
215-283-6370

Albert Einstein Medical Center North-SC  
5500 Old York Road  
Philadelphia, PA 19141  
215-456-6100

Aliquippa Hospital-S  
2500 Hospital Drive—Pathology Department  
Aliquippa, PA 15001  
412-857-1238

Allegheny County Department of Labs., Toxicology  
Section-S  
10 County Office Building  
Pittsburgh, PA 15219  
412-355-6873

Allegheny General Hospital Dept. Lab. Med.-S  
320 East North Avenue  
Pittsburgh, PA 15212  
412-359-3521

Altoona Hospital-S  
620 Howard Avenue  
Altoona, PA 16601  
814-946-2340

American Medical Laboratories-SC  
14225 Newbrook Drive  
Chantilly, VA 22021  
703-802-6900

Analytic Biochemistries, Inc.-SC  
1680-D Loretta Avenue  
Feasterville, PA 19053  
215-322-9210

Associated Clinical Laboratories-SC  
1526 Peach Street  
Erie, PA 16501  
814-453-6621

Associated Regional & Univ. Path.-SC  
500 Chipeta Way  
Salt Lake City, UT 84108  
800-242-2787

Ayer Clinical Lab—Penn Hospital-S  
Eighth and Spruce Streets  
Philadelphia, PA 19107  
215-829-3541

Bendiner & Schlesinger, Inc.-SC  
47 Third Avenue  
New York, NY 10003  
212-254-2300

Bradford Hospital-S  
116-156 Interstate Parkway  
Bradford, PA 16701  
814-834-8282

Brandywine Hospital and Trauma Center-S  
Route 30 Bypass  
Coatesville, PA 19320  
610-383-8000

Brownsville General Hospital-S  
125 Simpson Road  
Brownsville, PA 15417  
412-785-7200

Canonsburg General Hospital-S  
RD 1, Box 147, Route 519  
Canonsburg, PA 15317  
412-745-6100

Cedar Crest Emergicenter-S  
1101 South Cedar Crest Blvd.  
Allentown, PA 18103  
610-433-4260

Centre Community Hospital-S  
1800 East Park Avenue  
State College, PA 16803  
814-234-6117

Chambersburg Hospital-S  
112 North Seventh Street  
Chambersburg, PA 17201  
717-267-7152

Charles Cole Memorial Hospital-S  
RD 3, U.S. Route 6  
Coudersport, PA 16915  
814-274-9300

Chester County Hospital-S  
701 East Marshall Street  
West Chester, PA 19380  
610-431-5182

Chestnut Hill Hospital-S  
8835 Germantown Avenue  
Philadelphia, PA 19118  
215-248-8630

Children's Hospital of Philadelphia-S  
One Children's Center, 34th & Civic Center Blvd.  
Philadelphia, PA 19104  
215-590-1000

Clarion Hospital-S  
1 Hospital Drive  
Clarion, PA 16214  
814-226-9500

Clintox Laboratories-SC  
601 Gay Street  
Phoenixville, PA 19460  
610-933-6550

CLS Analytics-S  
1020 North Delaware Avenue  
Philadelphia, PA 19125  
215-477-9125

Community General Hospital-S  
145 North 6th Street  
Reading, PA 19603  
610-378-8350

Community General Osteopathic Hospital-S  
4300 Londonderry Road, P. O. Box 3000  
Harrisburg, PA 17109  
717-657-7214

Community Medical Center-S  
1822 Mulberry Street  
Scranton, PA 18510  
717-969-8000

CompuChem Laboratories, Inc.-SC  
P. O. Box 12652, 3308 Chapel Hill  
Research Triangle Park, NC 27709  
919-549-8263

Conemaugh Valley Memorial Hospital-S  
1086 Franklin Street  
Johnstown, PA 15905  
814-534-9000

Corning Clinical Laboratories, Inc.-SC  
875 Greentree Road, 4 Parkway Center  
Pittsburgh, PA 15220-3610  
412-920-7600

Corning Clinical Laboratories, Inc.-SC  
900 Business Center Drive  
Horsham, PA 19044  
215-957-9300

Corning Clinical Laboratories, Inc.-SC  
One Malcolm Avenue  
Teterboro, NJ 07608  
201-288-0900

Crozer-Chester Medical Center-SC  
15th St. & Upland Avenue  
Chester, PA 19013  
215-447-2000

Delaware County Memorial Hospital-S  
501 North Lansdowne Avenue  
Drexel Hill, PA 19026  
610-284-8100

Delaware Valley Medical Center-S  
200 Oxford Valley Road  
Langhorne, PA 19047  
215-949-5275

Department of Pathology & Lab Med—HUP-SC  
3400 Spruce Street  
Philadelphia, PA 1910  
4 215-662-3435

Divine Providence Hospital-S  
1100 Grampian Blvd.  
Williamsport, PA 17701  
717-326-8167

Doylestown Hospital-S  
595 West State Street  
Doylestown, PA 18901  
215-345-2250

DrugScan, Inc.-SC  
1119 Mearns Road, P. O. Box 2969  
Warminster, PA 18974  
215-674-9310

DrugScan, Inc.—Limerick Division-S  
Sanatoga & Evergreen Roads  
Sanatoga, PA 19464  
610-327-1200

DrugScan, Inc.—Peach Bottom Division-S  
R. D.#1, Peach Bottom Atomic Power Station  
Delta, PA 17314  
717-456-3026

Easton Hospital-S  
250 South 21st Street  
Easton, PA 18042  
610-250-4140

Elk County Regional Medical Center-S  
94 Hospital Street  
Ridgway, PA 15853  
814-776-6111

Episcopal Hospital-S  
Front Street and Lehigh Avenue  
Philadelphia, PA 19125  
215-427-7333

Fitness for Duty Center-S  
Pennsylvania Power and Light Company  
Berwick, PA 18603  
717-542-3336

Forbes Regional Health Center-S  
2570 Haymaker Road  
Monroeville, PA 15146  
412-858-2560

Frankford Hospital—Torresdale Division-S  
Knights and Red Lion Roads  
Philadelphia, PA 19114  
215-612-4000

Frankford Hospital—Frankford Campus-S  
Frankford Avenue and Wakening Street  
Philadelphia, PA 19124  
215-831-2068

Frick Hospital and Community Health Center-S  
508 S. Church Street  
Mount Pleasant, PA 15666  
412-547-1500

Geisinger Medical Center-SC  
North Academy Road  
Danville, PA 17822  
717-271-6338

Geisinger Wyoming Valley Medical Center-S  
1000 E. Mountain Drive  
Wilkes-Barre, PA 18711  
717-826-7830

Germantown Hospital & Medical Center-S  
One Penn Blvd.  
Philadelphia, PA 19144  
215-951-8800

GHS—Parkview Hospital-S  
1331 E. Wyoming Avenue  
Philadelphia, PA 19124  
215-537-7430

GHS—City Avenue Hospital-S  
4150 City Avenue, Dept. of Pathology  
Philadelphia, PA 19131  
215-871-1000

Girard Medical Center-S  
8th and Girard Avenue  
Philadelphia, PA 19122  
215-787-2469

Gnaden Huetten Memorial Hospital-S  
11th and Hamilton Streets  
Lehighton, PA 18235  
610-377-1300

Good Samaritan Hospital-S  
4th and Walnut Streets, P. O. Box 1281  
Lebanon, PA 17042  
717-270-7500

Good Samaritan Medical Center-S  
1020 Franklin Street  
Johnstown, PA 15905  
814-533-1906

Good Samaritan Regional Medical Center-S  
700 East Norwegian Street  
Pottsville, PA 17901  
717-622-3400

GPU Nuclear Corp., TMI Med. Dept.-S  
P. O. Box 480  
Middletown, PA 17057  
717-948-8189

Graduate Hospital-S  
1 Graduate Plaza—Pepper Pavilion, 4th Floor  
Philadelphia, PA 19146  
215-893-2240

Greenville Regional Hospital-S  
110 North Main Street  
Greenville, PA 16125  
412-588-2100

Hahnemann Hospital-S  
Broad and Vine Streets, MS 113  
Philadelphia, PA 19102  
215-448-7154

Harrisburg Hospital-S  
South Front Street  
Harrisburg, PA 17101  
717-782-3131

Hazleton General Hospital-S  
East Broad Street  
Hazleton, PA 18201  
717-454-2441

Health Network Labs., A Service of Lehigh Valley  
Hospital-SC  
17th & Chew Streets  
Allentown, PA 18102  
610-402-2236

Health Quest Medical Laboratories, Inc.-S  
1503 Sunset Drive, Suite 4  
Pottstown, PA 19464  
610-327-2520

Healthcare/MetPath-SC  
24451 Telegraph Road  
Southfield, MI 48034  
800-444-0106

Holy Spirit Hospital-SC  
503 North 21st Street  
Camp Hill, PA 17011  
717-763-2206

Indiana Hospital-S  
P. O. Box 788  
Indiana, PA 15701  
412-357-7166

Jeanes Hospital-S  
7600 Central Avenue  
Philadelphia, PA 19111  
215-728-2347

John F. Kennedy Memorial Hospital-S  
Cheltenham and Langdon Streets  
Philadelphia, PA 19124  
215-831-7203

Kensington Hospital-S  
136 West Diamond Street  
Philadelphia, PA 19122  
215-426-8100

Keystone Clinical Laboratories, Inc.-S  
2524 Ford Road  
Bristol, PA 19007  
215-788-5000

Lab Corp of America Holdings-SC  
1447 York Court  
Burlington, NC 27216  
800-334-5161

Lab Corp of America Holdings-SC  
69 First Avenue—P. O. Box 500  
Raritan, NJ 08869  
201-526-2400

LabOne, Inc.-SC  
8915 Lenexa Drive  
Overland Park, KS 66214  
913-888-1770

Laboratory Corp of America-SC  
750 Walnut Avenue  
Cranford, NJ 07016  
908-272-2511

Laboratory Corp of America-SC  
13900 Park Center Road  
Herndon, VA 22071  
703-742-3100

Lancaster General Hospital-S  
555 North Duke Street—P. O.Box 3555  
Lancaster, PA 17603  
717-299-5511

Lancaster General Hospital-Susquehanna Division-S  
631 Poplar Street  
Columbia, PA 17512  
717-684-2841

Latrobe Area Hospital-S  
West Second Avenue  
Latrobe, PA 15650  
412-537-1550

Lee Hospital-S  
320 Main Street  
Johnstown, PA 15901  
814-533-0130

Lewistown Hospital-S  
Highland Avenue  
Lewistown, PA 17044  
717-248-5411

Lock Haven Hospital-S  
24 Cree Drive  
Lock Haven, PA 17745  
717-893-5000

Lower Bucks Hospital-S  
501 Bath Road  
Bristol, PA 19007  
215-785-9200

Magee Women's Hospital-S  
Forbes Avenue and Halket Street  
Pittsburgh, PA 15213  
412-647-4651

Main Line Clinical Laboratories—Bryn Mawr CP-S  
Bryn Mawr Avenue  
Bryn Mawr, PA 19010  
610-526-3554



Main Line Clinical Laboratories—Lankenau CP-S  
100 East Lancaster Avenue  
Wynnewood, PA 19096  
215-645-2615

Main Line Clinical Laboratories—Paoli Memorial CP-S  
255 West Lancaster Avenue  
Paoli, PA 19301  
610-648-1000

Main Line Medical Laboratory-S  
225 Executive Drive, Suite 8  
Moorestown, NJ 08057  
609-829-4888

Maryland Medical MetPath-SC  
1901 Sulphur Spring Road  
Baltimore, MD 21227  
301-247-9100

Meadville Medical Center—Liberty Street-S  
751 Liberty Street  
Meadville, PA 16335  
814-336-3121

Medical College Hospital—Bucks County Campus-S  
225 Newtown Road  
Warminster, PA 18974  
215-441-6700

Medical College Hospital—Main Clin. Campus-S  
3300 Henry Avenue  
Philadelphia, PA 19129  
215-842-6615

MedExpress/National Lab Center-SC  
3955 Vantech Drive  
Memphis, TN 38115  
901-795-1515

Medlab Clinical Testing, Inc.-SC  
212 Cherry Lane  
New Castle, DE 19720  
800-633-5221

MedTox Laboratories, Inc.-SC  
402 West County Road D  
New Brighton, MN 55112  
612-636-7466

Merck and Co. Inc. Health Service Clinic-S  
P. O. Box 4, WP 38-1  
West Point, PA 19486  
215-661-6748

Mercy Catholic Medical Center—Fitzgerald Division-S  
Lansdowne Avenue and Bailey Road  
Darby, PA 19023  
610-237-4175

Mercy Catholic Medical Center—Misericordia Division-S  
5301 Cedar Avenue  
Philadelphia, PA 19143  
215-748-9170

Mercy Hospital-S  
2500 Seventh Avenue  
Altoona, PA 16602  
814-949-4495

Mercy Hospital-S  
Pride and Locust Streets  
Pittsburgh, PA 15219  
412-232-7831

Methodist Hospital-S  
2301 South Broad Street  
Philadelphia, PA 19148  
215-952-9059

MetWest Inc., d/b/a Corning Nichols Institute-SC  
7470-A Mission Valley Road  
San Diego, CA 92108-4406  
800-446-4728

Miner's Hospital of N. Cambria-S  
Crawford Avenue and First Street  
Spangler, PA 15775  
814-948-7171

Montgomery Hospital-S  
Powell and Fornance Streets  
Norristown, PA 19401  
610-270-2173

Nason Hospital-S  
Nason Drive  
Roaring Spring, PA 16673  
814-224-6215

National BioStudios-S  
5846 Distribution Drive  
Memphis, TN 38141  
901-795-1700

National Medical Services, Inc.-SC  
2300 Stratford Avenue  
Willow Grove, PA 19090  
215-657-3565

National Psychopharmacology Laboratory-SC  
9320 Park West Boulevard  
Knoxville, TN 37923  
615-690-8101

Nazareth Hospital-S  
2601 Holme Avenue  
Philadelphia, PA 19152  
215-335-6245

North Penn Hospital-S  
100 Med Campus Drive  
Lansdale, PA 19446  
215-368-2100

Northwest Medical Center—Oil City Campus-S  
174 E. Bissell Avenue  
Oil City, PA 16301  
814-677-1711

Omega Medical Laboratories, Inc.-SC  
2001 State Hill Road, Suite 100  
Wyomissing, PA 19610  
610-378-1900

Penna. Dept. of Health, Bureau of Labs.-SC  
P. O. Box 500  
Exton, PA 19341-0500  
610-363-8500

Pharmchem Laboratories, Inc.-SC  
1505-A O'Brien Drive  
Menlo Park, CA 94025  
415-328-6200

Phoenixville Hospital-S  
140 Nutt Road  
Phoenixville, PA 19460  
610-933-9281

Pittsburgh Criminalistics-SC  
1320 5th Avenue  
Pittsburgh, PA 15219  
412-391-6118

Pocono Medical Center Lab.-S  
206 East Brown Street  
East Stroudsburg, PA 18301  
717-476-3544

Polyclinic Medical Center-S  
2601 North Third Avenue  
Harrisburg, PA 17110  
717-782-4141

Pottstown Memorial Medical Center-S  
1600 East High Street  
Pottstown, PA 19464  
610-327-7111

Premier Research Worldwide-S  
124-34 South 15th Street  
Philadelphia, PA 19102  
215-972-0420

Presbyterian Medical Center of UPHS-S  
51 North 39th Street  
Philadelphia, PA 19104  
215-662-6000

Princeton Biomedical Laboratories, Inc.-S  
2000-B Hartel Complex  
Levittown, PA 19057  
215-943-0700

Psychemedics Corporation-SC  
5832 Uplander Way  
Culver City, CA 90230  
800-522-7424

Psychiatric Diagnostic Labs of America-SC  
100 Corporate Court  
South Plainfield, NJ 07080  
201-769-8500

Quality Medical Laboratory-SC  
215 North 12th Street, Box 316  
Reading, PA 19603  
610-378-2000

Quintiles Laboratories, Ltd.-SC  
5500 Highlands Parkway, Suite 600  
Smyrna, GA 30082  
710-434-8492

Reading Hospital & Medical Center-S  
6th and Spruce Streets  
Reading, PA 19603  
610-378-6080

RML Laboratories, Inc.-S  
450 South Gravers Road  
Plymouth Meeting, PA 19462  
610-275-9300

Robert Packer Hospital-S  
200 S. Wilbur Avenue  
Sayre, PA 18840  
717-888-6666

Roxborough Memorial Hospital-S  
5800 Ridge Avenue  
Philadelphia, PA 19128  
215-483-9900

Sacred Heart Hospital-S  
Fourth and Chew Streets  
Allentown, PA 18102  
610-776-4727

Saint Clair Memorial Hospital-S  
1000 Bower Hill Road  
Pittsburgh, PA 15243  
412-561-4900

Saint Joseph Hospital-S  
250 College Avenue, P. O. Box 3509  
Lancaster, PA 17604  
717-291-8022

Saint Mary Hospital-S  
Langhorne and Newtown Roads  
Langhorne, PA 19047  
215-750-2162

Shadyside Hospital-S  
5230 Centre Avenue  
Pittsburgh, PA 15232  
412-622-2315

Sharon Regional Health System-S  
740 East State Street  
Sharon, PA 16146  
412-983-3911

Shenango Valley Medical Center-S  
2200 Memorial Drive  
Farrell, PA 16121  
412-981-3500

Sierra Analytical Laboratories-SC  
625 East Drinker Street  
Dunmore, PA 18512  
717-341-2224

Skippack Medical Laboratory-S  
3887 Skippack Pike  
Skippack, PA 19474  
610-584-1669

SmithKline Beecham Clinical Laboratories, Inc.-SC  
2300 Market Street, Suite 101  
Philadelphia, PA 19103  
215-567-2800

SmithKline Beecham Clinical Laboratories, Inc.-SC  
400 Egypt Road  
Norristown, PA 19403  
610-631-4200

SmithKline Bio-Science Laboratories-SC  
7600 Tyrone Avenue  
Van Nuys, CA 91405  
818-376-6259

Somerset Hospital-S  
225 South Center Avenue  
Somerset, PA 15501  
814-443-2626

South Hills Health System—Jefferson-S  
575 Coal Valley Road  
Pittsburgh, PA 15236  
412-469-5723

Southern Chester County Medical Center-S  
1015 West Baltimore Pike  
West Grove, PA 19390  
610-869-1080

St. Francis Central Hospital-S  
1200 Centre Avenue  
Pittsburgh, PA 15219  
412-562-3060

St. Francis Medical Center-SC  
400-45th Street  
Pittsburgh, PA 15201  
412-622-4838

St. Joseph's Hospital-Div. NPHS-S  
16th Street and Girard Avenue  
Philadelphia, PA 19130  
215-787-9000

St. Margaret's Memorial Hospital-S  
815 Freeport Road  
Pittsburgh, PA 15215  
412-784-4000

St. Mary's Regional Medical Center-S  
763 Johnsonburg Road  
St. Mary's, PA 15857  
814-834-8519

Suburban General Hospital-S  
100 South Jackson Avenue  
Bellevue, PA 15202  
412-734-6000

Suburban General Hospital-S  
2701 DeKalb Pike  
Norristown, PA 19404  
610-278-2075

Taylor Hospital-S  
175 E. Chester Pike  
Ridley Park, PA 19078  
610-595-6450

Temple University Hospital-S  
3401 North Broad Street  
Philadelphia, PA 19140  
215-221-3453

The Medical Center-Beaver, PA, Inc.-S  
1000 Dutch Ridge Road  
Beaver, PA 15009  
412-728-7000

Thomas Jefferson University Hospital-S  
125 South 11th Street—204 Pavilion  
Philadelphia, PA 19107  
215-955-6374

Toxi-Con-SC  
120 Monahan Avenue-Suite 101  
Dunmore, PA 18512  
717-963-0722

University Hospital—Milton S. Hershey Medical Center-S  
500 University Avenue  
Hershey, PA 17033  
717-531-8353

University of Pittsburgh Medical Center-CLSI-SC  
Room 5929 Main Tower/CLSI  
200 Lothrop Street  
Pittsburgh, PA 15213-2582  
412-647-7813

Valley Forge Medical Center and Hospital-S  
1033 W. Germantown Pike  
Norristown, PA 19403  
610-539-8500

Western Reserve Care System-SC  
North Side Medical Center-500 Gypsy Lane  
Youngstown, OH 44504  
216-740-3794

Westmoreland Hospital-S  
532 W. Pittsburgh Street  
Greensburg, PA 15601  
412-832-4365

Wilkes-Barre General Hospital-SC  
Corner North River and Auburn Streets  
Wilkes-Barre, PA 18764  
717-829-8111

Williamsport Hospital and Medical Center-S  
777 Rural Avenue  
Williamsport, PA 17701  
717-321-2300

York Hospital-S  
1001 South George Street  
York, PA 17405  
717-771-2696

[Pa.B. Doc. No. 96-1055. Filed for public inspection June 28, 1996, 9:00 a.m.]

### Notice of Beginning of Review; Certificate of Need

The Department has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

*CON-96-G-2628-B:* Altoona Hospital, 620 Howard Avenue, Altoona, PA 16601-4899, proposes the addition of a third cardiac catheterization lab specifically for electrophysiologic studies at a cost of \$1,479,975.

The project is scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning June 29, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, such meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA. The public meeting will be conducted on Friday, July 19, 1996 at 1 p.m. Persons who need an accommodation due to a disability and want to attend this meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at least 24 hours in advance so arrangements can be made. This meeting is subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-1056. Filed for public inspection June 28, 1996, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospitals Qualifying for Medical Assistance (MA) Disproportionate Share Payments in 1996

On July 1, 1988, the Department of Public Welfare (the Department) implemented a disproportionate share pay-

ment system. Under Pennsylvania regulations, the Department is required to annually publish the names of each inpatient acute care general hospital, psychiatric unit and rehabilitation unit of acute care general hospitals, rehabilitation hospital, and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

*A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, and private psychiatric hospitals eligible for payment period January 1, 1996, through December 31, 1996, disproportionate share payments and their respective payment percentages. For all inpatient facilities, disproportionate share payment is calculated as a percentage of projected MA inpatient income.

Payment Period January 1, 1996, through  
December 31, 1996

Disproportionate Share Percentages

*Acute Care Hospitals*

Albert Einstein	2.584%
Aliquippa	2.116%
A. I. DuPont Institute	9.184%
Barnes Kasson	9.000%
Braddock Med. Center	1.000%
Charles Cole Memorial	2.621%
Childrens Hospital—Pgh.	10.270%
Childrens Hospital—Phil.	14.000%
Crozer Chester	3.238%
DuBois Regional Med. Ctr.	10.000%
Episcopal	10.618%
Fulton County Medical Cen.	1.792%
GHS—City Avenue	8.945%
GHS—Parkview	4.407%
Hahnemann Hospital	6.752%
Highland Health Center	4.698%
Hosp. Univ. of Penna	3.131%
Indiana Hospital	1.000%
J C Blair	5.063%
Jameson Memorial	2.728%
Kensington	10.018%
LHG—Susquehanna Div.	2.703%
Magee Womens	6.071%
Meadville	7.296%
Med. Coll. Hosp.—Main	10.273%
Memorial Hospital—Towanda	4.655%
Memorial of Bedford	4.344%
Mercy Catholic—Misericord	2.274%
Monsour	4.105%
Mt. Sinai	5.092%
Neumann Medical Center	10.414%
Presbyt. Med. Ctr. of Phila.	1.162%
Presbyt. Univ. Hospital	2.679%
Punxsutawney	6.091%
Soldiers and Sailors	5.449%
St. Christophers	15.000%
St. Joseph's—Phila.	9.361%
Temple	9.520%
Thomas Jefferson	2.592%
Valley Forge	2.967%
Wayne County Memorial	1.757%
West Virginia	6.016%

*Psychiatric Units of Acute Care Hospitals*

Albert Einstein	3.350%
Aliquippa	3.175%
Braddock Med. Center	2.759%
Crozer Chester	3.594%
DuBois Regional Med. Ctr.	3.772%
GHS—City Avenue	5.722%
GHS—Parkview	4.030%
Girard Medical Center	5.387%
Hahnemann Hospital	4.904%
Highland Health Center	4.138%
Hosp. Univ. of Penna.	3.554%
J C Blair	2.578%
Meadville	2.901%
Med. Coll. Hosp.—Main	6.217%
Mercy Catholic—Misericord	3.235%
Mercy Providence	2.226%
Monsour	3.917%
Mt. Sinai	4.285%
Neumann Medical Center	6.270%
Presbyt. Med. Ctr./UPHS	2.820%
Presbyt. Univ. Hospital	3.385%
Soldiers and Sailors	2.634%
Temple	5.936%
Thomas Jefferson Univ. Hosp.	3.353%

*Private Psychiatric Hospitals*

Charter Fairmount Institute	2.200%
Clarion Psych Center	6.302%
Edgewater	1.372%
Eugenia Hospital	3.141%
First Hospital Wyoming	3.848%
Horsham Hospital	3.420%
Huntington	1.000%
Institute of PA Hosp.	2.292%
Lakewood Psych. Hosp.	4.277%
Meadows Psych. Center	4.698%
Montgomery County MH/MR	1.569%
Nat'l. Hosp. for Kids in Crisis	9.000%
Northwestern	2.144%
Phila. Child Guidance	10.000%
Phila. Psych. Center (Belmont)	2.825%
Philhaven	2.808%
Southwood Psych. Center	7.791%

*Drug and Alcohol Units of Acute Care Hospitals*

DuBois Regional Med. Ctr.	2.541%
Girard Medical Center	4.165%
LGH—Susquehanna Div.	2.161%
Meadville	1.665%
Presbyterian/UPHS	1.583%
Valley Forge	2.260%

*Medical Rehab Units of Acute Care Hospitals*

Albert Einstein	2.116%
Crozer Chester	2.362%
Hosp. Univ. of Penna.	2.322%
Jameson Memorial	1.000%
Mt. Sinai	3.057%
Presbyt. Univ. Hospital	2.152%
Temple	4.718%
Thomas Jefferson Univ. Hosp.	2.119%

*Freestanding Rehab Hospitals*

Childrens Home—Pgh.	8.402%
Children's Rehab. Hosp.	10.000%
Childrens Seashore House	9.209%
Eagleville (D&A)	2.220%
Magee Memorial	1.486%

*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made

to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1% which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's General Assistance Program. These additional disproportionate share payments are made by either the Department directly or through an intermediary.

The payment adjustments are paid directly proportional to the payment received for either General Assistance recipients for all hospital services or Title XIX recipients age 21-64 for services rendered by Institutions for Mental Disease under the fee-for-service and capitation programs.

These are the Pennsylvania hospitals eligible for this payment adjustment.

*Acute Care General Hospitals*

Abington Memorial  
 Albert Einstein  
 Aliquippa  
 Allegheny General  
 Allegheny Valley  
 Allentown Osteo. Hosp.  
 Altoona  
 American Oncological  
 Armstrong County Memorial  
 Ashland Reg. Med. Ctr.  
 Barnes Kasson  
 Berwick  
 Bloomsburg  
 Braddock Medical Center  
 Bradford Reg. Med. Ctr.  
 Brandywine Hospital  
 Brookville  
 Brownsville  
 Bryn Mawr Hosp.  
 Bucktail Medical Center  
 Butler County Memorial  
 Canonsburg General  
 Carlisle Hospital  
 Centre Community  
 Chambersburg Hospital  
 Charles Cole Memorial  
 Chester County  
 Chestnut Hill  
 Childrens Hospital—Pgh.  
 Childrens Hospital—Phil.  
 Citizens General  
 Clarion Osteopathic  
 Clearfield  
 Comm Genl. Osteopathic  
 Comm Hosp. of Lancaster  
 Community General—Reading  
 Community Hospital—Kane  
 Community Medical Center  
 Conemaugh Valley  
 Corry Memorial  
 Crozer Chester Med. Ctr.  
 Delaware County Memorial  
 Delaware Valley  
 Divine Providence—WMSPT  
 Doylestown  
 DuBois Regional Med. Ctr.  
 Easton Hospital  
 Elk County General  
 Ellwood City  
 Ephrata Community  
 Episcopal Hospital  
 Evangelical Community  
 Forbes Metro Hosp.

Forbes Reg. Hosp.  
 Frankford  
 Frick Hosp. & Comm. Hlth. Ctr.  
 Fulton Co. Medical Ctr.  
 Geisinger Medical Center  
 Geisinger Wyoming Valley  
 Germantown  
 Gettysburg Hospital  
 GHS—City Avenue Hospital  
 GHS—Parkview Hospital  
 Gnaden Huetten  
 Good Samaritan Med. Ctr.—JTWN  
 Good Samaritan—Lebanon  
 Good Samaritan—Pottsville  
 Graduate Hospital  
 Grandview  
 Greene County Memorial  
 Hahnemann Hospital  
 Hamot Medical Ctr  
 Hanover General  
 Harrisburg—Polyclinic Medical Ctr.  
 Hazleton Genl. Hospital  
 Highlands Hospital  
 Holy Redeemer  
 Holy Spirit  
 Horizon Hospital Sys. Inc.  
 Hosp. of the Univ. of PA  
 Indiana Hospital  
 J C Blair  
 J F Kennedy Memorial  
 Jameson Memorial  
 Jeanes Hospital  
 Jeannette Dist. Memorial  
 Jefferson Health Serv.  
 Jersey Shore Hospital  
 Kensington  
 Lancaster General  
 Lankenau  
 Latrobe Area  
 Lee Hospital  
 Lehigh Valley  
 Lewistown  
 LGH—Susquehanna Division  
 Lock Haven  
 Lower Bucks  
 Magee Womens  
 Marian Comm Hospital  
 McKeesport  
 Meadville Med. Ctr.  
 Med Coll. Hosps. Bucks Cmps.  
 Med Coll. Hosps. Elkins Park  
 Med Coll Hosps. Main Cmps.  
 Medical Ctr. Beaver, PA, Inc.  
 Memorial Hosp. of Bedford  
 Memorial Hospital—Towanda  
 Memorial Osteopathic—York  
 Mercy Catholic—Fitzgerald  
 Mercy Catholic—Misericord  
 Mercy Haverford  
 Mercy Hospital—Pgh.  
 Mercy Hospital—Scranton  
 Mercy Hosp.—Nanticoke  
 Mercy Hosp.—Wilkes-Barre  
 Mercy Providence Hosp.—Pgh.  
 Mercy Reg. Hlth. Sys.—Altoona  
 Methodist Hospital  
 Metro Health Center  
 Meyersdale  
 Mid Valley  
 Millcreek Community

Milton S. Hershey Med. Ctr.  
 Miners Hospital  
 Miners Mem. Med. Ctr.  
 Monongahela Valley  
 Monsour  
 Montgomery  
 Montrose General  
 Moses Taylor  
 Mount Sinai  
 Muhlenberg Hosp. Ctr.  
 Muncy Valley  
 Nason Hospital  
 Nazareth  
 Neumann Medical Center  
 North Hills Passavant  
 North Penn  
 Northeastern  
 Northwest Medical Center  
 NPHS—Girard  
 NPHS—St. Josephs  
 Ohio Valley  
 Palmerton  
 Paoli Memorial  
 Pennsylvania Hospital  
 Philipsburg Area Hosp.  
 Phoenixville  
 Pocono Hospital  
 Podiatry Hospital  
 Pottstown Memorial  
 Pottsville Hospital  
 Presbyt. Med. Ctr. of UPHS  
 Presbyt. Univ. Pgh.  
 Punxsutawney  
 Quakertown  
 Reading Hospital  
 Riddle Memorial  
 Robert Packer  
 Roxborough Memorial  
 Sacred Heart—Allentown  
 Sewickley  
 Shadyside  
 Shamokin Area Comm Hsp.  
 Sharon Reg. Hlth. System  
 Soldiers and Sailors  
 Somerset Hosp. Ctr. for Hlth.  
 South Side Hospital  
 Southern Chester  
 St. Agnes Medical Ctr.  
 St. Christophers  
 St. Clair Memorial  
 St. Francis Central Hosp.  
 St. Francis—New Castle  
 St. Francis—Pittsburgh  
 St. Joseph Med. Ctr.  
 St. Joseph—Lancaster  
 St. Joseph—Reading  
 St. Lukes of Bethlehem  
 St. Margaret—Pittsburgh  
 St. Mary—Langhorne  
 St. Marys Med Center  
 St. Vincent Health Ctr.  
 Suburban Genl.—Norristown  
 Suburban Genl.—Pittsburgh  
 Sunbury Community  
 Taylor Hospital  
 Temple University Hosp.  
 Thomas Jefferson Univ. Hosp.  
 Thom Jefferson UH—Ford Rd.  
 Titusville  
 Troy Community  
 Tyler Memorial  
 Tyrone Hospital  
 Union City  
 Uniontown  
 United Community  
 Valley Forge  
 Warren General  
 Washington  
 Wayne County Memorial  
 Waynesboro  
 West Virginia Univ. Hosp.  
 Western Penn  
 Westmoreland  
 Wilkes-Barre General Hosp.  
 Williamsport Hospital  
 Wills Eye Hospital  
 Windber  
 York Hospital  
*Freestanding Rehab Hospitals*  
 Allied Services  
 Bryn Mawr Rehab Hospital  
 Chestnut Hill Rehab  
 Children's Home—Pittsburgh  
 Children's Rehab Hospital  
 Children's Seashore House  
 D. T. Watson  
 Good Shepherd  
 Harmarville  
 Healthsouth Great Lakes Rehab.  
 Healthsouth Lake Erie Institute  
 Healthsouth Nittany Valley Rehab.  
 Healthsouth of Mechanicsburg Rehab.  
 Healthsouth Rehab. of Altoona  
 Healthsouth Rehab. of Greater Pgh.  
 Healthsouth Rehab. of York  
 John Heinz Rehab. Hospital  
 Magee Memorial  
 Reading Rehab. Hospital  
 Rehab Institute of Pgh.  
*Private Psychiatric Hospitals*  
 Belmont Center (Phila. Psy. Cntr.)  
 Charter Fairmount Institute  
 Clarion Psych Center  
 Edgewater Psychiatric  
 Eugenia Hospital  
 First Hosp. Wyoming Valley  
 Friends Hospital  
 Horsham Hospital  
 Huntington  
 Institute of PA Hosp.  
 Lakewood Psychiatric Hospital  
 Meadows Psych. Center  
 Mercy Psych. Institute  
 Montgomery Emer. Svcs.  
 Nat'l. Hosp. for Kids in Crisis  
 Northwestern  
 Phila. Child Guidance  
 Philhaven  
 Southwood Psych Center  
*Freestanding Drug and Alcohol Hospital*  
 Eagleville  
*Drug and Alcohol Units of Acute Care Hospitals*  
 Butler County Memorial  
 DuBois Regional Med. Cntr.  
 Hamot Medical Center  
 LGH/Susquehanna Division  
 Meadville Med. Cntr.  
 NPHS—Girard  
 Presbyt Med. Ctr. of UPHS

Horizon Hosp. System, Inc  
St. Francis—Pgh.  
Valley Forge  
Westmoreland

*Medical Rehab Units of Acute Care Hospitals*

Abington  
Bucks Co. Hosp.  
Chambersburg  
Community—Lancaster  
Crozer Chester  
Delaware County  
Divine Prov.—Wmsprt  
Doylestown  
Dubois  
Easton  
Elkins Park Hosp.  
Forbes Metro.  
Frankford Hosp.  
Geisinger  
Geisinger Wyoming Val.  
Good Samaritan  
Harrisburg—Polyclinic  
Horizon  
Hosp.—Univ. of PA  
Jameson Memorial  
Jeannette Dist. Mem.  
Jefferson Health  
Lancaster General  
Lee  
McKeesport  
MCMC—Fitzgerald  
Mercy—Altoona  
Mercy—Pgh.  
Mercy—Providence  
Monongahela Valley  
Moss/AEMC  
Mt. Sinai  
Nazareth  
NWMC—Franklin  
Pottsville  
Presby Univ.  
Sewickley  
South Side  
St. Agnes  
St. Francis—Central  
St. Francis—New Castle  
St. Francis—Pgh.  
St. Jos—Lancaster  
St. Margaret  
St. Mary—Langhorne  
St. Vincent  
Suburban General—Pgh.  
Taylor  
Temple  
Thomas Jefferson  
University Hosp.  
Westmoreland  
Williamsport

*Psychiatric Units of Acute Care Hospitals*

Abington Memorial  
Albert Einstein  
Aliquippa  
Allegheny General  
Allegheny Valley  
Altoona  
Armstrong County Memorial  
Bloomsburg  
Braddock Medical Center  
Bradford

Brandywine Hospital  
Brownsville  
Bryn Mawr  
Bucks Co. Hosp.  
Butler County Memorial  
Carlisle Hospital  
Centre Community  
Chambersburg Hospital  
Community General—Reading  
Community Hosp. of Lancaster  
Community Medical Center  
Conemaugh Valley  
Crozer Chester  
Delaware Valley  
Divine Providence—WMSP  
Doylestown  
DuBois Regional Med Center  
Elk County General  
Ephrata Community  
Forbes Metro. Health Center  
Forbes Reg. Health Center  
Geisinger Medical Center  
GHS—City Avenue  
GHS—Parkview  
Gnaden Huetten  
Good Samaritan Med Cntr.—Johnstown  
Grandview  
Hahnemann Hospital  
Hamot Medical Center  
Hanover General  
Harrisburg—Polyclinic  
Hazelton General  
Highland Health Center  
Holy Spirit  
J. C. Blair  
Jefferson Health Services  
Lancaster General  
Latrobe Area  
Lehigh Valley  
Lewistown  
Lower Bucks  
Marian Community Hosp.  
McKeesport  
Meadville  
Med Col. Hosp.—Eppi  
Medical Ctr. Beaver PA  
Memorial Osteopathic—York  
Mercy Catholic—Fitzgerald  
Mercy Catholic—Misericordia  
Mercy Hospital—Pgh.  
Mercy Hospital—Wilkes-Barre  
Mercy—Nanticoke  
Mercy Providence  
Milton Hershey  
Monongahela Valley  
Monsour  
Montgomery  
Moses Taylor  
Mount Sinai Hospital  
Muhlenberg  
Nazareth  
Neumann  
NPHS—Girard  
NW Med Cntr.—Oil City  
Paoli Memorial  
Pennsylvania Hospital  
Pocono Hospital  
Polyclinic Med. Ctr.  
Pottstown Memorial  
Pottsville Hospital

Presby Med. Cntr. UPHS  
 Quakertown  
 Reading Hospital  
 Robert Packer  
 Sewickley  
 Sharon  
 Soldiers and Sailors  
 Somerset Community  
 South Side  
 St. Clair Memorial  
 St. Francis—New Castle  
 St. Francis—Pittsburgh  
 St. Joseph—Lancaster  
 St. Joseph—Reading  
 St. Lukes of Bethlehem  
 St. Vincent  
 Temple  
 Thomas Jefferson  
 Univ. of Penna  
 Warren General  
 Washington  
 Western Penn  
 Westmoreland  
 Wilkes-Barre General Hosp.  
 Wills Eye  
 WPIC/PUH  
 York Hospital

*Contact Person*

Interested persons are invited to submit written comments within 30 days of this publication. Those comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 96-1057. Filed for public inspection June 28, 1996, 9:00 a.m.]

## Revision of Payment Methodology for Inpatient Psychiatric Care

### *Inpatient Psychiatric Services*

The purpose of this announcement is to provide advance public notice that the Department of Public Welfare is revising its payment methods and standards for inpatient psychiatric services provided to adolescent males ages 14—21 who, because of their status with the juvenile court system and their concomitant psychiatric impairment, require psychiatric inpatient treatment in a secure setting, effective July 1, 1996.

### *Revision of Payment Methodology for Inpatient Psychiatric Care*

Currently, the Department provides inpatient psychiatric care to adolescents under the jurisdiction of the Juvenile Court System who have been committed to psychiatric inpatient care under the Mental Health Procedures Act. At present, this service is available to individuals in the 67 counties of the Commonwealth in a State operated facility. The State operated facility known as Eastern State School and Hospital that currently houses this service is scheduled to close June 30, 1996. Therefore, it is the intent of the Department to offer this service in a community-based facility.

In order to support this service on and after July 1, 1996, the Department will recognize a new provider type known as a Juvenile Forensic Service Provider. The service provider will provide inpatient psychiatric care in a secure setting and must comply with Federal and State Medicaid law and regulations and the licensing standards and requirements of the Department.

Payment for the juvenile forensic service will be made on a prospective per diem basis.

### *Fiscal Impact*

There will be a decrease in overall State and Federal expenditures as a result of this privatization. The decrease in per diem is expected to result in a savings of \$600,000 in Federal dollars and \$500,000 in State dollars for a total of \$1,100,000 during fiscal year 96/97. A decrease in per diem is expected over the next 5 years.

### *Review and Comments*

A copy of this notice is available for review at local county assistance offices throughout the Commonwealth. Interested persons are invited to submit their written comments about this notice to the Department within 30 days of publication of the notice in the *Pennsylvania Bulletin*. Comments should be addressed to Ron Bennett, Office of Mental Health, P. O. Box 2675, Harrisburg, PA 17105-2675.

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-124. No fiscal impact; (8) recommends adoption.

This announcement notifies the public that the Department of Public Welfare intends to close Eastern State School and Hospital on June 30, 1996, and transfer its adolescent male psychiatric patients to a private facility and create a new provider type known as Juvenile Forensic Service Provider. This change will result in a savings for 1996-97 of \$500,000 to the Mental Health Services Appropriation.

[Pa.B. Doc. No. 96-1058. Filed for public inspection June 28, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bureau of Maintenance and Operations; Correction

The Department of Transportation, Bureau of Maintenance and Operations, under the authority contained in section 4704(f) of the Vehicle Code (75 Pa.C.S. § 4704 (f)), published at 26 Pa.B. 2365 (May 18, 1996) a listing of local police officers who have successfully completed the training prescribed by the Department and accordingly were certified as "Qualified Commonwealth Employees" as defined under 75 Pa.C.S. § 4102.

In publishing the notice at 26 Pa.B. 2365, the Department committed two errors which require correction. In publishing the initial notice, the Department erred in saying that 75 Pa.C.S. § 4103 defines the phrase "Qualified Commonwealth Employee." The definition of the phrase actually appears in 75 Pa.C.S. § 4102. Further, the Department identified Qualified Commonwealth Employee Thomas J. Kauffman as being of Upper Allen



Township, Dauphin County. Mr. Kauffman is actually an officer in Upper Allen Township, Cumberland County.

Any further comments, questions or suggestions may be directed to Daniel R. Smyser, P.E., Chief, Motor Carrier Safety Division, Bureau of Maintenance and Operations, 1014 Transportation and Safety Building, Harrisburg, PA 17102, telephone (717) 787-7445.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1059. Filed for public inspection June 28, 1996, 9:00 a.m.]

## Finding

### Mifflin County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)) the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to construct State Route 0322, section B01 in Mifflin County.

The project consists of the construction of a new four-lane limited access highway, beginning just north of the existing S. R. 0322/S. R. 0655 Interchange. From this point, the alignment proceeds in a northwest direction over a proposed bridge at Tea Creek, and then northeast between the Church Hill Community and the Mifflin County Airport approximately 700 feet west of Echo Ultrasound Corporation and the Fisher/Sanyo Manufacturing Corporation until a point directly west of Milroy. At this point, the alignment proceeds in a northerly direction with bridges over S. R. 4006, Lingle and Laurel Creeks, and crossing under existing S. R. 0322 just south of the Mount Pleasant Residential Community, then proceeding northeast, bypassing Mount Pleasant on the northeast side of the Community with a bridge over Township Road 839, tying into existing S. R. 0322 near the access road to Laurel Creek Reservoir and Filtration Plant.

An Interchange with a Connector Road is proposed in the area of the Echo Ultrasound Corporation to tie to existing S. R. 0322.

No adverse environmental effect is likely to result from the construction of this section of highway.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-1060. Filed for public inspection June 28, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Lower Salford Township Authority v. DEP; EHB Doc. No. 95-244-MG

The Department of Environmental Protection (Department) and Lower Salford Township Authority (LSTA) have agreed to a settlement of the appeal at the above-referenced docket.

On October 4, 1995, the Department issued NPDES Permit No. PA0056413 (Permit) to LSTA, authorizing the

discharge of treated effluent to the waters of Skippack Creek from a Publicly Owned Treatment Works (POTW) to be built by LSTA, and setting effluent limits and monitoring requirements for the discharge. The POTW will be located in Lower Salford Township, Montgomery County, PA.

On November 2, 1995, LSTA filed a Notice of Appeal with the Environmental Hearing Board seeking review of the Department's issuance of the Permit. In its appeal, LSTA objected to certain portions of the Permit, including the calculation of mass pollutant limits based on an effluent discharge of 0.90 million gallons per day (mgd).

The parties have agreed to a settlement of the appeal, the major provisions of which include: (1) The Department has agreed to propose an amendment to the NPDES Permit to delete the 0.90 mgd limitation on flow.

(2) LSTA has agreed to the dismissal of the appeal at this docket.

(3) LSTA retains the right to challenge the mass limits contained in the subsequent renewal of the NPDES permit for any reason, including the reasons enumerated in its appeal.

Copies of the full agreement are in the hands of:

Steven A. Hann, Esquire, Hamburg, Rubin, Mullin, Maxwell & Lupin, 375 Morris Road, P.O. Box 1479, Lansdale, PA 19446-0773, (215) 661-0315;

Martha E. Blasberg, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park, 555 E. North Lane, Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6300;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

GEORGE J. MILLER,  
*Secretary*

[Pa.B. Doc. No. 96-1061. Filed for public inspection June 28, 1996, 9:00 a.m.]

### West Penn Power Company v. DEP; EHB Doc. No. 96-123-C

West Penn Power Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Frazer Township, Allegheny County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any

interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-1062. Filed for public inspection June 28, 1996, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### Division of Archival and Records Management Services; Notice of Availability

The Historical and Museum Commission issues records schedules for county offices as promulgated by the County Records Committee in accordance with the County Records Act (16 P. S. §§ 13001—13006).

The Commission wishes to provide public notice that a new edition of the County Records Manual will be printed and mailed directly to all Common Pleas Court Prothonotaries, Clerks of Courts, Registers of Wills and Clerks of the Orphans' Courts, Sheriffs, District Attorneys, Jury Commissioners and Coroners and to all County Commissioners, Controllers, Treasurers and Recorders of Deeds. This new edition includes several schedule revisions, revised microfilm standards for county records which must be included as part of the requirements in all microfilm service contracts, revised policy and guidelines for the retention and disposition of original county records copied onto optical imaging systems and county records stored on optical disks, and new standards and procedures for electronic records.

Information on the Manual and the County Records Program is available from the following office: Historical and Museum Commission, Division of Archival and Records Management Services, P. O. Box 1026, Harrisburg, PA 17108-1026, (717) 787-3913 or (717) 783-9874.

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 96-1063. Filed for public inspection June 28, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form

regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-536	State Board of Osteopathic Medicine Renewal Fees	06/17/96
2-92	Department of Agriculture Conditions and Requirements under which Live Domestic Animals May be Offered as Prizes	06/18/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-1064. Filed for public inspection June 28, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Jack J. Albenze, Doc. No. P95-09-044

Notice is hereby given of the Order to Show Cause issued on June 14, 1996, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: sections 604, 633 and 633.1 of The Insurance Department Act of 1921 (40 P. S. §§ 234, 273 and 273.1).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 relating to Special Rules of Administrative Practice and Procedure, and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, please contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1065. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Pennsylvania Blue Shield; Community Group Major Medical Program; Filing No. 300-CGMM-10-96**

On June 7, 1996, Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield filed to increase rates for their community rated major medical program by 8.83% with an effective date of October 1, 1996. This increase will produce approximately \$2,750,000 in additional income and affect approximately 51,740 contract holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Carol Slack, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1066. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Blue Cross of Northeastern Pennsylvania; Pennsylvania Blue Shield; Non-Group Major Medical Program; Filing No. 301-NGMM-10-1-96**

On June 7, 1996, Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield filed to increase rates for their Non-Group Major Medical Program by 22.76% with an effective date of October 1, 1996. This increase will produce approximately \$960,000 in additional income and affect approximately 8,600 contract holders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Carol Slack, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1067. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Capital Blue Cross; Pennsylvania Blue Shield; Point of Service, Cost Plus Designated Gatekeeper PPO Product for Experience-Rated Groups Marketed as Cost Plus HealthOne; Filing No. 96-M**

By filing no. 96-M, Capital Blue Cross and Pennsylvania Blue Shield propose to offer a Cost-Plus financial arrangement with the Point of Service, Designated Gatekeeper PPO Product for Experience-Rated Groups, known as HealthOne.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1068. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Capital Blue Cross; Pennsylvania Blue Shield; Rating Factors for Comprehensive Major Medical Program for Experience-Rated Groups; Filing No. 96-S**

By filing no. 96-S, Capital Blue Cross and Pennsylvania Blue Shield are requesting approval of their proposed rating factors for the Comprehensive Major Medical Program available to experience-rated groups. An effective date of January 1, 1997, had been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-1069. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Capital Blue Cross; Pennsylvania Blue Shield; Rating Factors for Major Medical Program for Experience-Rated Groups; Filing No. 96-R**

By filing no. 96-R, Capital Blue Cross and Pennsylvania Blue Shield request approval of their proposed rating factors for the Major Medical Program available to experience-rated groups. An effective date of January 1, 1997, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311

Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1070. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Capital Blue Cross; Pennsylvania Blue Shield; Rating Factors for Point-of-Service HealthOne Program for Experience-Rated Groups; Filing No. 96-V**

By filing no. 96-V, Capital Blue Cross and Pennsylvania Blue Shield are requesting approval for their proposed rating factors for the Point-of-Service HealthOne Program available to experience-rated groups. An effective date of January 1, 1997, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1071. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Capital Blue Cross; Pennsylvania Blue Shield; Rating Factors for Wraparound Major Medical Program for Experience-Rated Groups; Filing No. 96-T**

By filing no. 96-T, Capital Blue Cross and Pennsylvania Blue Shield are requesting approval for their proposed rating factors for the Wraparound Major Medical Program available to experience-rated groups. An effective date of January 1, 1997, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1072. Filed for public inspection June 28, 1996, 9:00 a.m.]

**Capital Blue Cross; Rating Factors for Basic Blue Cross Program for Experience-Rated Groups; Filing No. 96-Q**

By filing no. 96-Q, Capital Blue Cross seeks approval of its proposed rating factors for the Basic Blue Cross Program available to experience-rated groups. An effective date of January 1, 1997, is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-1073. Filed for public inspection June 28, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire.

Fayette County, Wine & Spirits Shoppe #2611, Uniontown Shopping Center, 946 Morgantown Road, Uniontown, PA 15401.

*Lease Expiration Date:* June 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment. Storeroom should be located at an intersection of Route 119, south of Route 40, near Uniontown.

*Proposals due:* July 12, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,  
Chairperson

[Pa.B. Doc. No. 96-1074. Filed for public inspection June 28, 1996, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Gas Service Without Hearing

**A-121850F2012. National Fuel Gas Distribution Corporation.** Application for approval of abandonment of service by National Fuel Gas Distribution Corporation to one gas service customer located in Millcreek Township, Clarion County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before July 8, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Peter J. Scanlon, Esquire, National Fuel Gas Distribution Corporation, P. O. Box 2081, Erie, PA 16512.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-1075. Filed for public inspection June 28, 1996, 9:00 a.m.]

## Joint Application of TCG Pittsburgh, Inc. and Digital Direct of Pittsburgh, Inc.; Petition for Reconsideration or Clarification; Doc. No. A-310213

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

Public meeting held  
June 6, 1996

### Order

*By the Commission:*

In March of 1994, TCG Pittsburgh, Inc. (TCG) and Digital Direct of Pittsburgh, Inc. (DDP) filed a joint application with the Commission at Docket No. A-310213, requesting regulatory approval for the transfer of the property and Commission operating rights owned or held by DDP to TCG. At the time of filing of the joint application, DDP was a competitive access provider (CAP) which held operating rights issued by the Commission authorizing it to provide competitive access services on a facilities-based basis in the Pittsburgh LATA. Within these operating rights, DDP was also authorized to resell intraLATA and interLATA interexchange services on a Statewide basis. See 52 Pa. Code § 63.112 (definition of "Interexchange transporter"). However, DDP was not permitted to provide service for traffic which originated and terminated within a local calling area. In their joint application, TCG and DDP requested the Commission to recognize the buyer's, TCG's, authority to offer and provide Centrex services.

On January 12, 1995, the Commission entered an Order granting the joint application without qualification. On January 23, 1995, the Commission entered a Corrected Order which contained the following clarification:

[T]he grant of this application does not authorize TCG to originate and terminate traffic within a local calling area on either a facilities based or resale basis.

The clarification in the January 23, 1995 Corrected Order did not serve to further restrict the original authority granted to DDP but, as indicated previously, merely reiterated the restriction historically and uniformly imposed on all CAP and interexchange reseller certificates of public convenience.

On February 8, 1995, TCG and DDP jointly filed the instant petition requesting the Commission to reconsider or clarify its January 23, 1995 Corrected Order so as to recognize TCG's ability to provide Centrex services within its then existing operating authority. On February 10, 1995, TCG filed a separate application with the Commission at A-310213, F.0002, to provide service as a local exchange telecommunications company in the Pittsburgh area. On February 15, 1995, TCG and DDP jointly filed a supplement to their joint petition for reconsideration or clarification. On March 31, 1995, Bell Atlantic-Pennsylvania, Inc. (Bell) filed a petition to file a protest out of time, a protest and an answer pertaining to TCG and DDP's joint application and petition for reconsideration. Summarily, Bell's position was that the issues pertaining to TCG's provision of Centrex should be considered by the Commission within the context of TCG's local service application at F.0002. On April 13, 1995, TCG and DDP filed an answer to Bell's petition to file protest out of time.

On October 4, 1995 the Commission entered an Opinion and Order granting TCG's local service application. Accordingly, TCG now clearly holds a certificate of public convenience to provide Centrex service between points in its local service territory and the joint petition for reconsideration or clarification pertaining to its interexchange authority is moot.

However, we think it is important to formally clarify this issue since it is one that arises on an informal basis with Commission staff fairly frequently and will continue to arise as local resale markets develop in the Commonwealth. By way of clarification, an interexchange certificate of public convenience, whether it addresses service on a facilities-based or resale basis, only includes the provision of service which originates and terminates in different local calling areas. Since it appears certain that any provision of Centrex-type services to customers will involve the provision of at least some, if not mostly, local service, carriers which desire to provide Centrex type services should not rely on interexchange certificates of public convenience but should file an application with the Commission covering the provision of local services. These applications may specifically seek a certificate including Centrex type services or may seek broader based local facilities-based or local resale authority which would include the provision of Centrex-type services which the carrier desires to offer and provide. Given the passage of the Telecommunications Act of 1996 and our revised entry procedures adopted recently for all telecommunications applications, we do not expect the filing of these applications to be adversarial or controversial and it appears that applicants would be issued a certificate without undue delay.

*It Is Ordered:*

1. That the petition for reconsideration or clarification filed by TCG and DDP at A-310213 is hereby dismissed as moot.

2. That the Commission's interpretation pertaining to distinctions between interexchange and local certification are hereby adopted as a declaratory order consistent with the discussion herein.

3. That in addition to serving the parties of record to this proceeding the Secretary is hereby directed to provide a copy of this Order to all certificated telecommunications carriers by first class mail.

4. That the Secretary is hereby directed to deposit a copy of this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,  
Secretary

[Pa.B. Doc. No. 96-1076. Filed for public inspection June 28, 1996, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 22, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.**

**A-00113134. World-Wide Transportation, Inc.** (Suite 105, Neshaminy Plaza 1, 3070 Bristol Pike, Bensalem, Bucks County, PA 19020), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, in the counties of Bucks, Montgomery and Delaware. *Attorney:* Mark S. Kancher, Four Greenwood Square, Suite 200, P. O. Box 8544, Bensalem, PA 19020-8544.

**A-00113136. Tim Dusenberry, t/d/b/a Greene County Cab Service** (292 East Lincoln Street, Waynesburg, Greene County, PA 15370)—persons upon call or demand, in the county of Greene. *Attorney:* Glenn R. Toothman, III, 61 North Richhill Street, Waynesburg, PA 15370.

**A-00113141. Debra L. Evans, t/d/b/a Puttin' on the Ritz** (R. R. 3, Box 140-C, Hunlock Creek, Luzerne County, PA 18621)—persons in limousine service between points in Luzerne County, and from points in said county to points in Pennsylvania and return. *Attorney:* David R. Lipka, 50 East Main Street, Plymouth, PA 18651.

**Applications of the following for amendment to the certificate of public convenience approving the operating of motor vehicle as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00105690, Folder 1, Am-A. John M. Frinsko, t/d/b/a Sigmund Transfer Company** (2606 Fifth Avenue, McKeesport, Allegheny County, PA 15132)—to

transport household goods in use from points in the city of McKeesport, Allegheny County, to points in Pennsylvania within 75 miles by the usually traveled highways of the limits of said city, and vice versa: *so as to permit* the transportation of household goods in use, between points in the county of Allegheny, excluding the right to transport household goods in use for distances in excess of 40 miles; which is to be a transfer of all of the right authorized under the certificate issued at A-00098596, to Merchants Home Delivery Service of Pennsylvania, Inc., subject to the same limitations and conditions. *Attorney:* Sally A. Davoren, 201 Pilgrims Building, 508 Allegheny River Boulevard, Oakmont, PA 15139-1617.

### Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing, with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before July 15, 1996.

- A-00113135 A M Auto Transport, Inc.  
5311 Brightwood Road, Bethel Park, PA 15102; John A. Pillar, Pillar, Mulroy & Ferber, 1006 Frick Building, Pittsburgh, PA 15219
- A-00113143 Douglas W. Akerly, t/d/b/a Akerly Trucking  
12723 Macedonia Road, Wattsburg, PA 16442
- A-00113145 James Stouffer, t/d/b/a James Stouffer Transportation  
P. O. Box 50, Chestnut Street, Manor, PA 15665
- A-00113151 North Atlantic Transport Company of Rhode Island, Inc.  
100 Tidal Drive, North Kingstown, RI 02852
- A-00113152 Frey Brothers, Inc.  
372 Puseyville Road, Quarryville, PA 17566; Elizabeth A. Hambrick-Stowe, 28 Penn Square, Lancaster, PA 17603
- A-00113153 David R. Powell  
Star Route, Box 10, Oliveburg, PA 15764
- A-00113154 Richard Bonanno  
Laura Lane, Penfield, PA 15849

JOHN G. ALFORD,  
Secretary

[Pa.B. Doc. No. 96-1077. Filed for public inspection June 28, 1996, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Retention of Construction Services

**Project No. 9431.4r.** Automobile loading and unloading facility; Pier 98 South Annex, Columbus Boulevard at Oregon Avenue, Philadelphia, PA 19148.

*Brief Description:* Furnish all material, tools, equipment and service for electrical work for railroad siding for automobile processing at the above location.

**Project No. 9431.7r.** Automobile loading and unloading facility; Pier 98 South Annex, Columbus Boulevard at Oregon Avenue, Philadelphia, PA 19148.

*Brief Description:* Furnish all material, tools, equipment and service for construction of a railroad siding for automobile processing at the above location.

Mandatory prebid meetings Thursday, July 11, 1996, for Project No. 9431.7r at 10 a.m., at Pier 98 South Annex.

The current documents may be obtained at the office of the Procurement Administrator upon depositing a check in the amount of \$35 which includes 7% PA sales tax for each set. The deposit will not be refunded. The contract documents may be picked up on Tuesday, July 2, 1996. Bid date Thursday, July 18, 1996, at 2 p.m. in the office of the Procurement Administrator, Philadelphia Regional Port Authority, 210 West Washington Square, 8th Floor, Philadelphia, PA 19106.

*Contact:* Donna Powell, Procurement Administrator, (215) 928-9100.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-1078. Filed for public inspection June 28, 1996, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### Common Level Ratios

The State Tax Equalization Board has established a Common Level Ratio for each county in the Commonwealth for the calendar year 1995. The ratios were mandated by Act 267-1982.

The law requires the State Tax Equalization Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 1995 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 1995.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the State Tax Equalization Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the State Tax Equalization Board is certifying as the Common Level Ratio for each county for 1995.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 1995 of 100% will utilize valid sales from 1% to 200%.

TREVOR EDWARDS,  
*Chairperson*

### 1995 COMMON LEVEL RATIOS

<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
Adams	41.9	*Lackawanna	22.4
Allegheny	21.2	*Lancaster	16.6
Armstrong	15.1	Lawrence	17.7
Beaver	41.7	Lebanon	9.6
Bedford	10.2	Lehigh	53.0
*Berks	102.5	Luzerne	7.5
Blair	13.4	Lycoming	55.0
Bradford	43.9	McKean	16.4
Bucks	4.9	Mercer	12.8
Butler	14.2	Mifflin	12.9
Cambria	18.9	Monroe	22.3
Cameron	43.5	Montgomery	5.4
Carbon	8.5	Montour	10.6
Centre	49.9	Northampton	53.8
Chester	6.3	Northumberland	7.4
Clarion	13.8	Perry	9.4
Clearfield	23.2	Philadelphia	29.6
Clinton	36.0	Pike	36.5
Columbia	40.1	Potter	14.5
Crawford	48.5	Schuylkill	14.9
Cumberland	7.0	Snyder	6.4
*Dauphin	60.0	Somerset	11.8
Delaware	3.3	Sullivan	34.7
Elk	21.4	Susquehanna	50.3
Erie	9.4	Tioga	38.7
Fayette	12.5	Union	21.6
Forest	32.4	Venango	22.7
Franklin	7.2	Warren	45.4
Fulton	19.8	Washington	21.8
Greene	31.9	Wayne	9.6
Huntingdon	22.8	*Westmoreland	30.8
Indiana	11.8	Wyoming	12.4
Jefferson	22.2	*York	72.5
Juniata	16.5		

\*Counties With a Predetermined Assessment Ratio of 100%.

[Pa.B. Doc. No. 96-1079. Filed for public inspection June 28, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 94-006-RL51.** Ramp modifications and overlay for M. P. 342.99 at the Willow Grove interchange in Montgomery County, PA and M. P. 351.37 at the Philadelphia interchange in Bucks County, PA.

*Bid Opening:* July 25, 1996, 11 a.m.

*Bid Survey:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$40 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike

Commission, P. O. Box 67676, Harrisburg, PA 17106-7676:  
Attn: Secretary/Treasurer's Office. No refund will be  
made for any reason.

A Prequalification Certification and Maximum Capacity  
Rating assigned by the Prequalification Committee of the  
Department of Transportation is a necessary prerequisite  
for bidding on this project.

A prebid meeting is scheduled for 10 a.m. on July 9,  
1996, at the Turnpike Commission's Eastern Regional  
Office located at M. P. 330.2 Eastbound.

Contact the Director of Purchases for listing of other  
locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-1080. Filed for public inspection June 28, 1996, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### 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 THAT COMPETITIVE EDGE—FOR FREE!**

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

**Commodities**

**1127206** Clothing and individual equipment—300 each; hats, vent, Milan straw, to be made in strict accordance with Penna. State Police Spec. H-21, eff. 2-1-93, Type I, summer—264 each; hats, felt, to be made in strict accordance with Penna. State Police Spec. H-21, eff. 2-1-93, Type II, winter.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17103  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or 787-4705

**1097116** Food preparation and serving equipment—200 cases; disposable tray liners, size 14-3/8" long x 10-3/4" wide, with five food cavities and one silverware cavity. 1000 liners/case.

**Department:** Corrections  
**Location:** Huntingdon, Huntingdon County, PA 16654-1112  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or 787-4705

**1084216** Medical, dental and veterinary equipment and supplies—various amounts; medication card and large amber cavity (card sets with foil backing). Medication card, 6-3/8" x 8-15/16" with the capability to contain 31 individual sealed oral doses of medication, also various sizes.

**Department:** Welfare  
**Location:** Selinsgrove, Snyder County, PA 17870  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or 787-4705

**8503240** Safety equipment/supplies—800 each; revolving warning lights, 360 degree, 12V.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services—Fax request to: (717) 783-6241 or call (717) 787-2199 or 787-4705

**SERVICES****Agricultural Services—02**

**Project No. 902** Lawn maintenance.

**Department:** Military and Veterans Affairs  
**Location:** PAANG, Harrisburg International Airport, Middletown, Dauphin County, PA  
**Duration:** 1 Oct. 96—30 Sept. 99  
**Contact:** Emma Schroff, (717) 861-8518

**Computer Related Services—08**

**96-CO-1-1349** The contractor shall provide Powersoft and Sybase products to the Department of Corrections.

**Department:** Corrections  
**Location:** 55 Utley Drive, Camp Hill, PA 17001-0598  
**Duration:** One year  
**Contact:** Linda Malinak, (717) 975-4931

**96-CO-2-1465** Contractor to provide an on-site maintenance agreement for one Bay Network Backbone Linke Node (BLN) Router for the Department of Corrections. This must be operational to ensure access to the Department's mainframe computer and availability of systems and information to Statewide institutions.

**Department:** Corrections  
**Location:** 55 Utley Dr., Camp Hill, PA 17001-0598  
**Duration:** One year  
**Contact:** Linda Malinak, (717) 975-4931

**Construction Maintenance—09**

**080907** Lancaster County, S. R. 0722-003; Clearfield County bike/hike trail; Clinton County, S. R. 120-C01.

**Department:** Transportation  
**Location:** Districts 2-0 and 8-0  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**080908** Northampton County, Group 5-96-POC5B.

**Department:** Transportation  
**Location:** District 5-0  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**AE-0089** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Along S. R. 2053 at Penndale, Rt. 220 North, Lycoming County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-1134** Construct a 36' x 45' wood pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Along Rt. 220 N of Williamsport at S. R. 3007, Pine Run Road, Lycoming County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-2105** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Off Rt. 15 north of Williamsport on S. R. 0014 at Trout Run, Lycoming County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-2213** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Off T. R. 45, Mifflinburg on Township Road 370, Lewis Township, Union County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-2595** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building, York Avenue, Rt. 6, Towanda, Bradford County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-2712** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Stockpile #1, 1620 N. Juniata Street, Hollidaysburg, Blair County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-4013** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Stockpile #5, Cloverleaf S. R. 0051/0215, Fayette County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-4090** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Stockpile #06, North Sewickley Twp., S. R. 1029, Beaver County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-4092** Construct a 36' x 45' wooden pole building.

**Department:** Transportation  
**Location:** Chester Stockpile #2, Intersection of I-496 and I-95, Delaware County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-5001** Construct a 36' x 45' wooden pole building.

**Department:** Transportation  
**Location:** Emerald stockpile #4, North of Emerald Boro, Lehigh County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-5020** Construct a 36' x 45' wooden pole building to store bulk roadway materials.

**Department:** Transportation  
**Location:** Exit 33, I-80 and Rt. 54, Montour County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-5021** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** On S. R. 2028, 1 1/2 miles south of Lawrenceville, Tioga County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**AE-5022** Construct a 36' x 45' wooden pole structure to store bulk roadway materials.

**Department:** Transportation  
**Location:** Stockpile #01, East Rochester, Beaver County, PA  
**Duration:** 90 calendar days, proposed bid July 1996  
**Contact:** Tina Chubb, (717) 787-7001, FAX (717) 787-0462

**Contract No. FBP-96-3-0007A** Demolition of existing metal culvert and construction of a metal plate Pipe-Arch Culvert, reinforced concrete endwalls and wingwalls, guide rail and landscaping. All work is located in Forest District No. 3, approx. 5 miles southwest of Lewistown.

**Department:** Conservation and Natural Resources  
**Location:** Tuscarora Township, Juniata County  
**Duration:** Complete all work by July 31, 1997  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FBP-96-4-0008A** Demolition of existing bridge (steel I-beams, steel grid deck and masonry abutments); construction of cast-in-place reinforced concrete rigid frame culvert with reinforced concrete wingwalls and deck. Work is located near village of Seven Springs.

**Department:** Conservation and Natural Resources  
**Location:** Middlecreek Township, Somerset County  
**Duration:** Complete all work by May 30, 1997  
**Contact:** Construction Management, (717) 787-5055

**Contract No. FBP-95-5-0012A** Demolition of existing bridge (I-beams, metal deck and stone masonry abutments) and construction of a new single span bridge (prestressed concrete spread box beams, reinforced concrete abutments and deck). All work is located near the village of Spruce Creek.

**Department:** Conservation and Natural Resources  
**Location:** Spruce Creek Township, Huntingdon County  
**Duration:** Complete all work by August 31, 1997  
**Contact:** Construction Management, (717) 787-5055

**OSM 49(2068)205.1** Rebid, Glen Burn Mine Fire Control, Trench II B/E. Involves an estimated 315,000 C. Y. of trench excavation, 33,500 C. Y. of clay seal, 33,000 C. Y. of grading for access roads, 6 monitoring boreholes and 12 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Coal Township, Northumberland County  
**Duration:** 240 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Demolition—11**

**PDA383** Demolition and removal of collapsed pole building.

**Department:** Agriculture  
**Location:** Wernersville State Farm, Wernersville, PA  
**Duration:** 6 months  
**Contact:** Randal Flickinger, (717) 787-4854

**Drafting and Design Services—12**

**CAL-334 and CAL-335** California University of the State System of Higher Education will select a firm for the purpose of providing professional design services for CAL-334 Open-Ended Professional Design Services (Architect/Engineer) and CAL-335 Open-Ended Professional Design Services (Engineer Consultant). Interested professionals should request a Request for Interest (RFI) from Vickie Laubach at California University of PA, Purchasing Department, 250 University Avenue, California, PA 15419, phone (412) 938-4430. There is a pre-proposal meeting on July 10, 1996 at 10:00 a.m. at the Gold Rush Room, Elmo Natali Student Center, California University of PA. RFI's are due on July 19, 1996. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously worked for the System and will consider joint ventures which will enable these firms to participate in System professional services contracts. Non-discrimination and equal opportunity policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** California University of PA, California, PA 15419-1394  
**Duration:** 1—3 years  
**Contact:** Vickie A. Laubach, (412) 938-4430

**Financial and Insurance Consulting—17**

**BHC-002** Request for Proposal: The Office of the Chancellor, State System of Higher Education, wishes to secure the services of an insurance carrier to provide hospital, medical/surgical, and major medical coverage for managers, professional administrators, and faculty. This coverage must include precertification and case management services. The request for proposal (RFP) will provide interested vendors with sufficient information to prepare and submit proposals to the Office of the Chancellor for consideration. If interested, please contact Ms. Darla M. Huber, Employee Benefits Specialist, State System of Higher Education, 2986 North Second Street, Harrisburg, Pennsylvania 17110, (717) 720-4160, fax (717) 720-4162. Final bids must be submitted by the close of business on August 14, 1996.

**Department:** State System of Higher Education  
**Location:** 2986 North Second Street, Harrisburg, PA 17110  
**Duration:** N/A  
**Contact:** Darla M. Huber, (717) 720-4160

**Environmental Maintenance Services—15**

**A109-101.7** On-call contract for mechanical maintenance of acid mine drainage treatment plants at Rausch Creek, Sandy Run and Buck Mountain. Estimated quantities: 200 hrs for mechanics, 150 hrs. for helper, repair parts and materials at cost.

**Department:** Environmental Protection  
**Location:** Schuylkill, Luzerne and Carbon Counties  
**Duration:** One year on-call  
**Contact:** Construction Contracts Unit, (717) 783-7994

**A110-101.7** On-call instrumentation maintenance for the Rausch Creek acid mine drainage treatment plant. Involves the services of a technician for an estimated 150 hrs., repair parts and materials to be paid at invoice price plus 10%.

**Department:** Environmental Protection  
**Location:** Hegins Township, Schuylkill County  
**Duration:** One year on-call  
**Contact:** Construction Contracts Unit, (717) 783-7994

**11096005** Removal of all foreign and anti-skid material from various State highways, as directed.

**Department:** Transportation  
**Location:** Maintenance Districts 11-1, Allegheny County and 11-2, Beaver County  
**Duration:** 9-15-96 through 9-14-97 with renewal options  
**Contact:** Brad Saxton, (412) 429-4948

**BOGM 95-9** Cleanout and plug one abandoned gas well estimated to be 727 feet deep.

**Department:** Environmental Protection  
**Location:** Union Township, Jefferson County  
**Duration:** 60 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 49(1604)101.1** Backfilling abandoned strip pit and mine openings, Marshallton. Includes an estimated 9,500 c. y. of grading, 6,900 c. y. of backfill in mine openings and 3.1 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Coal Township, Northumberland County  
**Duration:** 80 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Food—19**

**ADMIN-01** Invitation for bid for catering services to the Department of Commerce can be requested by contacting the Office of Administration, Department of Commerce, 409 Forum Building, Harrisburg, PA 17120, Attn: Brenda Bubb, 783-8155.

**Department:** Department of Aging  
**Location:** See IFB  
**Duration:** See IFB  
**Contact:** Brenda Bubb, 783-8155

**601-95** Frozen baked goods, various breakfast items, cakes, pies, etc. For specifications, quantities and delivery information, request Bid Proposal No. 601-95.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere St., Norristown, Montgomery County, PA 19401  
**Duration:** Sept. thru Dec., 1996  
**Contact:** Sue Brown, Purch. Agt., (610) 270-1026

**602-95** Frozen vegetables, fruits, etc. Various items for delivery Sept. thru Dec. 1996. For more specifications request Bid Proposal No. 602-95.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere St., Norristown, Montgomery County, PA 19401  
**Duration:** Sept. thru Dec. 1996  
**Contact:** Sue Brown, Purch. Agt., (610) 270-1026

**3742** 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.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** August 1, 1996 thru June 30, 1997  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**5511** Produce: quantities, specifications and delivery dates may be obtained from Hamburg Center.

**Department:** Public Welfare  
**Location:** Hamburg Center, Hamburg, PA 19526  
**Duration:** 8/1/96—8/31/96  
**Contact:** N. K. Reppert, P.A., (610) 562-6031

**5889** Prepared vegetables, fresh for the months of October, November and December 1996. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** October, November and December 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5890** Fruits and vegetables, fresh for the months of October, November and December, 1996. Specifications and delivery dates available upon request from agency.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** October through December 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**Inquiry No. 30108** Meat and meat products. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30109** Dairy and dairy products. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30110** Miscellaneous foods/baked items/frozen goods. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30111** Miscellaneous frozen food entrees and egg products, milkshakes. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A., (412) 873-3256

**Inquiry No. 30112** Bread and rolls. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A., (412) 873-3256

**Inquiry No. 30113** Poultry and poultry products. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A., (412) 873-3256

**Inquiry No. 30114** Prepared fresh vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A., (412) 873-3256

**Inquiry No. 30115** Fresh fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30116** Ice cream, sherbet, related items. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30117** Frozen fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30118** Fish and fish products. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A., (412) 873-3256

**Inquiry No. 30119** Fresh fruits and vegetables. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**Inquiry No. 30120** Juices, frozen and juice drinks/unsweetened. Dates, specifications, quantities, special delivery instructions available upon request. For period: October, November, December, 1996.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Rd., Canonsburg, PA 15317  
**Duration:** October, November, December, 1996  
**Contact:** Ken Wilson, P.A. III, (412) 873-3256

**FOO-1323** Soda beverage syrup and related items: contract shall be from the period of September 1, 1996 through June 30, 1999. Delivery of products specified shall be made on an as-needed basis as specified by the Institution. Listing of specific commodities can be obtained by contacting the individual named below.

**Department:** Corrections  
**Location:** State Correctional Institution at Albion, 10745 Rt. 18, Albion, PA 16475-0001  
**Duration:** 9-1-96 through 6-30-99  
**Contact:** Lesley S. Hill, Purchasing Agent II, (814) 756-5778

## Fuel Related Services—20

**Project No. DGS A 251-142** Project title: New Fuel Facility. Brief description: Removal of underground storage tanks and dispenser island as part of a project to eliminate a fuel facility. Construction of AST waste oil system and a fuel truck containment pit. Integration of an oil/water separator into the stormwater system. UST/AST construction. Plans deposit: \$60.00 per set. Payable to: The Boyer Partnership, Inc. Refundable upon return of plan and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Boyer Partnership, Inc., 1435 Eleventh Avenue, Altoona, Pennsylvania 16601. Telephone (814) 946-1241. Bid date: Wednesday, July 31, 1996 at 11:00 a.m. A pre-bid conference has been scheduled for Wednesday, July 10, 1996 at 10:00 a.m. in the classroom building, Westmoreland County Maintenance Building 12-5, Greensburg, PA. Contact person: Lonnie Mangua (412) 439-7236. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Greensburg, Westmoreland County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

## Heating, Ventilation, Air Conditioning—22

**A111-101.7** On-call electrical maintenance service for the Rausch Creek acid mine drainage treatment plant and other miscellaneous electrical installation in the anthracite coal region. An estimated 200 hrs. for an electrician and 150 hrs. for a helper.

**Department:** Environmental Protection  
**Location:** Schuylkill, Luzerne and Carbon Counties  
**Duration:** One year on-call  
**Contact:** Construction Contracts, (717) 783-7994

**Project No. 901** On-call air conditioning.

**Department:** Military and Veterans Affairs  
**Location:** DMVA, Federal Bldgs., Ft. Indiantown Gap, Lebanon County  
**Duration:** 1 Aug. 96—30 Sept. 99  
**Contact:** Emma Schroff, (717) 861-8518

**1000-054** Provide plumbing and electrical repair services to safely and efficiently operate two (2) rest areas (Sites No. 25 and No. 26) on Interstate 80 in Jefferson County. These facilities each have separate drinking water and sewage treatment plants.

**Department:** Transportation  
**Location:** District 10-0, Jefferson County  
**Duration:** One year plus three (3) yearly renewals  
**Contact:** Thomas R. Sitler, (412) 357-2833

**M35503** The contractor shall provide maintenance and repairs to the automatic temperature controls of Energy Management Systems at the State Correctional Institution at Pittsburgh. Interested vendors can call David Schultz at (412) 761-1955, ext. 251.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Ronald J. Dudek, Purchasing Agent, (412) 761-1955

### Janitorial Services—23

**JC-25-96** Janitorial services: Complete janitorial services to be provided Monday thru Friday, except State holidays, after 5:00 p.m. Involves 10,814 square feet of first floor office space and 788 square feet of second floor office space. Detailed specifications can be obtained upon request.

**Department:** Labor and Industry  
**Location:** 75 East Maiden Street, Washington, Washington County, PA 15301  
**Duration:** August 1, 1996 thru June 30, 1997  
**Contact:** Terry N. Faust, Manager, (412) 223-4508

**SP315638** Provide janitorial services within the Willow Oak Building located on the grounds of the Harrisburg State Hospital. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Room 233, Health and Welfare Bldg., P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** 09-01-96—06-30-97  
**Contact:** Lori Vessella, (717) 783-9281

### Medical Services—29

**SP315641** Provide an estimated 45 registered nurses throughout the State to the Office of Medical Assistance Programs' Bureau of Long-Term Care Programs to assist staff in annual inspection of care reviews, annual resident reviews and utilization management reviews. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1401 N. 7th Street, 4th Floor, P. O. Box 2675, Harrisburg, PA 17105-2675  
**Duration:** 10/01/96—06/30/96  
**Contact:** Lori Vessella, (717) 783-9281

**5648** Clinical laboratory services: Total services. Complete specifications and instructions may be obtained by contacting the hospital. Award to be made on an aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Rt. 62 N., N. Warren, Warren County, PA 16365  
**Duration:** 2 yr. contract with 2 yr. renewal  
**Contact:** B. D. Muntz, (814) 726-4496

### Photography Services—32

**4300-001** Provide vertical aerial photography on projects within the State utilizing a 9" x 9" format vertical aerial precision mapping camera capable of meeting the Department's camera standard and rigid lens calibration requirements. Aerial photography shall be obtained at various stated altitudes and conform to all the provisions and requirements of the Department specifications for vertical photography dated June 1, 1993. Specifications include a schedule for payment covering aircraft and flight charges and all materials and/or services necessary to provide the initial contact prints and aerial film negatives on each project for inspection and acceptance.

**Department:** Bureau of Design, Photogrammetry and Surveys Division  
**Location:** Bldg. 28, Harrisburg International Airport, Middletown, PA 17057  
**Duration:** October 1, 1996 to October 1, 1997  
**Contact:** John B. Ewell, P.L.S., (717) 783-1518

**OSM PA(MAP-96)101.3 and OSM PA(MAP-96)102.3** Notice is given that the Dept. of Environmental Protection will issue two (2) Requests for Proposals to retain two (2) firms to provide aerial photography, surveying, mapping reproduction, and other technical services, as required, for the proper development of plans for reclamation of abandoned mine lands, abatement of water pollution, prevention of surface subsidence and flood protection projects. Fifty percent of these projects are financed by the Federal Government. These projects will be primarily located in the bituminous coalfields of western Pennsylvania and the anthracite coalfields of northeastern Pennsylvania. Letters requesting the Request for Proposals shall be sent to B. P. RAO, Chief, Div. of Acid Mine Drainage Abatement, Bureau of Abandoned Mine Reclamation, Dept. of Environmental Protection, P. O. Box 8476, Hbg., PA 17105-8476 and must be received by 2:00 p.m., July 9, 1996. Faxed requests will be accepted. Call John J. Stefanko at (717) 783-5896 during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, if any questions.

**Department:** Dept. of Environmental Protection  
**Location:** Bur. of Aband. Mine Reclamation, primarily in anthracite and bituminous coal regions  
**Duration:** One year from Notice to Proceed, may be renewed up to two additional consecutive annual terms  
**Contact:** John J. Stefanko, (717) 783-5896

### Property Maintenance—33

**DGS 404-52** Clarion University of the State System of Higher Education is soliciting bids for a major renovation project to a classroom/office building, Montgomery Hall, located at its Venango Campus, Oil City, PA. Floors 3 and 4 of the 4 story bldg. will be renovated for use as offices, classroom and meeting rooms. The project includes reconfiguration of the areas, elevator installation, upgrade of HVAC, window replacement, fire alarm system, electrical and lighting modifications and other. Contracts will be awarded for: general, HVAC, electrical and plumbing construction and asbestos removal. This is a PA prevailing wage project with MBE/WBE percentage requirements. Pre-bid conference: July 24, 1996 at 10 a.m. in Oil City. Bids due and opening: 1:30 p.m., August 8, 1996. Bid packages available from architect, \$110.00 nonrefundable deposit required, at: Linn Hyde, Creal, Hyde and Larson Architects, 217 Liberty Street, Warren, PA 16235, (814) 723-1322.

**Department:** State System of Higher Education  
**Location:** Clarion University, Oil City, Venango County, PA  
**Duration:** 270 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**OVR-6-96** Snow removal services: Provide snow removal as needed upon 2" or more accumulation of snow. To be removed in accordance with the City of Allentown snow removal ordinances. To be performed prior to 7:30 a.m. or after 5:15 p.m. Snow removal areas include: 1 lot, approximately 34,344 square feet next to building; 1 lot approximately 24,822 square feet cate-cornered to the building at Second and Hamilton. One sidewalk around building and adjoining sidewalks measuring approximately 1,012 feet and one sidewalk around the parking lot at Second and Hamilton Streets measuring approximately 517 feet. Price to include application of salt.

**Department:** Labor and Industry  
**Location:** Allentown Job Center, 160 Hamilton Street, Allentown, Lehigh County, PA 18101  
**Duration:** October 1, 1996 through April 30, 1997  
**Contact:** Thomas Harp, Administrator, (610) 821-6441

**1000-055** Inspect and repair maintenance salt storage buildings. Project repairs may include: carpentry, painting, roofing and gutters.

**Department:** Transportation  
**Location:** Engineering District 10-0, Armstrong, Butler, Clarion, Indiana and Jefferson Counties  
**Duration:** Indeterminate 1995-95  
**Contact:** R. E. McCowry, P.E., (412) 357-2937

**Project No. 900** On-call overhead door repairs.

**Department:** Military and Veterans Affairs  
**Location:** DMVA, various bldgs., Ft. Indiantown Gap, Lebanon County  
**Duration:** 1 Aug. 96—30 Sept. 1999  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. DGS A 948-310** Project title: brick pavement replacement. Brief description: Brick pavement replacement on Second Street side of residence and Rose Garden area. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of PA, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, telephone (717) 787-3923. Bid date: Wednesday, July 10, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Governor's residence, Harrisburg, Dauphin County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

## Vehicle, Heavy Equipment and Powered Machinery Services

**0800-SCV-08-07-2** The PA Dept. of Transportation intends to rent two (2) high pressure sewer cleaner vacuators, mounted on minimum 50,000 GVW trucks. Each vacuator will have a minimum 16 cubic yard capacity debris box, and minimum 1,000 gallon water tank. Lessor is to supply one competent operator and one competent "ground crew person" for each vacuator. The lessor will be required to supply water for each job. The lessor may bid on one or both vacuators.

**Department:** Transportation  
**Location:** Throughout District 8-0 counties: Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry  
**Duration:** 8-29-96 to 8-28-99  
**Contact:** R. A. Wiest, (717) 783-0443

**Engine Parts—Job No. 96-032** Engine parts for GMC 1067-8721. Please contact the Equipment Division at the number listed below to get a copy of parts being bid.

**Department:** Dept. of Transportation  
**Location:** Equipment Division, 17th and Arsenal Blvd., Harrisburg, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Owen Holtzman, (717) 787-6565

**Engine Parts—Job No. 96-035** Engine parts for 1985 Cummins PT240. Please contact the Equipment Division at the number listed below to get a copy of parts being bid.

**Department:** Dept. of Transportation  
**Location:** Equipment Division, 17th and Arsenal Blvd., Harrisburg, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Owen Holtzman, (717) 787-6565

**0800-96-HEX-01** PA Dept. of Transportation intends to rent the following equipment: (1) hydraulic crawler mounted excavator, minimum 21 ft. reach, min. 1 1/4 cubic yard bucket rated capacity; (2) hyd. crawler mounted excavator, minimum 21 ft. reach, min. 1 1/4 cubic yard bucket rated capacity with attached boom mounted hyd. hammer with min. 1,600 lbs. hammer weight; (3) hyd. crawler mounted excavator, min. 21 ft. reach, min. 1 1/4 cubic yard bucket rated capacity with attached "rock stick." The rock stick will be used for placement of rock under bridges.

**Department:** Transportation  
**Location:** Throughout Dist. 8-0 counties: Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry  
**Duration:** 8-27-96 to 8-26-99  
**Contact:** Ron Wiest, (717) 783-0443

## Miscellaneous—39

**RFP No. 4-96** The Department of Public Welfare is soliciting vendors to place welfare applicants in jobs by providing them with four weeks of job readiness/preparation instruction combined with an additional four weeks of job search support. Job development, case management and post-placement follow-up must also be provided. In some cases clients will also be provided with limited remedial education and GED preparation. The RFP solicits multiple vendors to place 18,000 welfare clients in employment throughout the State.

**Department:** Public Welfare  
**Location:** Contractors will be located throughout the state  
**Duration:** The period of the contracts will be October 1, 1996 through June 30, 1998  
**Contact:** Polly Hahn (717) 787-7585

**5301** Interpreter services: The contractor shall provide interpretive services for those patients who are hearing impaired and/or have a primary language other than English.

**Department:** Public Welfare  
**Location:** Haverford State Hospital, 3500 Darby Road, Haverford, Delaware County, PA 19041  
**Duration:** July 1, 1996—June 30, 1998  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 526-2624

**7200-0182** Furnish all materials, equipment and labor to provide, deliver and set up a modular office space (48'x60') at the Rockview Driver Exam Site. The space shall be used for driver license examinations. Vendors will be required to attend a pre-bid meeting on July 10, 1996 at 10:30 a.m. at the exam site (Rt. 26, 1 mile west of Pleasant Gap). Bid opening: July 31 at 2:00 p.m. Detailed work specifications and bid package can be obtained from facility management at (717) 772-1552 or request by fax (717) 772-3254. Bid package itself cannot be faxed. Bid opening: 2:00 p.m., July 31, 1996.

**Department:** Transportation  
**Location:** Bureau of Driver Licensing, Rockview Driver Exam Site, Route 26, 1 mile west of Pleasant Gap, Pleasant Gap, PA 16823  
**Duration:** 10/15/96—10/14/97 w/monthly options  
**Contact:** Janet Johnson, (717) 783-8482

[Pa.B. Doc. No. 96-1081. Filed for public inspection June 28, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*



## STATE CONTRACT INFORMATION

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
0007-01 (Rebid in Part #1)	06/25/96	Unisource	280,000.00	5805-03	06/25/96	Watson Com- munications	\$20,000.00
0007-01 (Rebid in Part #1)	06/25/96	Dillard Paper Co.	292,500.000	5805-03	06/25/96	Bell Atlantic Teleproducts	\$100,000.00
0007-01 (Rebid in Part #1)	06/25/96	Alling & Cory	\$5,000.00	5805-03	06/25/96	United Tele- phone	\$60,000.00
1012206-01	6/13/96	F. M. Brown's Sons, Inc.	8,960.00	5805-03	06/25/96	Fairchild Com- muns Ser- vices Co.	\$10,000.00
1012206-02	6/13/96	William Shellehamer Hay/Straw	17,950.00	5805-03	06/25/96	Siemens Rolm Communica- tions	\$20,000.00
1026116-01	6/12/96	Builders Hard- ware & Spec Co.	4,645.97	5820-02 (supplement #1)	06/25/96	Pennsylvania Police Sup- ply	\$40,000.00
1892385-01	6/13/96	Dugan Tractor Inc.	9,964.00	7110-06	06/13/96	Nova	\$50,000.00
2369115-01	6/12/96	Challenger Lifts Inc.	9,833.82	7110-06	06/13/96	Anacomp Inc.	\$100,000.00
2390115-01	6/13/96	Grims Glass & Glazing Inc.	18,000.00	7110-06	06/13/96	United Chair Co.	\$50,000.00
2400325-01	6/13/96	National Com- puter Sys- tems	21,555.00	7110-06	06/13/96	Haskell of Pittsburgh Inc.	\$50,000.00
2428135-01	6/13/96	Dugan Tractor Inc.	30,933.50	7110-06	06/13/96	Grahl Indus- tries	\$50,000.00
2429135-01	6/13/96	Dugan Tractor Inc.	52,428.00	7110-06	06/13/96	Sitmatic	\$50,000.00
2519155-01	6/12/96	Barber Vet	16,706.00	7110-06	06/13/96	Russ Bassett Co.	\$50,000.00
2533135-01	6/13/96	MCH Equip- ment Inc.	23,742.96	7110-06	06/13/96	Bevis Furni- ture	\$50,000.00
2533135-02	6/13/96	Specialty Sales	6,069.00	7110-06	06/13/96	Global Indus- tries	\$50,000.00
2571155-01	6/12/96	Lab Products Inc.	16,983.00	7110-06	06/13/96	High Point Furniture Industries	\$50,000.00
2605355-01	6/13/96	Pacific Science & Technol- ogy Inc.	18,515.00	7110-06	06/13/96	Tanner of PA	\$100,000.00
2623115-01	6/17/96	National Law Resource Inc.	27,735.10	7110-06	06/13/96	Ergotron	\$50,000.00
2638155-01	6/12/96	Best Line Leasing Inc.	13,123.70	7110-06	06/13/96	Indiana Desk	\$50,000.00
2649155-01	6/12/96	Stageright Corporation	12,590.00	7110-06	06/13/96	EAC Inte- grated	\$50,000.00
2653185-01	6/17/96	American De- cal and Mfg. Co.	23,383.10	7110-06	06/13/96	Dauphin North American	\$50,000.00
3998206-01	6/13/96	Guth Labora- tories	29,700.00	7110-06	06/13/96	Source Inter- national Corp.	\$50,000.00
5805-03	06/25/96	Graybar Elec- tric Co. Inc.	\$100,000.00	7110-06	06/13/96	Krug Furni- ture	\$50,000.00
5805-03	06/25/96	Red Rose Sys- tems Inc.	\$210,000.00	7110-06	06/13/96	PA Office Ser- vice Group Inc.	\$250,000.00
				7110-06	06/13/96	Executive Fur- niture Inc.	\$50,000.00
				7110-06	06/13/96	Brewster Fur- niture Corp.	\$50,000.00

STATE CONTRACT INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
7110-06	06/13/96	Tayco Panelink LTD	\$50,000.00	7110-06	06/13/96	Concord Prod- ucts Co. Inc.	\$50,000.00
7110-06	06/13/96	Rudolph's Of- fice & Com- puter Sup- ply	\$50,000.00	7110-06	06/13/96	Center Core Group Inc.	\$50,000.00
7110-06	06/13/96	AGI Industries	\$50,000.00	7110-06	06/13/96	BJR Business Furniture	\$350,000.00
7110-06	06/13/96	Systems Mfg. Corp.	\$50,000.00	7110-06	06/13/96	Eugene Davids Co.	\$400,000.00
7110-06	06/13/96	Panel Con- cepts Inc.	\$50,000.00	7110-06	06/13/96	The Gunlocke Co.	\$50,000.00
7110-06	06/13/96	Montisa Office Furniture	\$50,000.00	7110-06	06/13/96	Allsteel Inc.	\$50,000.00
7110-06	06/13/96	Lacasse Inc.	\$50,000.00	7110-06	06/13/96	Borroughs Corp.	\$50,000.00
7110-06	06/13/96	Atlantic Data Furniture Products Inc. d/b/a Design Op- tions by At- lantic	\$50,000.00	7110-06	06/13/96	Hon Company	\$50,000.00
7110-06	06/13/96	National Net- works Ser- vices	\$300,000.00	7110-06	06/13/96	Nucraft Furni- ture Co.	\$50,000.00
7110-06	06/13/96	Wright Line Inc.	\$50,000.00	7110-06	06/13/96	Common- wealth Of- fice Systems Inc.	\$100,000.00
7110-06	06/13/96	Transwall Corp.	\$50,000.00	7110-06	06/13/96	Packard In- dustries Inc.	\$50,000.00
7110-06	06/13/96	Benchmark Furniture Group	\$50,000.00	7110-06	06/13/96	Marvel	\$50,000.00
7110-06	06/13/96	Inwood Furni- ture	\$50,000.00	7110-06	06/13/96	Kimball Inter- national	\$50,000.00
7110-06	06/13/96	Rosemont Of- fice Systems Inc.	\$50,000.00	7110-06	06/13/96	Knoll Inc.	\$50,000.00
7110-06	06/13/96	GF Office Fur- niture Ltd.	\$50,000.00	7110-06	06/13/96	Kruger Inter- national	\$50,000.00
7110-06	06/13/96	Flex-Y-Plan Industries Inc.	\$50,000.00	7313410-01	6/13/96	Packaging Film and Equip. Co.	162,086.40
7110-06	06/13/96	Steelcase North America	\$200,000.00	8071720-01	6/12/96	IA Construc- tion Corp.	286,606.50
7110-06	06/13/96	Tab Products	\$50,000.00	8170070-01	6/12/96	Akzo Nobel Salt, Inc.	422,763.82
7110-06	06/13/96	Hamilton Sorter Co.	\$50,000.00	8205320-01	6/12/96	Salisbury Mailboxes	21,559.95
7110-06	06/13/96	Treadway Corp.	\$50,000.00	8231470-01	6/12/96	Pacifico Ford Inc.	146,375.00
7110-06	06/13/96	Supply Source Inc.	\$200,000.00	8231630-01	6/13/96	Chapman Ford LLC	186,384.00
7110-06	06/13/96	Haworth Inc.	\$50,000.00	8503110-01	6/12/96	Howells Glass Co. Inc.	9,418.00
7110-06	06/13/96	Officecenter Inc.	\$500,000.00	8503110-02	6/12/96	Harris Pump & Supply Co.	13,800.00
				8503120-01	6/12/96	K-B Offset Printing Inc.	6,960.00
				8503150-01	6/12/96	Best Metal Products Co.	31,225.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 96-1082. Filed for public inspection June 28, 1996, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 245]

### Storage Tank Technical Standards

The Environmental Quality Board (Board) proposes to amend Chapter 245 (relating to administration of the storage tank and spill prevention program). This proposal amends, adds and deletes several definitions. The proposal also contains an incorporation of the Federal underground storage tank regulations (found at 40 CFR Part 280 (relating to technical standards for owners and operators of underground storage tanks)) with minor changes and additions. Finally, the proposed amendments create new subchapters to establish a permitting program for storage tanks as well as separate technical and operational standards for small and large aboveground storage tanks.

This proposal was adopted by the Board at its meeting of April 16, 1996.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Karl K. Sheaffer, Chief, Division of Storage Tanks, P.O. Box 8762, Rachel Carson State Office Building, Harrisburg, PA 17105-8762, telephone: (717) 772-5800; or Kurt E. Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, telephone: (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that they relay the call. 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 106 of the Storage Tank and Spill Prevention Act (act) (35 P. S. § 6021.106), which authorizes the Board to adopt rules and regulations of the Department governing aboveground and underground storage tanks to accomplish the purposes and carry out the provisions of the act; section 301(a) of the act (35 P. S. § 6021.301(a)), which requires the Department to establish a regulatory program for aboveground storage tanks; section 301(b) of the act (35 P. S. § 6021.301(b)), which allows the Department to establish classes and categories of aboveground storage tanks; section 301(d) of the act (35 P. S. § 6021.301(d)), which requires the Department to develop a "simplified" regulatory program for small aboveground storage tanks; section 304 of the act (35 P. S. § 6021.304), which establishes permitting requirements for aboveground storage tanks; section 501 of the act (35 P. S. § 6021.501), which requires the Department to develop a regulatory program for underground storage tanks; section 501(b) of the act, which allows the Department to establish classes and

categories of underground storage tanks; section 504 of the act (35 P. S. § 6021.504), which establishes permitting requirements for underground storage tanks; section 1101 of the act (35 P. S. § 6021.1101), which establishes permitting requirements for new aboveground storage tank facilities; section 1102 of the act (35 P. S. § 6021.1102), which requires the Board to develop siting regulations for new aboveground storage tank facilities; section 5(b)(1) of The Clean Streams Law (35 P. S. § 691.5(b)(1)), which authorizes the Department to formulate, adopt and promulgate rules and regulations that are necessary to implement the provisions of The Clean Streams Law; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that may be determined by the Board to be for the proper performance of the work of the Department.

#### D. *Background*

This rulemaking package represents the final major new rulemaking package for implementation of the Commonwealth's storage tank program. Although amendments to the existing regulations in Chapter 245 may be forthcoming as a result of the Department's Regulatory Basics Initiative (a Departmental analysis of its existing regulations), this proposed rulemaking package covers the last major areas identified by the act as required to be covered by regulation. Sections 301(a) and 501(a) of the act outline the regulatory program the Department is required to develop for aboveground and underground storage tanks, respectively. These sections of the act mandate a regulatory program that includes, at a minimum, standards for the following: registration and permitting of storage tanks; release detection; periodic inspections of facility operation; inventory control; records maintenance; construction, testing, operation, repair and reuse of storage tanks; corrosion and release prevention; removal of storage tanks from service and closure reporting requirements. These sections also grant the Department the authority to issue permits by rule to certain classifications of storage tanks.

The major new proposal in this package is the adoption of Subchapters F and G (relating to technical standards for aboveground storage tanks and facilities; and simplified program for small aboveground storage tanks), which contain a comprehensive regulatory program for large and small aboveground storage tanks, respectively. Because the Federal government adopted underground storage tank regulations in 1988, the focus of the Commonwealth's storage tank program has been almost exclusively on those storage tanks, both from regulatory and compliance standpoints. While much work remains to be done in the underground storage tank arena, the Environmental Protection Agency's (EPA) 1998 deadline for the upgrading or closure of underground storage tanks is fast approaching. The Department expects that the passage of this National deadline should free up some resources previously devoted to outreach efforts in the underground storage tank program.

It should be recalled that the major impetus for the passage of the act in 1989 was the collapse of a large Ashland Oil aboveground storage tank on the Monongahela River in western Pennsylvania. These proposed subchapters represent an attempt to have standards of performance in place for the time when program priorities are able to shift more to the aboveground side

of the storage tank equation. It should also be noted that many owners/operators are switching from underground to aboveground storage of regulated substances. The Department is concerned that this switch not take place in a vacuum but be carried out in an environmentally safe manner. As discussed as follows, these proposed amendments mainly require owners/operators to follow existing, Nationally-recognized industry standards. These standards are already acknowledged by the regulated community as sound business practice, from both environmental and economic perspectives.

Subchapter E (relating to technical standards for underground storage tanks) represents the Department's attempt to address Statewide concerns about the Commonwealth's underground storage tank program. The Commonwealth incorporated the Federal underground storage tank regulations in 40 CFR Part 280 by reference at 21 Pa.B. 4345 (September 20, 1991). Since that time, the interaction between the Commonwealth's storage tank program and the Federal regulations has been a source of confusion for both the Department and the regulated community.

In addition, 7 years have passed since 40 CFR Part 280 became effective in 1988, and changes are required to keep the program current. An example of this would be statistical inventory reconciliation (SIR). SIR represents an alternative method, developed in the last several years, for meeting EPA's inventory control requirements. Although EPA has developed an SIR protocol, there are no Federal regulatory requirements yet for SIR. By developing formal SIR rules modeled on the EPA policy, vendors of these services and their customers (the owners and operators of underground storage tanks in this Commonwealth) will know exactly what is acceptable and what is not.

For these reasons, the Department believes that having all underground storage tank requirements in one place (Chapter 245), as well as updating the underground storage tank regulations where necessary, is appropriate at this time. For the most part, the Federal regulations are codified unchanged. Where they have been altered, the change is noted and discussed in Section E of this Preamble.

Finally, the Department believes that the permitting provisions of the act are confusing and overly burdensome on tank owners and operators. Therefore, the Department is proposing the adoption of Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities), which contains regulations and waiver of permit fees for all operating permits. These changes should clarify exactly when a permit is required, when the permit is no longer valid and how an owner/operator goes about obtaining the required permits. These proposals also implement the requirements of Chapter 11 of the act (35 P. S. §§ 6021.1101 and 6021.1102).

The Department worked closely with informal technical advisory committees, as well as the Storage Tank Advisory Committee (STAC), during development of these proposed amendments. STAC, which was established by section 105 of the act (35 P. S. § 6021.105), consists of persons representing a cross-section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. As required by section 105 of the act, STAC has been given the opportunity to review and comment on these proposed amendments. At meetings on April 18, June 20, August 15 and October 24, 1995, STAC reviewed and discussed the proposed amendments. At the October meeting, STAC prepared a written report on the

proposed amendments which will be presented to the Board. A listing of members of STAC may be obtained from Karl Sheaffer, whose address appears in Section B of this Preamble.

#### E. *Summary and Purpose of Proposed Rulemaking*

A brief description of the proposed amendments is as follows:

##### *Subchapter A. General Provisions*

###### *1. Section 245.1 Definitions.*

Section 245.1 is proposed to be amended by adding definitions, adopting definitions from 40 CFR Part 280 with minor changes and by modifying existing definitions used in this proposed rulemaking. The terms added are: "coax vapor recovery," "combination of tanks," "corrosion protection," "de minimis," "emergency containment," "highly hazardous substance tank," "large aboveground storage tank facility" and "reconstruction." The definition of "highly hazardous substance tank" is based on reportable quantities of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) substances found in 40 CFR 302.4.

The definitions adopted from 40 CFR Part 280 with minor changes are: "beneath the surface of the ground," "CERCLA," "cathodic protection tester," "compatible," "connected piping," "consumptive use," "corrosion expert," "dielectric material," "electric equipment," "excavation zone," "existing underground storage tank system," "gathering lines," "hazardous substance storage tank system," "heating oil," "hydraulic lift tank," "liquid trap," "motor fuel," "new underground storage tank system," "noncommercial purposes," "on the premises where stored," "operational life," "overflow," "petroleum system," "pipe," "piping," "pipeline facilities (including gathering lines)," "residential tank," "SARA," "septic tank," "stormwater or wastewater collection system," "surface impoundment," "tank," "underground area," "upgrade," "underground storage tank system" and "wastewater treatment tank."

The existing definitions in § 245.1 that were amended or modified are: "aboveground storage tank," "removal from service" and "underground storage tank." The "aboveground storage tank" definition is proposed to be modified to deregulate certain categories of tanks. The definition of "underground storage tank" is proposed to be modified to more closely follow the Federal definition. The definition of "removal from service" is proposed to be amended to provide more clarification.

###### *2. Section 245.2. General.*

Section 245.2 is proposed to be amended to remove the reference incorporating the Federal regulations governing underground storage tank systems contained in 40 CFR Part 280. These technical requirements are proposed to be codified in Subchapter E.

Section 245.2 is proposed to be further amended to adopt, by reference, Federal regulations at 40 CFR Part 280, Subpart I (relating to lender liability). By adopting this rule by reference, the Department will have regulations in place that provide clear protection to lending institutions who hold a financial interest in underground storage tanks. This rule clearly defines what represents a financial versus control interest for lending institutions. It compliments Act 3 of 1995 and works in concert with the goals of Act 2 of 1995. Through this rule, lending institutions should be more willing to take possession of forfeited underground storage tank sites, loan money for upgrades and invest in the development of new sites.

*Subchapter C. Permitting of Underground and Above-ground Storage Tank Systems and Facilities.*

1. *Section 245.201. Scope.*

This section outlines the scope of Subchapter C. Section 304(a) of the act states that a person may not install, construct, erect, modify, operate or remove from service, all or part of an aboveground storage tank unless the person has first obtained a permit from the Department. Similar language is found in section 504(a) of the act for underground storage tanks.

2. *Section 245.202. Public records and confidential information.*

This section contains standard boilerplate language regarding public availability of permitting information and establishes rules for confidentiality of certain portions of a permit application. Specifically, unless the application contains trade secrets, processes, operations, styles of work or apparatus of a person or is otherwise confidential business information, information shall be made available for public inspection or copying during regular business hours of the Department.

3. *Section 245.203. General requirements for a permit.*

As a matter of rule, a person may not operate an aboveground or underground storage tank system unless the person has first applied for and received a permit for the activity from the Department.

Subsection (b) excludes permitting applications for those storage tank systems that qualify for a permit by rule if the person maintains and operates the system in compliance with applicable rules, regulations and laws of the Department. Failure to do so may result in administrative or other Departmental actions against the owner/operator.

Subsection (c) allows existing storage tank systems to continue to operate until the Department may request a permit application or permitting information, if the system is operated in compliance with applicable rules, regulations and laws of the Department.

Subsection (d) allows continued operation until the Department takes a final action on the permit application.

Finally, subsection (e) requires that a permit first be obtained from the Department before a new storage tank system accepts a regulated substance.

4. *Section 245.204. Form of the application.*

Permit applications must be submitted to the Department in writing, on forms provided by the Department. The information must be concise and supported by proper reference.

5. *Section 245.205. Right of entry.*

Section 107(c)(3) of the act (35 P.S. § 6021.107(c)(3)) empowers the Department to enter storage tank facilities for the purpose of inspection or otherwise enforcing the act.

This proposed amendment requires tank owners/operators to provide irrevocable written consent to the Commonwealth and its authorized agents to enter the permitted area. For simplicity, the annual storage tank registration form has been modified to provide this written consent. Failure to register or sign the registration form, therefore, is a violation of the permit and could result in suspension, revocation, modification or other actions against the facility owner/operator.

6. *Section 245.206. Verification of application.*

This section requires that the official who is responsible for the applicant's storage tanks sign the permit application form. It is up to the applicant to determine who that official should be.

7. *Section 245.207. Permit fee.*

This section establishes permitting fees for site-specific installation permits for: (1) new highly hazardous substance storage tanks in excess of 1,100 gallons; (2) new large aboveground storage tanks at existing storage tank facilities; and (3) new aboveground storage tank facilities with an aggregate storage capacity in excess of 21,000 gallons.

The permitting fees established in section 304(c) of the act are waived for storage tanks qualifying for operational permits by rule or general permits. Therefore, for operational permits, no fees will be assessed. It is not anticipated that large numbers of new storage tanks or storage tank facilities requiring site-specific installation permits will be proposed in the near future. Therefore, few tank owners/operators will be required to submit permit fees. The proposed fee structure is designed to allow the Department to recover the reasonable costs associated with permit application reviews.

*Permits by Rule*

8. *Section 245.211. Scope*

All small aboveground storage tanks systems, except those systems storing highly hazardous substances, and all underground manufactured tank systems storing petroleum qualify for an operational permit by rule. To minimize paperwork, a permit by rule requires no additional information beyond that submitted as part of the annual registration form. Permitting fees are also waived.

9. *Section 245.212. Minimum requirements for obtaining a permit by rule*

This section describes the operational permit requirements for permit by rule storage tanks. To receive and maintain a permit by rule, the owner/operator must annually register the tank; use certified individuals for inspections and tank handling activities; meet applicable technical, administrative and operational requirements; submit a current spill prevention and response plan where required; meet applicable financial requirements; and follow corrective action procedures where necessary. Failure to comply with the these requirements could result in administrative or other Departmental actions to assure compliance.

*General Permits*

10. *Section 245.221. Scope.*

Storage tank systems not covered by a permit by rule for operation are subject to a general operating permit. Between those facilities receiving a permit by rule or a general operating permit, the full universe of regulated storage tanks in this Commonwealth will receive operating permits, thus eliminating burdensome paperwork for the regulated community. Again, as with permits by rule, the Department proposes to waive the permit fee and to rely upon existing informational requirements as the basis for the permit.

11. *Section 245.222. Application requirements.*

The permitting requirements for a general permit are the same as those for a permit by rule; with the exception that all large aboveground storage tanks must have a current Spill Prevention and Response Plan (SPRP) that

is in conformance with Chapter 9 of the act (35 P. S. §§ 6021.901—6021.904). In both the permit by rule and the general permit, the Department proposes that inspection reports, tank handling forms, SPRPs, registration forms and other routinely required paperwork become part and parcel of the permit. This information will serve to update and renew the permit as it is submitted.

*Site-Specific Installation Permits*

12. *Section 245.231. Scope.*

This section establishes the classes of proposed new storage tank systems and facilities which must receive site-specific permits prior to installation. Chapter 11 of the act contemplates owners or operators of proposed new aboveground storage facilities in excess of 21,000 gallons, or new storage tanks at existing facilities in excess of 21,000 gallons, receiving a site-specific installation permit prior to construction. In addition, the Department believes it to be in the best interest of the citizens of this Commonwealth to require that newly proposed, highly hazardous substance tanks provide written notification prior to installation so that the potentially affected public has the opportunity to provide comment on the proposal to install a storage tank system.

13. *Section 245.232. General requirements.*

Applicants for a site-specific permit must provide certification that all required administrative, technical and operational requirements specified in Subchapters B, E, F and G will be met. Additionally, a right of entry form, information on siting requirements, an environmental assessment, a current SPRP and proof of public notification are required. This information is consistent with the requirements of Chapter 11 of the act. The permit must be approved by the Department before construction activities commence at the site.

14. *Section 245.233. Mapping requirements.*

Adequate technical review and compliance with siting requirements require the applicant to provide a map identifying certain features within and adjacent to the proposed new facility or the proposed location of the new large aboveground storage tank at an existing facility. The mapping requirements, to be plotted on a map of not less than a 1:400 scale, include the following: boundaries for the proposed facility, location of public roads or proposed monitoring wells, the municipality where the proposed facility is located, elevation and locations of test borings, as well as ownership and location of inactive or abandoned underground mine workings. The applicant must also provide information on surface water, location and ownership of public and private groundwater supplies, slope measurements and the location of any private or public surface water intakes within 20 miles downstream of the proposed site. This information is consistent with that required to prepare an SPRP. The expanded map and location of test borings and monitoring well locations are informational requirements beyond those required in the SPRP but are necessary if the site is to be adequately assessed.

15. *Section 245.234. Siting requirements.*

Section 1102 of the act (35 P. S. § 6021.1102) requires the Department to develop siting regulations for new aboveground facilities. Section 1102 of the act also requires that the Board hold at least one public hearing on the proposed siting requirements. A public hearing has been scheduled, as noted in Section K of this Preamble.

For public health and safety reasons, as well as the other requirements of section 1102 of the act, the Depart-

ment believes that the public interest and environment can be best protected by requiring applicants for site-specific permits to address the location of wetlands, floodplains, limestone geology and previous underground mining operations. These criteria go directly to section 1102's mandate that the Department consider flooding, water quality, topography, hydrogeology and public health and safety.

Proposed § 245.234(a)(1) would prohibit the placement of new facilities on floodplains. The proposed § 245.234(a)(2) would prohibit the installation of new facilities or new tanks covered by site-specific installation permits in existing wetlands. New proposed facilities or tanks must consider sinkholes, solution tunnels and underground mining to assure stability of the site as well as the ability of the site to contain a spill in the event of a catastrophic release such as the Ashland Oil accident in 1989.

While assuring that new facilities site in safe and environmentally sound locations, the Department recognizes that many existing facilities are located on floodplains. This practice usually is the result of reliance upon barge or tanker transport of regulated petroleum substances. Accordingly, the proposed amendments allow for new large aboveground storage tanks to be constructed where an industrial use already exists on a floodplain.

Finally, the applicant must assure that minerals providing surface support will not be mined as long as the facility stores regulated substances.

The information needed to meet the siting requirements should be readily available. Additional site-specific investigations are proposed to be required where the site has been previously undermined and the applicant needs to develop a stability plan. The additional requirements are not expected to be overly burdensome and are the same kinds of activities performed for any large surface construction project.

16. *Section 245.235. Environmental assessment.*

This section requires the applicant to provide information on several other environmental amenities which are regulated under other State and Federal laws; for example, wild and scenic rivers, threatened or endangered species and special protection watersheds. The facilities and tank systems covered by these installation permits are large enough, or store the substances, as to potentially have a serious impact on these important resources. For the purposes of the assessment, the Department will coordinate any necessary reviews with the appropriate State or Federal agencies and will work with the applicant to minimize or mitigate any identified adverse environmental impacts.

17. *Section 245.236. Public notice.*

In addition to the notification requirements proposed in § 245.232(b)(2), before beginning construction the applicant must give written notice to the local municipality and county, in accordance with section 1101(a) of the act.

Owners proposing to install a new highly hazardous substance storage tank must provide written notice to the local municipality and county prior to installation. This notice is a permitting requirement which must be met prior to construction. Requiring public notice prior to the installation of a storage tank system is not specifically required by the act. The Department believes, however, that it is in the best interest of public health and safety that a notice is served, given the potential toxicity of this

class of regulated hazardous substances. This requirement is also similar to Federal requirements found at 40 CFR Part 370 (relating to hazardous chemical reporting; community right-to-know).

*Subchapter E. Technical Standards for Underground Storage Tanks and Facilities.*

The purpose of this subchapter is to codify Federal requirements found at 40 CFR Part 280. The proposed Subchapter E establishes general, inspection, underground storage tank system design and construction, general operating, release detection and out-of-service underground storage tank system and closure requirements for storage tank facilities regulated under the act. Part 280 of 40 CFR was previously incorporated by reference, with minor exceptions, at 21 Pa.B. 4345 (September 20, 1991). By codifying the Federal technical standards in Chapter 245, the regulatory requirements will be fully detailed in one document. The Department believes that this will lead to greater clarity and simplicity, assisting the public and the regulated community in understanding the requirements for underground storage tank systems in this Commonwealth.

1. *Section 245.401. Purpose.*

This section states the purpose of Subchapter E, which sets forth the operational and technical requirements for underground storage tanks and underground storage tank facilities.

2. *Section 245.402. Scope.*

This section establishes that this subchapter applies to underground storage tanks regulated under the act and Chapter 245.

3. *Section 245.403. Applicability.*

This section clarifies that this subchapter applies to all owners and operators of underground storage tank systems, as well as installers and inspectors of those systems

4. *Section 245.404. Variances.*

This section establishes a procedure for owners/operators to apply for a variance from the requirements of this proposed subchapter when unique or peculiar circumstances make compliance technically infeasible or unsafe and alternate methods fully protect human health and the environment. Similar procedures and allowances are contained within the individual sections of 40 CFR Part 280 (for example, see 40 CFR 280.21(a)(2)(iv)). The Department believes that having a general section dealing with these alternative methods of meeting the performance standards for underground storage tank systems is preferable for meeting the goals of clarity and ease of understanding.

5. *Section 245.405. Codes and standards.*

This section specifies that underground storage tank systems must comply with applicable industry codes and establishes a mechanism for recognizing additional codes. A list of codes for complying with this subchapter will be available from the Department.

6. *Section 245.411. Inspection frequency.*

This section establishes operations inspection criteria consistent with the act and proposes a phase-in period to begin the operations inspection process at existing underground storage tank facilities.

7. *Sections 245.421 and 245.422. Performance standards for new underground storage tank systems, and upgrading of existing underground storage tank systems.*

These sections codify the current Federal requirements for performance and installation requirements for new underground storage tank systems and the December 22, 1998, upgrade requirements for existing systems. The proposed § 245.422 clarifies that all underground storage tank systems, which do not have corrosion protection, spill and overfill prevention by the December 22, 1998, deadline, shall be closed in accordance with the closure requirements.

8. *Section 245.423. Registration requirements.*

This section specifies the registration requirements for underground storage tanks, including when registration must be amended.

9. *Sections 245.424 and 245.425. Standards for new field constructed tank systems and reuse of removed tanks.*

These sections clarify the technical requirements for new field constructed tank systems and used tanks that will be reused. These sections provide standards for both groups of tanks equivalent to manufactured tank standards contained in 40 CFR 280.20 (relating to performance standards for new UST systems).

10. *Sections 245.431—245.435. Spill and overfill control, operation and maintenance including corrosion protection, compatibility, repairs allowed, and reporting and recordkeeping.*

These sections address the general operating requirements for spill and overfill control, corrosion protection, system compatibility, system repairs, reporting and recordkeeping. These sections are consistent with Federal technical requirements in 40 CFR Part 280. The proposed § 245.434 does go beyond the Federal requirements by requiring the use of certified installers to conduct tank handling activities on underground storage tank systems, in accordance with section 501(c)(2) of the act.

11. *Sections 245.441—245.446. General requirements for all underground storage tank systems, requirements for petroleum underground storage tank systems, requirements for hazardous substance underground storage tank systems, methods of release detection for tanks, methods of release detection for piping and release detection recordkeeping.*

These sections specify the piping and tank release detection requirements for petroleum and hazardous substance systems and release detection recordkeeping requirements. Specific requirements set forth in § 245.444(8) (relating to methods of release detection for tanks) are consistent with EPA proposed recommendations, although specific regulations dealing with SIR do not currently exist in 40 CFR Part 280. The Federal requirements allow other release detection methods provided that the method can effectively detect a release; when conducted properly SIR provides such an option. Proposed § 245.441(a)(3) (relating to general requirements for underground storage tank system) shows SIR in the leak detection table.

The proposed requirements in § 245.441(a)(3)(i) and (ii) comply with the recommendations concerning SIR of the state/Federal workgroup assembled by EPA to consider leak detection issues. The workgroup is comprised of members from seven states, several EPA regions and EPA's Office of Underground Storage Tanks in Washington, D.C. The Department believes that independent evaluation of SIR performance claims and reevaluation when National standards change are necessary to ensure that Pennsylvania's owners/operators receive valid tests results from SIR vendors.

12. *Sections 245.451—245.455. Temporary closure, permanent closure and change-in-service, assessing the site at closure or change-in-service, applicability to previously closed underground storage tank systems, and closure records.*

These sections specify requirements for temporary closure and changes-in-service for a tank system, site assessment requirements, initiating corrective action when contamination is discovered, site assessment requirements of underground storage tank systems closed prior to December 22, 1988, and closure record requirements. Proposed § 245.452(c) specifies replacement of system piping as a closure activity. Although this provision is not explicitly contained in the Federal regulations, the program believes that this provision is consistent with the intent of those regulations, which require measurement of the portions of the underground storage tank site where releases are most likely to be present when closure takes place (40 CFR 280.72(a)). There is also a compelling public interest in assessing sites where piping-only closures take place. In many release situations, it is the piping holding regulated substances that leaks rather than the underground storage tank itself (“... piping releases occur twice as often as tank releases; ... When piping systems fail, pressurized systems pose a significant added threat of sudden, large releases.”, 53 FR 37088). In the latest report of the Underground Storage Tank Indemnification Fund, over 20% of all claims investigated over the past 2 years involved a release from piping runs. For these reasons, the Department believes that piping-only closures should be conducted in a manner that actively determines whether or not that piping run had a release while it was operating.

*Subchapter F. Technical Standards for Aboveground Storage Tanks and Facilities.*

This proposed new subchapter is necessary to establish minimum technical standards for aboveground storage tanks under section 301(a) of the act. There are no corresponding comprehensive Federal aboveground storage tank regulations.

The technical and operational standards established by this subchapter and Subchapter G generally must be met by both “operators” and “owners” (as defined by section 103 of the act) of aboveground storage tanks. The Department recognizes that business arrangements may exist where a person might own a storage tank but leases the tank to a separate facility owner or operator. In these arrangements, the tank owner may not have the ability to access the storage tank in a manner necessary to ensure that the Department’s technical and operational requirements are met. In cases where a violation of those standards occurs, the Department may take these circumstances into account when considering options to achieve compliance with the standards.

In addition, the Department recognizes that arrangements between tank owners and operators for meeting the Department’s technical and operational standards exist. The Department may take these agreements into account as well if violations occur and compliance options are considered.

It is very important to note, however, that the underlying statutory liability remains, in most cases, with the tank owner as well as the tank operator. The Department does not limit its right to enforce the act and the regulations promulgated under the act against any person defined as a responsible party by the act.

1. *Section 245.501. Purpose.*

This section states the purpose of Subchapter F, which is to set forth technical standards and requirements for large aboveground storage tanks regulated under the act.

2. *Section 245.502. Scope.*

This section requires adherence to current industry codes of practice, manufacturer’s specifications and sound engineering practices for compliance with the standards and requirements set forth in this proposed subchapter. This section also establishes how this proposed subchapter relates to other regulatory and jurisdictional requirements.

3. *Section 245.503. Variances.*

This section establishes a procedure for owners/operators to apply for a variance or waiver from the requirements of this proposed subchapter when unique or peculiar circumstances make compliance technically infeasible or unsafe and alternate methods fully protect human health and the environment.

4. *Section 245.504. Referenced organizations.*

This section provides a listing of Nationally recognized associations which are referenced throughout this proposed subchapter, and whose codes, standards and practices may be used to comply with the proposed requirements of this subchapter. The Department could have included these specific codes in this proposed rulemaking. However, given the fairly rapid change in technology and the continuing revisions of current industry standards, the Department believes that a technical guidance document offers more flexibility and would allow response to changes more easily than the current rulemaking process.

As noted, the Department maintains a technical manual for installers and inspectors that provides more detailed information and diagrams from industry codes of practice which may be used to satisfy the requirements of this proposed subchapter. The Department intends to expand this manual, update it as necessary and make it available to owner/operators, as well as installers and inspectors, to assist them in determining which codes and practices are applicable to their specific requirements.

5. *Section 245.511. General operations and maintenance.*

This section provides the requirement that storage tank facility owner/operators must establish a formal operations and maintenance program.

6. *Section 245.512. Facility operations and spill response plan.*

This section addresses the requirement to establish a Spill Prevention Response Plan as described in Chapter 9 of the act. The Department has published a technical document which provides detailed guidelines on how to develop and implement the plans.

7. *Section 245.513. Preventive maintenance and housekeeping requirements.*

This section provides for preventive maintenance and housekeeping requirements. It establishes owner/operator routine maintenance inspection procedures which include: daily checks of the facility during routine operations, or electronic surveillance during nonroutine operating hours or for unmanned facilities when product transfers are taking place. This section also proposes monthly maintenance inspection requirements that correlate with current industry practices.



8. *Section 245.514. Security.*

This section provides the requirement that owner/operators are to establish appropriate security measures and procedures. While several key considerations are addressed, specific requirements will vary considerably based on facility design, location, substances stored and fire marshal or local jurisdictional requirements. Therefore, meeting this performance standard in the most efficient manner is a choice left to the owner/operator.

9. *Section 245.515. Labeling/marking of aboveground tank systems.*

This section provides a performance standard for labeling or marking of aboveground storage tank systems and allows for flexibility for owners/operators to develop a suitable means for identifying substance flow and control points when transfer of regulated substance is taking place. Facilities with existing methods that comply with current industry practices and jurisdictional requirements should satisfy requirements of this proposed subchapter.

10. *Section 245.516. Recordkeeping requirements.*

This section establishes recordkeeping requirements, identifies specific documentation to be retained and the proposed retention periods.

11. *Section 245.521. Performance standards for aboveground storage tanks.*

This section outlines performance requirements and identifies specific sections of the design, construction and installation portion of this subchapter which must be adhered to in order to comply with performance requirements.

12. *Section 245.522. New aboveground tank installations and reconstructions.*

This section provides the requirements for design, construction, reconstruction, relocation and the associated testing and inspection of aboveground storage tanks according to current industry codes of practice and manufacturer's specifications. Field constructed storage tanks and reconstructed storage tanks must be hydrostatically tested (following American Petroleum Institute recommendations) unless other suitable testing methods are approved by the Department.

13. *Section 245.523. Aboveground storage tanks in underground vaults.*

This section provides requirements for installing aboveground storage tanks in underground vaults. These requirements are consistent with State Fire Marshal requirements at 37 Pa. Code Chapter 14 (relating to vaults for the storage of flammable and combustible liquids—statement of policy).

14. *Section 245.524. Aboveground tank modifications.*

This section provides requirements for modifying existing aboveground storage tanks and the associated testing and inspection of the completed modification. These requirements follow current industry standards and manufacturer's specifications.

15. *Section 245.525. Ancillary equipment for aboveground storage tanks.*

This section addresses design, installation and maintenance requirements for ancillary equipment, including vents and control valves.

16. *Section 245.526. Piping for aboveground storage tanks.*

This section provides design, construction and testing requirements for new and replacement piping and provides testing and upgrading requirements for existing piping. Piping that currently does not meet these standards shall be tested for tightness annually, beginning within 3 years after this proposal becomes final.

17. *Sections 245.531—245.533. Corrosion and deterioration prevention.*

These sections provide requirements for general corrosion and deterioration prevention and cathodic protection systems.

18. *Section 245.534. Interior linings and coatings.*

This section provides requirements for coating or lining systems used to protect tank interiors and tank bottoms from corrosion. These requirements are consistent with current industry practices.

19. *Sections 245.541—245.543. Release prevention and leak detection.*

These sections establish requirements for overfill prevention, emergency containment, secondary containment and leak detection. Proposed containment permeability standards are consistent with Department technical guidance and current industry practice. Usage of the term "emergency containment" is consistent with the new definition in the proposed amendment to Subchapter A contained in this rulemaking package. This definition correlates with industry use of the term "secondary containment." "Secondary containment" is currently defined by section 103 the act, however, and the Department is bound by that definition.

Phase-in periods are established for existing tank systems. Double walled tanks, double bottom tanks, dikes, berms, retaining walls, vaults, curbing, retention basins, holding tanks, sumps and other containment structures of sufficient impermeability may be used to achieve compliance with containment requirements.

20. *Sections 245.551—245.554. Aboveground storage tank inspections.*

These sections establish inspection criteria consistent with the requirements of section 301(a)(2) and (c) of the act and § 245.21 (relating to tank handling and inspection requirements). Department certified third-party inspectors must be used to inspect storage tank installation and major modification activities and to perform in-service inspection and out-of-service inspection of storage tank systems at specific intervals. These intervals are based on corrosion rates determined in a manner that is consistent with current industry practices. Phase-in periods are proposed for beginning in-service inspections and out-of-service inspections at existing storage tank facilities.

21. *Sections 245.561 and 245.562. Closure and removal from service requirements.*

These sections provide procedures for permanent closure (removal and decommissioning) of storage tank systems, procedures for change-in-service to an unregulated substance or unregulated use and procedures for temporary removal from service of storage tank systems. The proposals would allow storage tank systems to be temporarily taken out-of-service for up to 5 years; however, corrosion and deterioration requirements, leak detection requirements, maintenance requirements and inspection requirements must be adhered to during the temporary out-of-service period.

*Subchapter G. Simplified Program for Small Above-ground Storage Tanks.*

This proposed new subchapter is necessary to establish minimum requirements to regulate small aboveground storage tanks under section 301(d) of the act. There are no corresponding Federal regulations for small aboveground storage tanks.

1. *Section 245.601. Purpose.*

This section states the purpose of Subchapter G, which is to set forth technical standards and requirements for small aboveground storage tanks having a capacity equal to or less than 21,000 gallons and regulated under the act.

2. *Section 245.602. Scope.*

This section establishes the Department's intent to apply current industry codes of practice, manufacturer's specifications and sound engineering practices for compliance with the performance standards and requirements set forth in this proposed subchapter. Adherence to manufacturer's specifications is especially important for this class of storage tanks, as small aboveground storage tanks are almost exclusively shop-built tanks. This section also establishes how this proposed subchapter relates to other regulatory and jurisdictional requirements.

3. *Section 245.603. General storage tank facility requirements.*

This section provides that owner/operators of facilities, with an aggregate storage capacity greater than 21,000 gallons, must establish a Spill Prevention Response Plan as described in Chapter 9 of the act. The Department has published a technical document which provides detailed guidance on how to develop and implement the plans.

This section also provides that owner/operators are to establish appropriate security measures and procedures. Several key considerations are addressed. Specific requirements at each site will vary considerably based on facility design, location, substances stored, fire marshal requirements and local jurisdictions.

4. *Section 245.604. Referenced organizations.*

This section provides a listing of Nationally recognized associations which are referenced throughout this proposed subchapter, and whose codes, standards and practices may be used to comply with the proposed requirements of this subchapter. The Department could have included these specific codes in this rulemaking. However, given the fairly rapid change in technology and the continuing revisions of current industry standards, the Department believes that a technical guidance document offers more flexibility and would allow response to changes more easily than the current rulemaking process.

As noted, the Department maintains a technical manual for installers and inspectors that provides more detailed information and diagrams from industry codes of practice which may be used to satisfy the requirements of this proposed subchapter. The Department intends to expand this manual, update it as necessary and make it available to owner/operators, as well as installers and inspectors, to assist them in determining which codes and practices are applicable to their specific requirements.

5. *Section 245.611. Testing requirements for new and substantially modified small aboveground storage tanks.*

This section provides requirements for testing new storage tanks at installation and for testing existing storage tanks that receive major modifications to the tank

shell or the tank bottom. Testing must be consistent with a current industry code of practice and manufacturer's specifications.

6. *Section 245.612. Performance and design standards.*

This section provides performance standards for the design and construction of new storage tank systems and modification or upgrading of existing storage tank systems, or both. These proposed standards are consistent with current industry standards, manufacturer's specifications and sound engineering practices. This section refers to the standards in Subchapter F for tanks installed in underground vaults and used for dispensing Class I and Class II motor fuels (see discussion of § 245.523) and for tanks which are internally lined (see discussion of § 245.534).

This section also establishes requirements for secondary containment in, around or under tanks to provide monitoring capability to meet leak detection requirements. In most situations, stationary foundations for horizontal and saddle mounted tanks will satisfy this requirement. Emergency containment requirements are also addressed. Emergency containment is required to contain releases from overfills, leaks and spills and may also suffice as secondary containment for monitoring and leak detection requirements. Emergency containment must be sufficiently impermeable to contain any potential release until the release can be detected and expeditiously removed.

A variety of containment structures may be used to satisfy secondary containment and emergency containment performance standards. These include double walled tanks, double walled piping, double bottom tanks, dikes, berms, retaining walls, vaults, curbing, retention basins, holding tanks, sumps and other containment structures of sufficient impermeability. In the case of tanks, the containment structure must also have sufficient capacity to retain 110% of the capacity of the largest tank in the containment area.

7. *Section 245.613. Monitoring standards.*

This section establishes performance standards for leak detection and owner/operator maintenance procedures. Any appropriate form of leak detection, including visual examination, may be used to satisfy leak detection requirements. Maintenance and general operations must be checked at least once a month. The Department will provide a sample monthly maintenance checklist in the updated technical manual, which may be used by owner/operators to satisfy the requirement of documenting monthly maintenance checks. Owners may establish written agreements with operators or with a third-party to conduct and record monthly maintenance checks.

8. *Section 245.614. Requirements for closure.*

This section provides for closure (removal or decommissioning) of existing storage tanks. Owners/operators must document closures or changes in the service status of each tank, or both, on the Tank Registration Form provided by the Department. Documentation shall be provided to the Department within 30 days after completing a permanent closure or change in service status of a small aboveground storage tank, or both. Until the Department receives notification that a tank is temporarily removed from service, a tank is considered to be in-service and must comply with all regulatory requirements.

9. *Section 245.615. Recordkeeping requirements.*

This section establishes recordkeeping requirements, identifies specific documents to be retained and the proposed retention periods.

10. *Section 245.616. Inspection requirements.*

This section establishes inspection criteria consistent with the requirements of section 301(a)(2) and (c) of the act and § 245.21. Department certified third-party inspectors must be used to perform in-service inspections of small aboveground storage tank systems at specific intervals as well as inspecting the installation, reconstruction, relocation and major modification activities performed on all field constructed storage tanks. Because almost all small aboveground storage tanks are shop-built, this latter requirement is not expected to have much impact on owners/operators of these storage tanks. Phase-in periods are proposed to begin in-service inspections at existing storage tank facilities.

F. *Benefits and Costs*

Executive Order 1996-1 requires a statement of the benefits of a proposal, as well as the costs which may be imposed for the Commonwealth, local government, the private sector and the general public. It also requires a statement of the need for, and a description of, any forms, reports or other paperwork required as a result of the proposal. Because four separate proposed subchapters are included in this rulemaking package, they will be addressed individually in each category.

*Benefits*

*Subchapter A:* By adopting the Federal Lender Liability rule by reference, the Department will have regulations in place that provide clear protection to lending institutions who hold a financial interest in underground storage tanks. This rule clearly defines what represents a financial versus control interest for lending institutions. It compliments Act 3 of 1995 and works in concert with the goals of Act 2 of 1995. Through this rule, lending institutions should be more willing to take possession of forfeited underground storage tank sites, loan money for upgrades and invest in the development of new sites.

*Subchapter C:* Given the size of the regulated universe of underground and aboveground tanks in this Commonwealth, a "traditional" permitting program for the operation or installation of tanks could never succeed, as processing so many forms in a timely manner would be extremely cumbersome. Therefore, this subchapter focuses only on those storage tanks determined by the General Assembly to be of the most concern from a permitting perspective—the installation of aboveground storage tanks with greater than 21,000 gallons capacity at a new or existing facility. These storage tanks can be quite large, going into millions of gallons of capacity. If designed correctly and placed in a safe location, they can also be quite safe. The focus of this subchapter is to ensure that these tasks are carried out properly.

*Subchapter E:* This subchapter primarily codifies existing regulations, so new benefits as a result will be limited. The major benefit of taking this action is that all regulations for underground storage tanks will be contained in one place, allowing owners and operators to understand what is required without having to turn to 40 CFR Part 280.

There are smaller benefits to this part of the package as well. With the promulgation of SIR regulations, owners and operators who use these methods to meet release detection requirements will be assured that they are

receiving valid results. Underground tank owners/operators are also put on notice that use of a coax vapor recovery system will nullify overfill protection provided by flow vent valves, thereby reducing money wasted on equipment that will not meet the established performance standards. Finally, many issues that were left unclear by 40 CFR Part 280 (for example, when a removed underground storage tank can be reused) are answered by this proposed subchapter, eliminating confusion.

*Subchapters F and G:* With the promulgation of these subchapters, the Commonwealth will finally have a comprehensive regulatory program for aboveground storage tanks. These subchapters are designed to reduce the likelihood of the Commonwealth seeing another release of the magnitude that occurred in Ashland Oil's 1989 tank collapse. By relying on industry standards as the basis for performance standards in the various areas of aboveground storage tank installation, operation and closure, these regulations reward those who have been following the industry-set rules and requires persons who are operating below those standards to catch up. Aboveground storage tanks generally do not pose the same release hazards as underground tanks (as one can see most releases rather readily) but do represent a greater catastrophic hazard. These subchapters represent an attempt to eliminate or reduce both the slow release hazard (due, for example, to a lack of corrosion prevention) as well as the catastrophic hazards.

*Compliance Costs*

*Subchapter C:* In general, the Department has attempted to minimize costs in the permitting area by requiring little or no new information for operating permits by rule or general permits and by waiving the statutory permit fees for operating permits. Costs will be incurred with the site-specific installation permits required by Chapter 11 of the act. The Department is proposing permit fees which would enable the Department to recover the reasonable expenses associated with reviewing these applications. As for the information that must be included in such a permit application, the Department has attempted to limit its requirements. The information requested under this proposal is either readily available, or is the sort of information that normally should be compiled when a large construction project is being proposed.

*Subchapter E:* The Department does not anticipate any new compliance costs associated with this subchapter, as almost all of the requirements already exist in current law. The Department does establish a schedule for the inspection of underground storage tank facilities by certified inspectors. At the present time, the Department is requiring these inspections for a limited segment of the underground storage tank universe. Because tank owners/operators must pay for these third-party inspections, the establishment of a schedule may lead to these costs being incurred sooner than they would be without a formal schedule. The inspection requirement itself is not, however, a new obligation.

Vendors of statistical inventory reconciliation test methods must have their method's performance claims verified by an independent third-party using leak rates that are unknown to the tester. While this will involve some expense for the vendors, the underground storage tank owner/operator who is relying on the method for release detection will have the assurance that the SIR system they have chosen will work.

Finally, the Department is proposing that owners/operators who close only the piping part of an under-

ground storage tank system prepare a closure report describing that action. Because the closure report includes a site assessment, this will involve soil sampling and corrective action if contamination above action levels is discovered. Although sampling in piping runs will be fairly limited, it will still involve some additional expense. It is difficult to say exactly how much more this will cost because the sampling protocol for closure is fairly site-specific. It has been unclear up to this time if such a reporting requirement is a part of the Federal underground storage tank program.

*Subchapters F and G:* These two subchapters represent the creation of a comprehensive program to regulate aboveground storage of regulated substances. For the most part, however, an owner/operator of an aboveground storage tank who has been following the State Fire Marshal's requirements (37 Pa. Code Part I, Subpart B (relating to flammable and combustible liquids) and recommended industry codes of practice should not notice any overwhelming changes as a result of this rulemaking. In general, the Department tried to follow industry standards when establishing these aboveground storage tank standards of performance.

The two new programs established by this proposed rulemaking package are permitting and aboveground tank regulations. Generally, the addition of new responsibilities would lead to increased costs to the Commonwealth for running the program. As noted in Section D of the Preamble, the Department expects these new permitting and aboveground storage tank regulations to become effective around the same time that the underground storage tank program begins to quiet down. In addition, many of the requirements in the aboveground tank regulations have phase-in periods measured in years, so the workload should not be overwhelming right at the start. It is believed, therefore, that it will be possible to shift resources and time currently being spent in the underground program to focus on implementation of the aboveground regulations. Finally, the Department does not anticipate new resource expenditures as a result of Subchapter E.

#### *Compliance Assistance Plan*

As of this time, there is only a small amount of public financial assistance available to owners and operators of storage tanks. The Storage Tank Loan Fund, managed by the Department of Commerce, has low-interest loans available. To qualify, the act requires that a tank owner or operator be potentially liable for corrective action, which means that these loans are not available to the average tank owner or operator. By addressing lender liability in this proposed rulemaking, the Department hopes that more private funding sources will develop to assist owners and operators in meeting the costs of compliance.

As for technical and educational assistance, the Department currently operates a fairly extensive program of outreach activities designed to assist owners and operators of storage tanks as well as certified individuals. This program includes the *Storage Tank Monitor*, a quarterly newsletter; a series of detailed factsheets that focus on single issues in the storage tank program (for example, release reporting); seminars featuring a Nationally-recognized storage tank technology expert (to date, leak detection training and closure training); and training sessions presented by regional and central office training teams on a variety of issues. It also includes guidance documents on preparing Spill Prevention Response Plans (SPRPs) and correct closure procedures. The Department

also presents general program seminars jointly with the regulated community and consultation with STAC on regulation and policy development.

The Department expects these efforts to continue and be intensified, especially as EPA's 1998 upgrade deadline approaches. In addition, new efforts will be made to educate the regulated community about those requirements that will appear in Pennsylvania regulations for the first time. Aboveground storage tank requirements will be covered in much greater detail in outreach activities after these amendments become effective. As noted in Section E of this Preamble, technical guidance manuals will be prepared for both the underground and aboveground storage tank programs outlining what industry codes of practice may be followed to meet the performance standards contained in these proposed amendments.

#### *Paperwork Requirements*

*Subchapter C:* By covering the operation of storage tanks by either permits by rule or general permits, the Department has attempted to limit the paperwork required under this subchapter. When application for a site-specific installation permit is required by Chapter 11 of the act, however, a full permit application will need to be submitted. The information in the application is limited to that which is necessary for the Department to make an informed decision on the application. In addition, the Department believes that much of the information required by this subchapter will be readily available to owners/operators. Finally, when coordination with other State or Federal agencies is necessary, the Department will take the lead in ensuring that the information is available and coordinating the necessary reviews.

*Subchapter E:* Because the requirements of Subchapter E are already in effect in this Commonwealth under § 245.2, few new paperwork requirements are contained in this subchapter. In fact, the proposal at § 245.455 (relating to closure records) will actually reduce current reporting requirements, as closure reports for underground storage tanks will no longer have to be submitted to the Department (although closure reports still must be completed).

One new paperwork requirement is found in proposed § 245.452(c) (relating to permanent closure and changes-in-service), which requires a closure report to be completed when only the piping run of an underground storage tank system is closed. Under the Federal underground storage tank regulations, it is unclear what is required in the way of a closure report when only the piping of an underground storage tank system is replaced. Because of persistent problems with leaking piping, however, the Department believes that assessment of the piping areas when piping is closed is appropriate.

*Subchapter F:* Because Subchapter F is proposed to be added as a comprehensive regulatory program for aboveground storage tanks, almost all of the paperwork requirements are new. Currently, the only forms required to be filed are storage tank registration forms and tank handling activity and inspection report forms. The Department has attempted to minimize the need for new forms and limit the use of new forms to those areas where forms and recordkeeping are absolutely necessary. Proposed § 245.516 (relating to recordkeeping requirements) outlines the recordkeeping and reporting requirements under this subchapter. Paperwork not required under the existing aboveground storage tank program

includes: leak detection records, cathodic protection monitoring results, monthly maintenance inspection records and closure reports.

*Subchapter G:* Subchapter G represents the addition of a simplified yet comprehensive regulatory program for small aboveground storage tanks. As a result, there will be new paperwork required from owners/operators of these tanks. Because this subchapter represents a simplified program, the Department has attempted to reduce paperwork on these aboveground storage tanks to the bare-essential minimum.

Proposed § 245.615 (relating to recordkeeping requirements) outlines the recordkeeping and reporting requirements for this subchapter. Generally, the Department has tried to limit the paperwork required to those records that should otherwise be kept as a sound business practice. An example would be the original tank and system installation record and design specifications. In addition, the Department is not requiring the submission of these records to the Department in most instances. It is enough that the owner/operator maintains the records at the facility site. Finally, closure reports are not required for this class of storage tanks. Only an amended registration form need be submitted (although, if a reportable release is confirmed during closure, it must be reported).

#### G. Pollution Prevention

Generally speaking, the term "pollution prevention" refers to the minimization of the wastes generated in a commercial process by altering that process. The storage tank program has a slightly different approach. The goal is to keep substances that are harmful to the public and the environment from being released at all. The programs set out in this proposed rulemaking package are designed to halt the release and spread of regulated substances from storage tanks located in this Commonwealth. They create a cradle-to-grave program with the goal of making sure that the storage tank is installed, maintained, operated, closed and removed in a manner that will minimize the likelihood of a release occurring. If a release does occur, these amendments and the regulations that currently exist in Chapter 245 are designed to detect the release quickly, contain it if possible, and make sure that corrective action is carried out expeditiously, minimizing exposure to the public and the environment.

In this proposed package, the Department is attempting to reach these goals through a combination of performance standards, with built-in flexibility (including the possibility of a variance) as to how the regulated community achieves the goals, and reliance on industry standards. By taking this approach, the Department hopes to reduce pollution, lower the number of corrective actions that must eventually be commenced, decrease the amounts of contaminated soil and groundwater that must be dealt with and do so in a manner that is flexible and reasonable.

#### 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. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on June 11, 1996, to the Independent Regulatory Review Commission (IRRC) and the

Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

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

#### J. Public Comments

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposal 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 17105-2301). Comments received by facsimile will not be accepted. Comments, suggestions or objections must be received by August 28, 1996. 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 August 28, 1996. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us. A subject heading of the proposal must be included in each transmission. Comments submitted electronically must also be received by the Board by August 28, 1996.

#### K. Public Hearings

The Board will hold one public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 1 p.m. on August 7, 1996, in the 1st Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Persons wishing to present testimony at the hearing are requested to contact Sharon Freeman 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.

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

JAMES M. SEIF,  
Chairperson

*(Editor's Note:* A proposal to amend §§ 245.1 and 245.2, proposed to be amended in this document, remains outstanding at 25 Pa.B. 5053 (November 16, 1995). In

addition, Act 34 of 1996 (P. L. 171) was enacted on May 10, 1996, the changes made to the act by Act 34 are, therefore, not reflected in this proposed rulemaking.)

**Fiscal Note:** 7-296. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VI. GENERAL HEALTH AND SAFETY**

**CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM**

**Subchapter A. GENERAL PROVISIONS  
GENERAL**

**§ 245.1. Definitions.**

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

\* \* \* \* \*

*Aboveground storage tank*—One or a combination of stationary tanks with a capacity in excess of 250 gallons, including underground pipes and dispensing systems connected thereto within the storage tank facility, which is or was used to contain an accumulation of regulated substances, and the volume of which, including the volume of piping within the storage tank facility, is greater than 90% above the surface of the ground. The term includes tanks which can be visually inspected, from the exterior, in an underground area. The term does not include the following, or pipes connected thereto:

\* \* \* \* \*

(xvii) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(xviii) A tank that contains a de minimis concentration of regulated substances.

(xix) An emergency spill or overflow containment tank that is expeditiously emptied after use.

[ (xv) ] (xx) \*\*\*

\* \* \* \* \*

*Beneath the surface of the ground*—Beneath the ground surface or otherwise covered with earthen materials.

\* \* \* \* \*

*CERCLA*—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675).

\* \* \* \* \*

*Cathodic protection tester*—A person who can demonstrate an understanding of the principles and measurements of common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, the person shall have education and experience in soil resistivity, stray current, structure to

soil potential and component electrical isolation measurements of buried metal piping and tank systems.

\* \* \* \* \*

*Coax vapor recovery*—The use of a coaxial fitting to provide Stage I vapor recovery; one orifice for the conveyance of the product to the tank and a second, concentric orifice for venting the tank to the delivery vehicle.

*Combination of tanks*—Tanks connected together at a manifold in a manner that they act as a single unit; tank capacity for a combination of tanks is the sum of the individual tank capacities.

\* \* \* \* \*

*Compatible*—The ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the tank system.

*Connected piping*—All piping including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual tank system, the piping that joins two regulated systems should be allocated equally between them.

*Consumptive use*—The term means, with respect to heating oil, that which is consumed on the premises.

\* \* \* \* \*

*Corrosion expert*—A person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

*Corrosion protection*—The protection of metal from deterioration. The deterioration may be due to a natural electrochemical reaction between the metal and the soil or other electrolyte, or because of stray direct currents.

*De minimis*—With regard to products containing regulated substances, the term applies when the regulated substance is of insufficient concentration to be required to appear on a Material Safety Data Sheet (MSDS). The term does not apply to section 507 of the act (35 P. S. § 6021.507) as it pertains to site contamination.

*Dielectric material*—A material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate tank systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the tank system—for example, tank from piping.

*Electrical equipment*—Equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

**Emergency containment**—A containment structure which serves to convey, capture and contain the total volume of an anticipated release of regulated substance from an aboveground or underground storage tank system and which is expeditiously emptied.

\* \* \* \* \*

**Excavation zone**—The volume containing the tank system and backfill material bounded by the ground surface, walls and floor of the pit and trenches into which the underground storage tank system is placed at the time of installation.

**Existing underground storage tank system**—An underground storage tank system used to contain an accumulation of regulated substances or for which installation has commenced on or before December 22, 1988. Installation is considered to have commenced if the following apply:

(i) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system.

(ii) One of the following apply:

(A) A continuous onsite physical construction or installation program has begun.

(B) The owner or operator has entered into contractual obligations—which cannot be cancelled or modified without substantial loss—for physical construction at the site or installation of the tank system to be completed within a reasonable time.

\* \* \* \* \*

**Gathering lines**—A pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

\* \* \* \* \*

**Hazardous substance storage tank system**—A storage tank system that contains a hazardous substance defined in section 101(14) of CERCLA (42 U.S.C.A. § 101(14)), but not including a substance regulated as a hazardous waste under Subtitle C of CERCLA, or mixture of the substances and petroleum, and which is not a petroleum system.

**Heating oil**—Petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is used in the operation of heating equipment, boilers or furnaces.

**Highly hazardous substance tank**—A storage tank of greater than 1,100 gallons capacity which contains reportable quantities of substances with CERCLA reportable release quantity of 10 pounds or less, as identified by 40 CFR Part 302 (relating to designation, reportable quantities, and notification).

**Hydraulic lift tank**—A tank holding hydraulic fluid for a closed loop mechanical system that used compressed air or hydraulic fluid to operate lifts, elevators and other similar devices.

\* \* \* \* \*

**Large aboveground storage tank facility**—An aboveground storage tank facility with greater than 21,000 gallons total aboveground storage capacity.

**Liquid trap**—Sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquids. The liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

\* \* \* \* \*

**Motor fuel**—Petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol, and is typically used in the operation of an internal combustion engine.

\* \* \* \* \*

**New underground storage tank system**—An underground storage tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. (See the definition of “existing underground storage tank system.”)

**Noncommercial purposes**—The term means, with respect to motor fuel, motor fuel not for resale.

\* \* \* \* \*

**On the premises where stored**—With respect to heating oil, the term means tank systems located on the same property where the stored heating oil is used.

**Operational life**—The period beginning when installation of the tank system has commenced until the time the tank system is properly closed.

\* \* \* \* \*

**Overfill**—A release that occurs when a tank is filled beyond its capacity.

\* \* \* \* \*

**Petroleum system**—A storage tank system that primarily contains petroleum, and may contain additives or other regulated substances. The term includes systems containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

**Pipe or piping**—A hollow cylinder or tubular conduit that is constructed of nonferrous materials. The terms include the associated fittings such as unions, elbows, tees and flexible joints.

**Pipeline facilities (including gathering lines)**—New and existing pipe rights-of-way and associated equipment, facilities or buildings.

\* \* \* \* \*

**Reconstruction**—The work necessary to reassemble a storage tank that has been dismantled and relocated to a new site.

\* \* \* \* \*

**Removal from service**—The term includes the following:

(i) Activities related to rendering [a] an underground storage tank system permanently unserviceable.

Activities include [properly] the oversight of the proper draining and cleaning of the storage tank system of product liquids, vapors, accumulated sludges or solids, and completing one of the following:

\* \* \* \* \*

(ii) [The term includes discontinued] Discontinued use, abandonment, closure in place and permanent closure but does not include temporary closure as those terms are used in the act [and the Federal regulations promulgated under the Resource Conservation and Recovery Act of 1976].

(iii) [The term includes site] Site assessment activities required under [40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks)] Subchapter E (relating to technical standards for underground storage tanks) and applicable State law, which are the responsibility of owners and operators, but are not conducted by certified installers or inspectors.

\* \* \* \* \*

Residential tank—A tank located on property used primarily for dwelling purposes.

\* \* \* \* \*

SARA—The Superfund Amendments and Reauthorization Act of 1986, the act of October 17, 1986 (Pub.L. No. 99-499, 101 Stat. 1613).

\* \* \* \* \*

Septic tank—A watertight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer.

Stormwater or wastewater collection system—Piping, pumps, conduits and other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or the areas where treatment is designated to occur. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance.

\* \* \* \* \*

Surface impoundment—A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials, although it may be lined with man-made materials, that is not an injection well.

\* \* \* \* \*

Tank—A stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials—for example, concrete, steel or plastic—that provide structural support.

\* \* \* \* \*

Underground area—An underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

\* \* \* \* \*

Underground storage tank—One or a combination of tanks (including underground pipes connected thereto) which are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground. The term does not include:

\* \* \* \* \*

(ii) Tanks [of 3,000 gallons or less] used for storing heating oil for consumptive use on the premises where stored.

\* \* \* \* \*

(xiii) Tanks containing radioactive materials or coolants that are regulated under The Atomic Energy Act of 1954.

(xiv) A wastewater treatment tank system.

(xv) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(xvi) An underground storage tank system that contains a de minimis concentration of regulated substances.

(xvii) An emergency spill or overflow containment underground storage tank system that is expeditiously emptied after use.

(xviii) An underground storage tank system containing radioactive material that is regulated under The Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297).

(ix) An underground storage tank system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A (relating to general design criteria for nuclear power plants).

[ (xiii) ] (xx) \*\*\*

\* \* \* \* \*

Upgrade—The addition or retrofit of some systems such as cathodic protection, lining or spill and overflow controls to improve the ability of a storage tank system to prevent the release of product.

\* \* \* \* \*

Underground storage tank system—An underground storage tank, connected piping and ancillary equipment or containment system.

\* \* \* \* \*

Wastewater treatment tank—A tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods.

\* \* \* \* \*

§ 245.2. General.

(a) A person may not install, construct, erect, modify, operate or remove from service all or part of a storage tank system or storage tank facility in a manner that violates the act, this part or applicable Federal regulations adopted under the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6987). [This chapter incorporates by reference the Federal regulations governing underground storage tank systems contained in 40 CFR Part 280 (relating to technical standards and corrective action require-



ments for owners and operators of underground storage tanks (UST)), except for Federal regulations governing the exclusions and deferrals for underground storage tank systems contained in 40 CFR 280.10(b)—(d) (relating to applicability). ] This chapter incorporates by reference the Federal regulations in 40 CFR Part 280, Subpart I (relating to lender liability).

(b) Whenever industry codes are specified in this chapter, the latest edition shall be used. When industry codes are updated, facilities installed to previously existing standards prior to the update will not automatically be required to be upgraded to meet the new standard.

(c) A person may not install a storage tank system regulated under the act unless the system does the following:

(1) Will prevent releases due to corrosion of structural failure for the operational life of the system.

(2) Is protected against corrosion and designed in a manner to prevent the release or threatened release of any stored substance.

(3) Is constructed or lined with material that is compatible with the stored substance.

(Editor's Note: Subchapter C is new. It has been printed in regular type to enhance readability.)

**Subchapter C. PERMITTING OF UNDERGROUND AND ABOVEGROUND STORAGE TANK SYSTEMS AND FACILITIES**

**GENERAL**

- Sec.
- 245.201. Scope.
- 245.202. Public records and confidential information.
- 245.203. General requirements for permits.
- 245.204. Form of application.
- 245.205. Right of entry.
- 245.206. Verification of application.
- 245.207. Permit application fee.

**PERMITS BY RULE**

- 245.211. Scope.
- 245.212. Minimum requirements for obtaining a permit by rule.

**GENERAL OPERATING PERMITS**

- 245.221. Scope.
- 245.222. Application requirements.

**SITE SPECIFIC INSTALLATION PERMITS**

- 245.231. Scope.
- 245.232. General requirements.
- 245.233. Mapping requirements.
- 245.234. Siting requirements.
- 245.235. Environmental assessment.
- 245.236. Public notice.
- 245.237. Public hearings.

**GENERAL**

**§ 245.201. Scope.**

This subchapter specifies procedures and rules for the permitting of aboveground and underground storage tank systems and facilities.

**§ 245.202. Public records and confidential information.**

(a) Except as provided in subsection (b), records, reports or other information submitted to the Department under this subchapter shall be made available to the public for inspection or copying during regular business hours.

(b) The Department may, upon request, designate records, reports or other information as confidential when the person providing the information demonstrates the following:

(1) The information contains trade secret processes, operations, style of work or apparatus of a person or is otherwise confidential business information.

(2) The information is not emission, discharge or testing data or other information that relates to public health, safety, welfare or the environment.

(c) When submitting information under this subchapter, a person shall designate the information which the person believes is confidential or shall submit that information separately from other information being submitted.

(d) Information which the Department determines to be confidential under this section will not be made available to the public.

(e) This section does not prevent the disclosure of information submitted to the Department as part of a general or site specific permit application which meets one of the following:

(1) The Department is required to make the information available to the public as part of the permit application information.

(2) The Department determines that it is necessary to disclose the information during any comment period necessary to obtain informed public comment on the permit application.

**§ 245.203. General requirements for permits.**

(a) Except as provided in subsections (b)—(d), a person may not operate an aboveground or underground storage tank system or storage tank facility, or install a storage tank system or facility covered by § 245.231 (relating to scope), unless the person has first applied for and obtained a permit for the activity from the Department under this subchapter.

(b) A person is not required to submit an application for a permit if the storage tank system is subject to a permit by rule, if the person maintains and operates the storage tank system in compliance with the standards and requirements of the Department under the act and this chapter. Failure to comply with standards could result in administrative or other Departmental actions against the storage tank owner/operator.

(c) A person may continue to operate an existing storage tank system for its intended use until the Department notifies the person to submit a permit application under this subchapter, if the person maintains and operates the storage tank system in compliance with the act and this chapter.

(d) Operation of existing storage tank systems will be allowed to continue until the Department takes final action on the permit application requested in subsection (c).

(e) New storage tank systems shall obtain a permit from the Department under this subchapter prior to accepting a regulated substance.

(f) Permits will be renewed on an annual basis concurrent with registration.

**§ 245.204. Form of application.**

(a) Applications for a permit under this subchapter shall be submitted to the Department in writing, on forms provided by the Department.

(b) The information in the application shall be current, presented concisely and supported by appropriate references to technical and other written material available to the Department.

**§ 245.205. Right of entry.**

(a) Each application shall contain, upon a form prepared and furnished by the Department, the irrevocable written consent of the landowner to the Commonwealth and its authorized agents to enter the permit area. The consent will be applicable prior to the initiation of operations, for the duration of the operation of the storage tank system or facility and until the facility is closed under this subchapter, for the purpose of inspection and monitoring, maintenance or abatement measures deemed necessary by the Department to carry out the purposes of the act.

(b) For those facilities deemed permitted by permit by rule, the permittee, as a condition of the permit, agrees to right of entry described in subsection (a). Failure to allow the Department or its authorized agents entry is considered unlawful conduct and may result in permit suspension, revocation or other enforcement action.

**§ 245.206. Verification of application.**

An application for a general or site specific permit shall be verified by a responsible official of the applicant with a statement that the information contained in the application is true and correct to the best of the official's information and belief.

**§ 245.207. Permit application fee.**

Each application for a site specific installation permit will be accompanied by a nonrefundable fee in the form of a check payable to the "Commonwealth of Pennsylvania" as follows:

- (1) Permit applications for highly hazardous substance tank: \$100.
- (2) Permit applications for new large aboveground storage tanks at existing facilities: \$250 plus administrative review costs in excess of the \$250 fee.
- (3) Permit applications for a new large aboveground facility: \$500 plus administrative review costs in excess of the \$500 fee.

**PERMITS BY RULE**

**§ 245.211. Scope.**

The following storage tank systems are subject to permit by rule for operation:

- (1) Aboveground storage tank systems with a capacity less than or equal to 21,000 gallons, except highly hazardous substance storage tank systems.
- (2) Underground manufactured storage tank systems storing petroleum.

**§ 245.212. Minimum requirements for obtaining a permit by rule.**

(a) A storage tank system listed in § 245.211 (relating to scope) shall be deemed to have a permit by rule for operation if the following conditions are met:

- (1) The storage tank system is properly registered, including payment of registration fees if necessary.
- (2) Tank handling and inspection activities are performed by Department certified individuals, as specified in Subchapter B (relating to certification program for owners and operators of storage tanks and storage tank facilities).

(3) If necessary, the corrective action process regulations in Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) are followed.

(4) The storage tank system meets the applicable technical, administrative and operational requirements for underground tank systems specified in Subchapter E (relating to technical standards for underground storage tanks) or for aboveground tank systems specified in Subchapter G (relating to simplified program for small aboveground storage tanks).

(5) The Department has received a signed right of entry form.

(6) The owner of an underground storage tank system has met the applicable financial responsibility requirements of Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities).

(7) If required, the owner submits a current Spill Prevention and Response Plan that meets the Department's requirement under Chapter 9 of the act (35 P. S. §§ 6021.901—6021.904).

(b) The owner/operator of a storage tank system who causes or allows violations of the act, regulations thereunder, an order of the Department, or a condition of a permit issued under the act is subject to administrative or other actions including suspension, modification or revocation of the permit.

**GENERAL OPERATING PERMITS**

**§ 245.221. Scope.**

Storage tank systems not covered by § 245.211 (relating to scope) are subject to general operating permits.

**§ 245.222. Application requirements.**

Applications for a general operating permit shall be submitted on a Department form. The application shall certify the following:

(1) General requirements for all storage tank systems are as follows:

(i) The storage tank system is properly registered, including payment of registration fees if necessary.

(ii) Tank handling and inspection activities are performed by Department certified individuals, as specified in Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(iii) The storage tank system is in compliance with applicable administrative, technical and operational requirements as specified in Subchapter E or Subchapter F (relating to technical standards for underground storage tanks; and technical standards for aboveground storage tanks and facilities).

(iv) The Department has received a right of entry form signed by the owner and the operator.

(2) In addition to the requirements of paragraph (1), an owner of an underground storage tank system shall meet the applicable financial responsibility requirements of Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities).

(3) In addition to the requirements of paragraph (1), an owner of an aboveground storage tank system shall meet the following requirements:

(i) A current Spill Prevention Response Plan, that is in compliance with Chapter 9 of the act (35 P. S. §§ 6021.901—6021.904), is filed with the Department.

(ii) For new tanks, proof that an appropriate tightness test of the aboveground tank system has been completed.

#### **SITE SPECIFIC INSTALLATION PERMITS**

##### **§ 245.231. Scope.**

Site specific installation permits are required prior to the construction, reconstruction or installation of one or more of the following:

(1) New aboveground storage tank systems with a capacity greater than 21,000 gallons at an existing large aboveground storage tank facility.

(2) New large aboveground storage tank facilities.

(3) New underground field constructed storage tank systems.

(4) New underground highly hazardous substance tanks.

(5) New small aboveground highly hazardous substance tanks that are subject to the requirements in §§ 245.232(a)(1)—(3) and 245.236(b) (relating to general requirements; and public notice).

##### **§ 245.232. General requirements.**

(a) Applicants for site-specific permits shall provide the following:

(1) Certification that the tank handling and inspection activities will be performed by Department certified individuals, as specified in Subchapter B (relating to certification program for installers and inspectors of storage tanks and storage tank facilities).

(2) Certification that the storage tank system will be in compliance with applicable administrative, technical and operational requirements as specified in Subchapters E—G (relating to technical standards for underground storage tanks; technical standards for aboveground storage tanks and facilities; and simplified program for small aboveground storage tanks).

(3) A Department right of entry form signed by the owner and the operator.

(4) The information required by §§ 245.233 and 245.234 (relating to mapping requirements; and siting requirements).

(5) The environmental assessment required by § 245.235 (relating to environmental assessment).

(b) In addition to the items required by subsection (a), owners of aboveground storage tank systems or facilities required to apply for a site specific permit shall include:

(1) A current Spill Prevention Response Plan that is in compliance with Chapter 9 of the act (35 P. S. §§ 6021.901—6021.904).

(2) Proof of notification to the municipality and county prior to submitting the application for a site specific installation permit under section 1101(a) of the act (35 P. S. § 6021.1101(a)) and § 245.236 (relating to public notice).

##### **§ 245.233. Mapping requirements.**

(a) A site-specific permit application shall contain maps and plans of the proposed storage tank system or facility site showing the following:

(1) The boundaries for the proposed facility site.

(2) The location and names of public roads within or adjacent to the proposed facility site.

(3) The location of proposed monitoring wells.

(4) The municipality and county.

(5) The elevation and location of test borings and core samples.

(6) The ownership, if known, location and extent of known workings of active, inactive and abandoned underground mines including mine openings within the proposed permit site.

(7) Streams, lakes or surface watercourses located on or adjacent to the proposed permit site.

(8) The location and ownership of public or private groundwater supplies within 2,500 feet of the proposed permit site.

(9) The location and ownership of known public and private surface water intakes for a distance of 20 miles downstream from the site.

(10) Sufficient slope measurements to adequately represent the existing land surface configuration of the proposed permit site.

(11) Other information the Department deems relevant.

(b) Maps, plans and cross sections required by this section shall be accurately surveyed and on a scale satisfactory to the Department, not less than 1:400 and in a manner satisfactory to the Department. The maps, plans and cross sections shall be prepared by a Pennsylvania registered professional engineer, Pennsylvania registered land surveyor or Pennsylvania registered professional geologist with assistance from experts in related fields.

##### **§ 245.234. Siting requirements.**

(a) The Department will not issue a site specific storage tank system or facility installation permit if:

(1) The installation of tank systems and facilities is proposed on 100-year floodplains or a larger area that the flood of record has inundated unless the industrial use on the proposed site was in existence as of August 5, 1989.

(2) The installation of tank systems and facilities is proposed in wetlands in a manner inconsistent with Chapter 105 (relating to dam safety and waterway management).

(b) The applicant shall provide the following additional information if appropriate:

(1) Over areas underlain by carbonate bedrock, the applicant shall provide information and analysis to the Department which assesses the prevalence of solution channels and the potential for sinkholes at the facility site.

(2) If any part of a proposed facility has been previously mined by deep mining methods, the applicant shall provide the results of an engineering study of the proposed site by a Pennsylvania registered professional engineer or Pennsylvania registered professional geologist. The study shall be detailed enough to assess the potential for and degree of surface subsidence. The study shall also include methods which have been used or will be used to stabilize the surface. The applicant shall provide assurance that minerals providing surface support will not be mined as long as the facility stores regulated substances.

**§ 245.235. Environmental assessment.**

(a) An application for a site specific permit shall include an environmental assessment on a form prescribed by the Department.

(b) An environmental assessment in a permit application shall include detailed analysis of the potential impact of the proposed facility on the environment, public health and public safety, including air quality, water quality, threatened or endangered species and water uses. The applicant shall consider environmental features such as recreational river corridors, State and Federal parks, historic and archaeological sites, National wildlife refuges, State and Federal natural areas, prime farmland, wetland, special protection watersheds designated under Chapter 93 (relating to water quality standards), public water supplies and other features deemed appropriate by the Department or the applicant.

(c) The Department, after consultation with appropriate governmental agencies and potentially affected persons, will evaluate the assessment provided under subsection (a) to determine whether the proposed operation has the potential to cause environmental harm. If the Department determines that the proposed operation has that potential, it will notify the applicant in writing.

(d) If the Department or the applicant determines that the proposed operation may cause environmental harm, the applicant shall provide the Department with a written explanation of how it plans to mitigate the potential harm.

**§ 245.236. Public notice.**

(a) The owner of a proposed new large aboveground storage tank facility or proposed aboveground storage tank system with greater than 21,000 gallons capacity shall provide written notice to the local municipality and county in which the proposed aboveground system or facility is to be located 90 days prior to construction.

(b) The owner proposing to install a new highly hazardous substance tank shall provide written notice to the local municipality and county in which the storage tank system is proposed to be located.

**§ 245.237. Public hearings.**

Upon submission to the Department of a permit application to construct a new large aboveground storage tank facility or a new highly hazardous substance storage tank system, the Department may hold a public hearing in the municipality or county in which the aboveground storage tank facility or highly hazardous substance tank system is proposed to be located.

*(Editor's Note: Subchapter E is new. It has been printed in regular type to enhance readability.)*

**Subchapter E. TECHNICAL STANDARDS FOR  
UNDERGROUND STORAGE TANKS**

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**GENERAL**

**§ 245.401. Purpose.**

This subchapter establishes the operational and technical requirements for underground storage tanks and underground storage tank facilities.

**§ 245.402. Scope.**

This subchapter applies to underground storage tanks regulated under the act and this chapter.

**§ 245.403. Applicability.**

(a) *General.* The requirements of this subchapter apply to owners and operators, as well as installers and inspectors of underground storage tank systems as defined in § 245.1 (relating to definitions), except as otherwise provided in subsection (b).

(b) *Deferrals.* Sections 245.441—245.446 (relating to release detection) do not apply to an underground storage tank system that stores fuel solely for use by emergency power generators.

**§ 245.404. Variances.**

When unique or peculiar circumstances make compliance with this subchapter technically infeasible or unsafe, the Department may, upon written application from the owner/operator of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter:

(1) A variance may only be granted when the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and provide the following information:

(i) The facility name and identification number for which the variance is sought.

(ii) The specific sections of this subchapter from which a variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified in subparagraph (ii) technically infeasible or unsafe.

(iv) Evidence, including plans, specifications and test results, which supports an alternative design, practice, schedule or method as being no less protective of human

health and the environment than the requirements of the sections identified in subparagraph (ii).

(3) When granting the variance, the Department may impose specific conditions necessary to ensure the adequate protection of human health and the environment.

(4) The Department will provide to the applicant a written notice of approval, approval with additional conditions or denial. Granted variances will be published in the *Pennsylvania Bulletin*.

(5) The Department may not grant any variance which would result in regulatory controls less stringent than other applicable Federal or State regulations.

**§ 245.405. Codes and standards.**

All regulated underground storage tank systems shall comply with applicable industry codes. By policy, the Department can recognize industry codes and practices which can be used to comply with this chapter. A list of industry codes and practices which may be used to comply with this subchapter may be obtained from the Department.

**FACILITY INSPECTIONS**

**§ 245.411. Inspection frequency.**

(a) *Inspection of tanks.* Underground storage tank owners or operators shall have their underground storage tank facility inspected by a certified inspector at the frequency established in subsections (b)—(d). The inspection shall include, but not be limited to, leak detection, assessment of the underground tank system and ancillary equipment, and release prevention measures.

(b) *Initial inspections.*

(1) Tank facilities with tank systems installed prior to December 1989 shall be inspected prior to December 22, 1998, or by \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 2 years after the effective date of the adoption of this proposal), whichever date is later.

(2) Tank systems installed after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal). If the facility ownership changes, an inspection shall be completed within the first 12 months of operation.

(3) Tank facilities not inspected in accordance with paragraph (1) or (2) shall have an initial inspection by \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 5 years after the effective date of the adoption of this proposal).

(c) *Subsequent facility inspections.*

(1) Subsequent facility inspections shall be conducted at least once every 5 years commencing after the last inspection, except as provided in paragraph (2).

(2) Facilities with total secondary containment of both piping and the tank shall be inspected at least once every 10 years commencing from the date of the last inspection.

(d) *Additional inspections.* Inspections in addition to those set forth in subsections (b) and (c) may be requested in writing by the Department when the Department determines the inspections are necessary to verify compliance with this subchapter.

**UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION**

**§ 245.421. Performance standards for new underground storage tank systems.**

To prevent releases due to structural failure, corrosion or spills and overfills for as long as the underground storage tank system is used to store regulated substances, owners and operators of new underground storage tank systems shall ensure that the system meets the following requirements:

(1) *Tanks.* A tank shall be properly designed and constructed. A tank or portion of a tank that is underground and routinely contains product shall be protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory, using one of the following methods:

(i) The tank is constructed of fiberglass-reinforced plastic.

(ii) The tank is constructed of steel and cathodically protected in the following manner:

(A) The tank is coated with a suitable dielectric material.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed to allow determination of current operating status as required in § 245.432(3) (relating to operation and maintenance including corrosion protection).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The tank is constructed of a steel-fiberglass-reinforced plastic composite.

(iv) The tank is constructed of metal without additional corrosion protection measures if:

(A) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the tank.

(2) *Piping.* The piping that routinely contains regulated substances shall be protected from deterioration. Piping that is in contact with the ground shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory using one of the following methods:

(i) The piping is constructed of fiberglass reinforced plastic.

(ii) The piping is constructed of steel and cathodically protected in the following manner:

(A) The piping is coated with a suitable dielectric material.

(B) Field-installed cathodic protection systems are designed by a corrosion expert.

(C) Impressed current systems are designed to allow determination of current operating status as required in § 245.432(3).

(D) Cathodic protection systems are operated and maintained in accordance with § 245.432.

(iii) The piping is constructed of metal without additional corrosion protection measures if:

(A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the piping.

(3) *Spill and overflow prevention equipment.*

(i) Except as provided in subparagraph (iii), to prevent spilling and overflowing associated with product transfer to the underground storage tank system, owners and operators shall ensure that their systems have the following spill and overflow prevention equipment:

(A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe—for example, a spill catchment basin.

(B) Overflow prevention equipment that will do one or more of the following:

(I) Automatically shut off flow into the tank when the tank is no more than 95% full.

(II) Alert the transfer operator when the tank is no more more than 90% full by restricting the flow into the tank or triggering a high-level alarm.

(III) Restrict flow 30 minutes prior to overflowing, alert the operator with a high level alarm 1 minute before overflowing, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to product due to overflowing.

(ii) Bypassing overflow protection is prohibited—for example, bypassing the flow vent valve with coax vapor recovery or a spill bucket drain valve is prohibited.

(iii) Owners and operators are not required to use the spill and overflow prevention equipment specified in subparagraph (i) if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

(4) *Installation.* Tanks and piping shall be properly installed and system integrity tested in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory such as API 1615 and PEI RP100, and in accordance with the manufacturer's instructions.

(5) *Certification of installation.* Owners and operators shall ensure that a certified installer has demonstrated the tank system complies with paragraph (4) by providing a certification of compliance on an appropriate form provided by the Department.

**§ 245.422. Upgrading of existing underground storage tank systems.**

(a) *Alternatives allowed.* By December 22, 1998, existing underground storage tank systems shall comply with one of the following requirements:

(1) New underground storage tank system performance standards under § 245.421 (relating to performance standards for new underground storage tank systems).

(2) The upgrading requirements in subsections (b)—(d).

(3) Closure requirements under §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure), including applicable requirements for corrective action under Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(b) *Tank upgrading requirements.* Steel tanks shall be upgraded to meet one of the following requirements in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory:

(1) *Interior lining.* A tank may be upgraded by internal lining if the following conditions are met:

(i) The lining is installed in accordance with § 245.434 (relating to repairs allowed).

(ii) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.

(2) *Cathodic protection.* A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of § 245.421(1)(ii)(B)—(D) and the integrity of the tank is ensured using one or more of the following methods:

(i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system.

(ii) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with § 245.444(4)—(8) (relating to methods of release detection for tanks).

(iii) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of § 245.444(3). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between 3 and 6 months following the first operation of the cathodic protection system.

(iv) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators shall maintain records that demonstrate compliance with this requirement for the remaining life of the tank.

(v) The tank is assessed for corrosion holes by a method that is determined by the Department to prevent releases in a manner that is no less protective of human health and the environment than subparagraphs (i)—(iii).

(3) *Internal lining combined with cathodic protection.* A tank may be upgraded by both internal lining and cathodic protection if the following apply:

(i) The lining is installed in accordance with the requirements of § 245.434.

(ii) The cathodic protection system meets § 245.421(1)(ii)(B)—(D).

(c) *Piping upgrading requirements.* Metal piping and fittings that routinely contain regulated substances and are in contact with the ground shall be one or more of the following:

(1) Replaced with piping meeting the requirements of new piping in § 245.421(2)(i) and (ii).

(2) Cathodically protected in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory and meets the requirements of § 245.421(2)(ii)(B)—(D).

(3) Installed at a site that is determined to not be corrosive enough to cause a release due to corrosion for the remaining operating life of the piping under § 245.421(2)(iii).

(d) *Spill and overflow prevention equipment.* To prevent spilling and overflowing associated with product transfer to the underground storage tank system, existing underground storage tank systems shall comply with new underground storage tank system spill and overflow prevention equipment requirements in § 245.421(3).

**§ 245.423. Registration requirements.**

(a) An underground storage tank shall be registered with the Department prior to adding a regulated substance. The owner of a tank that was in use after May 8, 1986, shall have notified the Department of the system's existence.

(b) Owners required to submit notices under subsection (a) shall provide notices to the Department for each tank they own. Owners may provide notice for several tanks using one registration form, but owners who own tanks located at more than one facility shall file a separate registration form for each separate facility.

(c) Notices required to be submitted under subsection (a) shall provide all of the requested information on the registration form for each tank for which notice is required to be given.

(d) Owners and operators of new underground storage tank systems shall certify compliance with the following requirements in the registration form provided by the Department:

(1) Installation of tanks and piping under § 245.421(5) (relating to performance standards for new underground storage tank systems).

(2) Cathodic protection of steel tanks and piping under § 245.421(1) and (2).

(3) Financial responsibility under Subchapter H (relating to financial responsibility requirements for owners and operators of underground storage tanks and storage tank facilities).

(4) Release detection under §§ 245.442 and 245.443 (relating to requirements for petroleum underground storage tank systems; and requirements for hazardous substance underground storage tank systems).

(5) Use of a Department certified installer under § 245.21 (relating to tank handling and inspection requirements).

(e) Beginning October 24, 1988, a person who sells a tank intended to be used as an underground storage tank or a property containing an existing tank system shall notify the purchaser, in writing, of an owner's obligations under subsection (a). The following form may be used to comply with this requirement:

Federal law (the Resource Conservation and Recovery Act) and Commonwealth law (the Storage Tank and Spill Prevention Act) require that the owner of a regulated underground storage tank notify the Pennsylvania Department of Environmental Protection of the existence of its tank. Notification for tanks brought into service after July 6, 1989, must be made prior to placing the tank system into service. Consult EPA 40 CFR Part 280 and PA Code Title 25 Chapter 245 to determine if you are affected by these laws.

(f) Every owner, including a new owner of an existing tank system, shall complete an amended registration form, provided by the Department, when one or more of the following conditions occur:

(1) Change of tank ownership—new owner only.

(2) Installation of a new tank.

(3) Closure of a tank system or component.

(4) Change in tank system service such as, but not limited to, temporary closure or change to an unregulated substance.

**§ 245.424. Standards for new field constructed tank systems.**

Field constructed tanks shall meet or exceed the technical requirements of a manufactured tank containing the same regulated substance. The system shall also:

(1) Be designed by a professional engineer having training and experience in the construction of underground storage tank systems.

(2) Meet the permitting requirements of Subchapter C (relating to permitting of underground and aboveground storage tank systems of facilities).

**§ 245.425. Reuse of removed tanks.**

Storage tanks removed from the ground may be reused as a regulated underground storage tank under the following circumstances:

(1) The tank is installed by a certified installer.

(2) The tank has been properly closed in accordance with § 245.452 (relating to permanent closure and changes-in-service).

(3) The installation meets the requirements of § 245.422 (relating to the upgrading of existing underground storage tank systems).

(4) The tank is compatible with the substance to be stored in accordance with § 245.2(c) (relating to general).

(5) Either the manufacturer or a person certified by the manufacturer warrants that the tank meets the requirements of § 245.421(1) (relating to performance standards for new underground storage tank systems), or the tank is installed with secondary containment in accordance with § 245.443(2) (relating to requirements for hazardous substance underground storage tank systems).

**GENERAL OPERATING REQUIREMENTS**

**§ 245.431. Spill and overflow control.**

(a) Owners and operators shall ensure that releases due to spilling or overflowing do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overflowing and spilling.

(b) The owner and operator shall report, investigate and clean up spills and overfills in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

**§ 245.432. Operation and maintenance including corrosion protection.**

Owners and operators of steel underground storage tank systems with corrosion protection shall comply with the following requirements to ensure that releases due to

corrosion are prevented for as long as the underground storage tank system is used to store regulated substances:

(1) Corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances.

(2) Underground storage tank systems equipped with cathodic protection systems shall be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) *Frequency.* Cathodic protection systems shall be tested within 6 months of installation and at least every 3 years thereafter.

(ii) *Inspection criteria.* The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a Nationally recognized association.

(3) Underground storage tank systems with impressed current cathodic protection systems shall be inspected every 60 days to ensure the equipment is running properly.

(4) For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained, in accordance with § 245.435 (relating to reporting and recordkeeping) to demonstrate compliance with the performance standards in this section. These records shall provide the following:

(i) The results of the last three inspections required in paragraph (3).

(ii) The results of testing from the last two inspections required in paragraph (2).

(5) Monitoring and observation wells shall be clearly identified using industry codes and standards, and caps shall be secured to prevent unauthorized or accidental access.

(6) Line leak detectors, sumps, measuring devices (including gauge sticks), gauges, corrosion protection, spill prevention, overflow prevention and other appurtenances whose failure could contribute to a release of product, shall be maintained in a good state of repair and shall function as designed.

#### § 245.433. Compatibility.

Owners and operators shall use an underground storage tank system, made of or lined with materials, that is compatible with the substance stored in the underground storage tank system. Owners and operators storing alcohol blends may use the following codes to comply with the requirements of this section:

(1) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations."

(2) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

#### § 245.434. Repairs allowed.

Owners and operators of underground storage tank systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store regulated substances. The repairs shall meet the following requirements:

(1) Repairs involving a tank handling activity shall be performed by or under the direct, onsite supervision and control of a certified installer.

(2) Repairs to underground storage tank systems shall be properly conducted in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(3) Repairs to fiberglass reinforced plastic tanks may be made by the manufacturer's authorized representatives, and shall be made in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(4) Metal pipe sections and fittings that have released product as a result of corrosion or other damage shall be replaced. Fiberglass pipes and fittings may be repaired; repairs shall be made in accordance with the manufacturer's specifications.

(5) Tanks and piping repaired in response to a release shall be tightness tested in accordance with §§ 245.444(3) and 245.445(2) (relating to methods of release detection for tanks; and methods of release detection for piping) prior to placing the system back into service except as provided as follows:

(i) The repaired tank is internally inspected in accordance with a code of practice developed by a Nationally recognized association or an independent testing laboratory.

(ii) The repaired portion of the underground storage tank system is monitored monthly for releases in accordance with a method specified in § 245.444(4)—(9).

(iii) Another test method is used that is determined by the Department to be at least as protective of human health and the environment than those listed in subparagraphs (i) and (ii).

(6) Within 6 months following the repair of a cathodically protected underground storage tank system, the cathodic protection system shall be tested in accordance with § 245.432(2) and (3) (relating to operation and maintenance including corrosion protection) to ensure that it is operating properly.

(7) Underground storage tank system owners and operators shall maintain records of each repair in response to a release for the remaining operating life of the underground storage tank system that demonstrate compliance with this section.

#### § 245.435. Reporting and recordkeeping.

Owners and operators of underground storage tank systems shall cooperate fully with inspections, monitoring and testing conducted by the Department, certified installers or certified inspectors, as well as requests for document submission, testing and monitoring by the owner or operator under section 107(c) of the act (35 P. S. § 6201.107(c)).

(1) *Reporting.* Owners and operators shall submit the following applicable information to the Department:

(i) Notification for underground storage tank systems (§ 245.423 (relating to registration requirements)), which includes certification of installation for new underground storage tank systems (§ 245.421(5) (relating to performance standards for new underground storage tank systems)).

(ii) Reports of confirmed, reportable releases (§ 245.305(d) (relating to reporting releases)).



(iii) A site characterization report (§ 245.310 (relating to site characterization report)).

(iv) Remedial action plans (§ 245.311 (relating to remedial action plan)), remedial action progress reports (§ 245.312 (relating to remedial action)) and remedial action completion reports (§ 245.313 (relating to remedial action completion report)).

(v) A notification before permanent closure or change-in-service (§ 245.452(a) (relating to permanent closure and changes-in-service)).

(vi) In the case of permanent closure, closure records to the Department when requested.

(2) *Recordkeeping.* Owners and operators shall maintain the following information:

(i) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (§ 245.421(1)(iv) and (2)(iii)).

(ii) Documentation of operation of corrosion protection equipment (§ 245.432 (relating to operation and maintenance including corrosion protection)).

(iii) Documentation of underground storage tank system repairs in response to a release (§ 245.434(6) (relating to repairs allowed)).

(iv) Current compliance with release detection requirements (§ 245.446 (relating to release detection recordkeeping)).

(v) Results of the site investigation conducted at permanent closure (§ 245.455 (relating to closure records)).

(vi) A properly completed closure report (§ 245.452(f)).

(3) *Availability of records.* Owners and operators shall keep the records required at one of the following:

(i) At the underground storage tank site and immediately available for inspection by the Department and certified inspectors.

(ii) At a readily available alternative site and be provided for inspection to the Department upon request.

**RELEASE DETECTION**

**§ 245.441. General requirements for underground storage tank systems.**

(a) Owners and operators of new and existing underground storage tank systems shall provide a method, or combination of methods, of release detection that:

(1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product.

(2) Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition.

(3) Meets the performance requirements in § 245.444 or § 245.445 (relating to methods of release detection for tanks; and methods of release detection for piping), with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after the date shown in the following table corresponding with the specified method except for methods permanently installed prior to that date, shall be capable of detecting the leak rate or quantity specified for that method in the corresponding section of this subchapter, also shown in the table, with a probability of detection (Pd) of 0.95 and a probability of false alarm (Pfa) of 0.05.

<i>Method</i>	<i>Section</i>	<i>Date After Which Pd/Pfa Must be Characterized</i>
Manual Tank Gauging	245.444(2)	December 22, 1990
Tank Tightness Testing	245.444(3)	December 22, 1990
Automatic Tank Gauging	245.444(4)	December 22, 1990
Statistical Inventory Reconciliation	245.444(8)	December 22, 1990
Automatic Line Leak Detectors	245.445(1)	September 22, 1991
Line Tightness Testing	245.445(2)	December 22, 1990

(i) Test method performance claims shall be verified by an independent third party using leak rates that are unknown to the tester.

(ii) When the EPA evaluation protocol for a method changes, the manufacturer shall reevaluate the method within 24 months of the new protocol's effective date for its continued use in this Commonwealth.

(b) When a release detection method operated in accordance with the performance standards in §§ 245.444 and § 245.445 indicates a release may have occurred, owners and operators shall investigate the suspected release in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

(c) Owners and operators of underground storage tank systems shall comply with the release detection requirements of this subpart by December 22 of the year listed in the following table:

Year System Was Installed	SCHEDULE FOR PHASE-IN OF RELEASE DETECTION				
	<i>Year When Release Detection is Required (by December 22 of the year indicated)</i>				
	1989	1990	1991	1992	1993
Before 1965 or date unknown	RD	P			
1965-69 .....		P/RD			
1970-74 .....		P	RD		
1975-79 .....		P		RD	
1980-88 .....		P			RD

New tanks (after December 22, 1988) immediately upon installation.

P = Shall begin release detection for all pressurized piping in accordance with § 245.442(2)(i) (relating to requirements for petroleum underground storage tank systems).

RD = Shall begin release detection for tanks and suction piping in accordance with §§ 245.442(1), (2)(ii) and 245.443 (relating to requirements for petroleum underground storage tank systems; and requirements for hazardous substance underground storage tank systems).

(d) An existing tank system that cannot apply a method of release detection that complies with the requirements of this subchapter shall complete the closure procedures in §§ 245.451—245.455 (relating to out-of-service underground storage tank systems and closure) by the date on which release detection is required for that underground storage tank system under subsection (c).

**§ 245.442. Requirements for petroleum underground storage tank systems.**

Owners and operators of petroleum underground storage tank systems shall provide release detection for tanks and piping as follows:

(1) *Tanks.* Tanks shall be monitored at least every 30 days for releases using one of the methods listed in § 245.444(4)—(8) (relating to methods of release detection for tanks) except that:

(i) Underground storage tank systems that meet the performance standards in § 245.421 or § 245.422 (relating to performance standards for new underground storage tank systems; and upgrading of existing underground storage tank systems), and the monthly inventory control requirements in § 245.444(1) or (2), may use tank tightness testing (conducted in accordance with § 245.444(3)) at least every 5 years until December 22, 1998, or until 10 years after the tank is installed or upgraded under § 245.422(b), whichever is later.

(ii) Underground storage tank systems that do not meet the performance standards in § 245.421 or § 245.422 may use monthly inventory controls (conducted in accordance with § 245.444(1) or (2)) and annual tank tightness testing (conducted in accordance with § 245.444(3)) until December 22, 1998, when the tank shall be upgraded under § 245.422 or permanently closed under § 245.452 (relating to permanent closure and changes-in-service).

(iii) Tanks with a capacity of 550 gallons or less may use manual tank gauging, conducted in accordance with § 245.444(2).

(iv) Tanks with a capacity of 551 to 1,000 gallons using the longer test times specified may use manual tank gauging, conducted in accordance with § 245.444(2).

(2) *Piping.* Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

(i) *Pressurized piping.* Underground piping that conveys regulated substances under pressure shall meet the following requirements:

(A) Be equipped with an automatic line leak detector in accordance with § 245.445(1) (relating to methods of release detection for piping).

(B) Have an annual line tightness test conducted in accordance with § 245.445(2) or have monthly monitoring conducted in accordance with § 245.445(3).

(ii) *Suction piping.* Underground piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every 3 years and in accordance with § 245.445(2), or use a monthly monitoring method conducted in accordance with § 245.445(3). Release detection is not required for suction piping that is designed and constructed to meet the following standards:

(A) The below grade piping operates at less than atmospheric pressure.

(B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released.

(C) No more than one check valve is included in each suction line.

(D) Check valves are located directly below and as close as practical to or within the suction pump.

(E) A method is provided that allows compliance with clauses (B)—(D) to be readily determined.

**§ 245.443. Requirements for hazardous substance underground storage tank systems.**

Owners and operators of hazardous substance underground storage tank systems shall provide release detection that meets the following requirements:

(1) Release detection at existing underground storage tank systems shall meet the requirements for petroleum underground storage tank systems in § 245.442 (relating to requirements for petroleum underground storage tank systems). By December 22, 1998, all existing hazardous substance underground storage tank systems shall meet the release detection requirements for new systems in paragraph (2).

(2) Release detection at new hazardous substance underground storage tank systems shall meet the following requirements:

(i) *Secondary containment systems.*

(A) Secondary containment systems shall be designed, constructed and installed to:

(I) Contain regulated substances released from the tank system until they are detected and removed.

(II) Prevent the release of regulated substances to the environment at any time during the operational life of the underground storage tank system.

(III) Be checked for evidence of a release at least every 30 days.

(B) The provisions of § 264.193 (relating to secondary containment) may be used to comply with the requirements of this paragraph.

(ii) Double walled tanks shall be designed, constructed and installed to:

(A) Contain a release from any portion of the inner tank within the outer wall.

(B) Detect the failure of the inner wall.

(iii) External liners, including vaults, shall be designed, constructed and installed to:

(A) Contain 100% of the capacity of the largest tank within its boundary.

(B) Prevent the interference of precipitation or ground-water intrusion with the ability to contain or detect a release of regulated substances.

(C) Surround the tank completely making it capable of preventing lateral as well as vertical migration of regulated substances.

(iv) Underground piping shall be equipped with secondary containment that satisfies the requirements of subparagraph (i)—for example, trench liners or jacketing of double-walled pipe. In addition, underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector in accordance with § 245.445(1) (relating to methods of release detection for piping).

(v) Other methods of release detection may be used if owners and operators:

(A) Demonstrate to the Department that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in § 245.444(2)—(9) can detect a release of petroleum.

(B) Provide information to the Department on effective corrective action technologies, health risks and chemical and physical properties of the stored substance, and the characteristics of the underground storage tank site.

(C) Obtain approval from the Department to use the alternate release detection method before the installation and operation of the new underground storage tank system.

**§ 245.444. Methods of release detection for tanks.**

Each method of release detection for tanks used to meet the requirements of § 245.442 (relating to requirements for petroleum underground storage tank systems) shall be conducted in accordance with the following:

(1) *Inventory control.* Product inventory control, or another test of equivalent performance, shall be conducted monthly to detect a release of at least 1.0% of flowthrough plus 130 gallons on a monthly basis in the following manner:

(i) Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day.

(ii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

(iii) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery.

(iv) Deliveries are made through a drop tube that extends to within 1 foot of the tank bottom.

(v) Product dispensing is metered and recorded within an accuracy of at least 6 cubic inches for every 5 gallons of product withdrawn.

(vi) Dispenser meters shall be calibrated.

(vii) The measurement of any water level in the bottom of the tank is made to the nearest 1/8 of an inch at least once a month.

(2) *Manual tank gauging.* Manual tank gauging shall meet the following requirements:

(i) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank.

(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period.

(iii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest 1/8 of an inch.

(iv) A leak is suspected and subject to Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Nominal Tank Capacity	Minimum Duration of Test	Weekly Standard (one test)	Monthly Standard (average of four tests)	Periodic Tightness Test Required
550 gallons or less	36 hours	10 gallons	5 gallons	No
551—1,000 gallons: 64" diameter tank	44 hours	9 gallons	4 gallons	No
551—1,000 gallons: 48" diameter tank	58 hours	12 gallons	6 gallons	No
551—1,000 gallons	36 hours	13 gallons	7 gallons	Yes
1,001—2,000 gallons	36 hours	26 gallons	13 gallons	Yes

(v) Only tanks of 550 gallons or less nominal capacity may use this as the sole method of release detection. Tanks of 551 to 2,000 gallons may use the method in place of manual inventory control in paragraph (1). Tanks of greater than 2,000 gallons nominal capacity may not use this method to meet the requirements of this section.

(3) *Tank tightness testing.* Tank tightness testing, or another test of equivalent performance, shall be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(4) *Automatic tank gauging.* Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control shall meet one of the following requirements:

(i) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product.

(ii) For tank gauges installed prior to December 22, 1990, that do not meet the requirements of subparagraph (i), inventory control, or another test of equivalent performance, shall also be conducted in accordance with paragraph (1).

(5) *Vapor monitoring.* Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

(i) The materials used as backfill are sufficiently porous—for example, gravel, sand or crushed rock—to readily allow diffusion of vapors from releases into the excavation area.

(ii) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile—for example, gasoline—to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank.

(iii) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall or soil moisture or other known interferences so that a release could go undetected for more than 30 days.

(iv) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank.

(v) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component of that substance or a tracer compound placed in the tank system.

(vi) In the underground storage tank excavation zone, the site is evaluated to ensure compliance with the requirements in subparagraphs (i)—(iv) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product.

(vii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with § 245.432 (relating to operation and maintenance including corrosion protection).

(6) *Groundwater monitoring.* Testing or monitoring for liquids on the groundwater shall meet the following requirements:

(i) The regulated substance stored is immiscible in water and has a specific gravity of less than one.

(ii) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soils between the underground storage tank system and the monitoring wells or devices is not less than 0.01 cm/sec—for example, the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials.

(iii) The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substances on the water table into the well under both high and low groundwater conditions.

(iv) Monitoring wells shall be sealed from the ground surface to the top of the filter pack.

(v) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible.

(vi) The continuous monitoring devices or manual methods used can detect the presence of at least 1/8 of an inch of free product on top of the groundwater in the monitoring wells.

(vii) Within and immediately below the underground storage tank system excavation zone, the site is evaluated to ensure compliance with subparagraphs (i)—(v) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product.

(viii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with § 245.432.

(7) *Interstitial monitoring.* Interstitial monitoring between the underground storage tank system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

(i) For double-walled underground storage tank systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.

(ii) For underground storage tank systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the underground storage tank system and the secondary barrier.

(A) The secondary barrier around or beneath the underground storage tank system consists of artificially constructed material that is sufficiently thick and impermeable, at least  $10^{-6}$  cm/sec for the regulated substance stored, to direct a release to the monitoring point and permit its detection.

(B) The barrier is compatible with the regulated substance stored so that a release from the underground storage tank system will not cause a deterioration of the barrier allowing a release to pass through undetected.

(C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system.

(D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days.

(E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year floodplain, unless the barrier and monitoring designs are for use under these conditions.

(F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering in accordance with § 245.432.

(iii) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

(8) *Statistical Inventory Reconciliation (SIR)*. SIR shall meet the performance standards of paragraph (9)(i) for monthly monitoring.

(i) The owner or operator shall follow the instructions of the SIR manufacturer's protocol.

(ii) A separate report for each tank monitored shall be maintained by the owner/operator in accordance with § 245.446(2) (relating to release detection recordkeeping). Each report shall meet the following requirements:

(A) Owners and operators shall have reports available within 7 days of the end of the monitored period.

(B) A valid report shall include the calculated leak rate, positive for out of tank and negative for into tank, minimum detectable leak rate (MDL), leak detection threshold, probability of detection (Pd) and probability of false alarm (Pfa) which the supplied data supports.

(C) A valid report shall also include one of the following test results:

(I) If the calculated leak rate, absolute value, is less than the leak threshold and the MDL is less than or equal to the certified performance standard (paragraph (3), paragraph (9)(i) or § 245.445(2) (relating to methods of release detection for piping)), the test result is "pass."

(II) If the calculated leak rate, absolute value is greater than the leak threshold, the test result is "fail."

(III) If the MDL exceeds the certified performance standard and the calculated leak rate is less than the leak threshold, the test result is "inconclusive." An inconclusive result is considered a suspected leak and shall be investigated in accordance with § 245.304 (relating to investigation of suspected releases).

(9) *Other methods*. Other types of release detection methods, or a combination of methods, may be used if the owner or operator can demonstrate to the Department that one of the following exists:

(i) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05.

(ii) It can detect a release as effectively as any of the methods allowed in paragraphs (3)—(8). In comparing methods, the Department will consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with conditions imposed by the Department on its use to ensure the protection of human health and the environment.

#### § 245.445. Methods of release detection for piping.

Each method of release detection for piping used to meet the requirements of § 245.442 (relating to require-

ments for petroleum underground storage tank systems) shall be conducted in accordance with the following:

(1) *Automatic line leak detectors*. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements.

(2) *Line tightness testing*. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at 1 1/2 times the operating pressure.

(3) *Applicable tank methods*. The methods in § 245.444(5)—(9) (relating to methods of release detection for tanks) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

#### § 245.446. Release detection recordkeeping.

Underground storage tank system owners and operators shall maintain records in accordance with § 245.435 (relating to reporting and recordkeeping) demonstrating compliance with the applicable requirements of §§ 245.441—245.446 (relating to release detection). These records shall include the following:

(1) Written performance claims pertaining to a release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, shall be maintained for the entire time the release detection system is in use at the facility.

(2) The results of any sampling, testing or monitoring shall be maintained for at least 1 year, except that the results of tank tightness testing conducted in accordance with § 245.444(3) (relating to methods of release detection for tanks) shall be retained until the next test is conducted.

(3) Written documentation of all calibration, maintenance and repair of release detection equipment permanently located onsite shall be maintained for at least 1 year after the servicing work is completed. Schedules of required calibration and maintenance provided by the release detection equipment manufacturer shall be retained for the entire time the equipment is in use at the facility.

### OUT-OF-SERVICE UNDERGROUND STORAGE TANK SYSTEMS AND CLOSURE

#### § 245.451. Temporary closure.

(a) When an underground storage tank system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with § 245.432 (relating to operation and maintenance including corrosion protection), and release detection in accordance with §§ 245.441—245.446 (relating to release detection). Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with if a release is suspected or confirmed. Release detection is not required as long as the underground storage tank system is empty. The underground storage tank system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (1 inch) of

residue, or 0.3% by weight of the total capacity of the underground storage tank system, remain in the system.

(b) When an underground storage tank system is temporarily closed for 3 months or more, owners and operators shall also comply with the following requirements:

(1) Vent lines shall be open and functioning.

(2) All other lines, pumps, manways and ancillary equipment shall be capped and secure.

(c) When an underground storage tank system is temporarily closed for more than 12 months, owners and operators shall permanently close the underground storage tank system if it does not meet either performance standards in § 245.421 (relating to performance standards for new underground storage tank systems) for new underground storage tank systems or the upgrading requirements in § 245.422 (relating to upgrading of existing underground storage tank systems), except that the spill and overfill equipment requirements do not have to be met. Owners and operators shall permanently close the substandard underground storage tank systems at the end of this 12 month period in accordance with §§ 245.452—245.455, unless the Department provides an extension of the 12 month temporary closure period. Owners and operators shall complete a site assessment in accordance with § 245.453 (relating to assessing the site at closure or change-in-service) before an extension may be applied for.

**§ 245.452. Permanent closure and changes-in-service.**

(a) At least 30 days before beginning either permanent closure or a change-in-service under subsections (b)—(d), or within another reasonable time determined by the Department, owners and operators shall notify the Department on a form provided by the Department of their intent to permanently close or make the change-in-service, unless the action is in response to corrective action. The required assessment of the excavation zone under § 245.453 (relating to assessing the site at closure or change-in-service) shall be performed after notifying the Department but before completion of the permanent closure or a change-in-service.

(b) To permanently close a tank, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice such as API 2015 by removing the liquids and accumulated sludges. Tanks taken out of service permanently shall also be either removed from the ground or filled with a nonshrinking, inert solid material.

(c) Replacement of the underground piping connected to a storage tank shall be considered a permanent closure of that part of the underground storage tank system. The requirements applicable to permanent closure of an underground storage tank system also apply to the permanent closure of system piping.

(d) Continued use of an underground storage tank system to store a nonregulated substance is considered a change-in-service. Continued use of an underground storage tank system in a manner which would exempt the underground storage tank system from the definition of "underground storage tank" in § 245.1 (relating to definitions) is also considered a change-in-service. Before a change-in-service, owners and operators shall ensure that the tank is empty and clean in accordance with a Nationally recognized code of practice such as API 2015 by removing the liquid and accumulated sludge, and

conduct a site assessment in accordance with § 245.453 (relating to assessing the site at closure or change-in-service).

(e) An amended registration shall be submitted by the owner to the Department.

(f) A properly completed closure report is required to permanently close a site including change-in-service as defined in subsection (d). A copy of the completed closure report shall be submitted to the Department when requested.

**§ 245.453. Assessing the site at closure or change-in-service.**

(a) Before permanent closure or a change-in-service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the underground storage tank site. Owners and operators shall sample for releases in a manner acceptable to the Department.

(b) If contaminated soils, contaminated groundwater or free product as a liquid or vapor is discovered under subsection (a), or by another manner, owners and operators shall begin corrective action in accordance with Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties).

**§ 245.454. Applicability to previously closed underground storage tank systems.**

When directed by the Department, the owner and operator of an underground storage tank system permanently closed before December 22, 1988, shall assess the excavation zone and close the underground storage tank system in accordance with this subchapter if the underground storage tank system is, in the judgment of the Department, posing a current or potential threat to human health and the environment.

**§ 245.455. Closure records.**

Owners and operators shall maintain records in accordance with § 245.435 (relating to reporting and recordkeeping) that are capable of demonstrating compliance with closure requirements under this subchapter. The results of the excavation zone assessment required in § 245.453 (relating to assessing the site at closure or change-in-service) shall be maintained for at least 3 years after completion of permanent closure or change-in-service in one of the following ways:

(1) By the owners and operators who took the underground storage tank system out of service.

(2) By the current owners and operators of the underground storage tank system site.

(3) By mailing these records to the Department if they cannot be maintained at the closed facility.

*(Editor's Note: Subchapter F is new. It has been printed in regular type to enhance readability.)*

**Subchapter F. TECHNICAL STANDARDS FOR ABOVEGROUND STORAGE TANKS AND FACILITIES**

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**GENERAL**

**§ 245.501. Purpose.**

This subchapter establishes technical standards and requirements for operations and maintenance, design, construction and installation, corrosion and deterioration prevention, release prevention and leak detection, inspection, and closure and removal from service requirements for large aboveground storage tanks and facilities regulated under the act. Regulated aboveground storage tanks are defined in § 245.1 (relating to definitions).

**§ 245.502. Scope.**

The standards and requirements established in this subchapter shall be applied through the use of appropriate current codes of practice developed by Nationally recognized associations such as, but not limited to, those referenced at § 245.504 (relating to referenced organizations) and through the use of manufacturer's specifications and sound engineering practices. This subchapter is not intended to supersede other State and Federal regulations or jurisdictional requirements when they are more restrictive than the requirements in this part. This subchapter does not apply to small aboveground storage tanks unless otherwise referenced in Subchapter G (relating to simplified program for small aboveground storage tanks).

**§ 245.503. Variances.**

When unique or peculiar circumstances make compliance with this subchapter technically infeasible or unsafe, the Department may, upon written application from the owner/operator of a storage tank system subject to this subchapter, grant a variance from one or more specific provisions of this subchapter.

(1) A variance may only be granted if the storage tank system meets alternative technical standards that fully protect human health and the environment.

(2) A written application for a variance shall be submitted to the Department and provide the following information:

(i) The facility name and identification number for which the variance is sought.

(ii) Specific sections of this subchapter from which the variance is sought.

(iii) The unique or peculiar conditions which make compliance with the sections identified in subparagraph (ii) technically infeasible or unsafe.

(iv) Evidence, including data, plans, specifications and test results, which supports an alternative design, practice, schedule or method as being at least as protective of human health and the environment as the requirements of the sections identified in subparagraph (ii).

(3) The Department will not grant a variance which would result in regulatory controls less stringent than other applicable Federal or State regulations, such as 37 Pa. Code Part I, Subpart B (relating to flammable and combustible liquids) and 40 CFR Part 112 (relating to oil pollution prevention).

(4) When granting the variance, the Department may impose specific conditions necessary to assure that the variance will adequately protect the public health, safety or welfare and the environment.

(5) The Department will provide to the applicant a written notice of approval, approval with conditions or denial.

**§ 245.504. Referenced organizations.**

(a) Nationally recognized associations which are referenced throughout this subchapter are as follows:

- (1) American Concrete Institute (ACI).
- (2) American National Standards Institute (ANSI).
- (3) American Petroleum Institute (API).
- (4) American Society of Mechanical Engineers (ASME).
- (5) American Society for Nondestructive Testing (ASNT).
- (6) American Society for Testing and Materials (ASTM).
- (7) National Association of Corrosion Engineers (NACE).
- (8) National Fire Protection Association (NFPA).
- (9) Petroleum Equipment Institute (PEI).
- (10) Steel Structures Painting Council (SSPC).
- (11) Steel Tank Institute (STI).
- (12) Underwriters Laboratory (UL).

(b) Nationally recognized codes and standards shall be used in conjunction with manufacturer's specifications to comply with this subchapter. When used to meet the technical standards and requirements of this subchapter, the most current or latest edition of the codes and standards shall be applied. Other Nationally recognized codes and standards, not referenced in this part, may also be used to comply with this subchapter, when appropriate.

(c) When Nationally recognized codes and standards are updated, facilities or storage tank systems installed to

previously existing standards prior to the update, will not automatically be required to be upgraded to meet the new standard.

### OPERATIONS AND MAINTENANCE

#### § 245.511. General operations and maintenance.

An aboveground storage tank facility owner/operator shall implement and have onsite a written operations and maintenance plan which assures conformance with applicable safety and operational standards, compliance with applicable Federal and State regulations, and shall use appropriate work practices and procedures.

#### § 245.512. Facility operations and spill response plan.

A Spill Prevention Response Plan (Plan), which addresses the requirements described in Chapter 9 of the act (35 P. S. §§ 6021.901—6021.904), shall be submitted to the Department for aboveground storage tank facilities with an aggregate aboveground storage capacity greater than 21,000 gallons. A current copy of the Plan shall be readily available at the facility at all times.

#### § 245.513. Preventive maintenance and housekeeping requirements.

(a) An aboveground storage tank facility owner/operator shall establish and implement a preventive maintenance and housekeeping program which protects the integrity of the system from degradation and protects the public health and the environment.

(b) Route maintenance inspection procedures shall be established and implemented at each storage tank facility.

(1) An owner/operator is responsible to assure that a visual inspection is performed each day of normal operation. The visual inspection may be accomplished by or supplemented with electronic surveillance and shall include:

(i) A check of the facility to ensure that no potential hazardous environmental conditions exist. This includes a check for evidence of a release—for example, spill, overflow or leakage.

(ii) A check of the containment areas for accumulation of water and a confirmation that containment drain valves are secured in a closed position when not in use. If excessive water has accumulated, it shall be drained off and disposed of in accordance with applicable State and Federal requirements.

(2) An owner/operator is responsible to assure that a maintenance inspection of the facility and equipment is performed each month. The maintenance inspection shall include:

(i) An inspection of the tank system exterior surfaces for deterioration and maintenance deficiencies including a visual check for cracks, areas of wear, excessive settlement and deterioration of the foundation and supports.

(ii) Ancillary equipment and appurtenances shall be visually checked for operational malfunctions.

(iii) An inspection of containment and transfer areas for cracks, defects and fire hazards.

(iv) A check of overfill prevention equipment and monitoring of leak detection system.

(v) The monthly maintenance inspection report shall be completed and signed by the individual who conducted the visual inspections and maintained for 1 year.

(3) An owner/operator is responsible to establish a process to assure that storage tank vents are operational and free of restrictions.

(c) Housekeeping practices shall be established and implemented in a manner that reduces the possibility of accidental spills and safety hazards to plant or facility personnel.

#### § 245.514. Security.

An owner/operator is responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures and procedures may include, but are not limited to, fencing, lighting, access control, locked entrances and securing of valves and dispensers.

#### § 245.515. Labeling/marketing of aboveground tank systems.

(a) An owner/operator is responsible to assure aboveground tank systems are labeled/marked in accordance with industry standards and in compliance with Federal and State requirements. Tank labels/marks shall be easily legible from outside the containment area and shall be capable of readily identifying the regulated substance stored.

(b) The owner/operator shall be capable of readily identifying the substances transferred in the piping system and be able to determine flow control points, including pumps, valves and dispensers through labeling or other suitable means.

#### § 245.516. Recordkeeping requirements.

(a) Owners and operators of aboveground tank facilities shall maintain required records. If records are maintained offsite, the records shall be easily obtained and provided to the Department upon request.

(b) Permanent records for new systems and available records for existing systems shall be maintained for the operational life of the tank system and retained for a minimum of 1 year after the tank system has been removed. Permanent records include the following:

(1) Original installation and modification of tank system design specifications.

(2) Site specific Department correspondence and documentation.

(3) Federal and State regulatory permits.

(4) Tank handling activity installation and major modification inspection results.

(5) Reportable releases.

(c) Temporary records shall be maintained as follows:

(1) The current registration certificate.

(2) The leak detection records for the past 12 months.

(3) The last two results of cathodic protection monitoring, when a cathodic protection system is in use.

(4) The routine monthly maintenance inspections for the past 12 months.

(5) The last third party in-service inspection report.

(6) The last third party out-of-service inspection report.



**DESIGN, CONSTRUCTION AND INSTALLATION****§ 245.521. Performance standards for aboveground storage tanks.**

(a) Tank construction shall meet or exceed Nationally recognized industry association codes of practice. New tanks shall be installed in accordance with applicable codes of practice and consistent with manufacturer's or fabricator's specifications as specified in § 245.522 (relating to new aboveground tank installations and reconstructions).

(b) Tank modifications shall be in accordance with industry codes of practice as specified in § 245.524 (relating to aboveground tank modifications).

(c) Tanks shall be protected from corrosion and deterioration as specified in §§ 245.531—245.534 (relating to corrosion and deterioration prevention).

(d) A leak monitoring system shall be installed as specified in § 245.543 (relating to leak detection requirements).

(e) A release prevention system shall be installed as specified in §§ 245.541 and 245.542 (relating to overflow prevention requirements; and containment requirements for aboveground storage tank systems).

(f) Tanks shall be tested according to industry standards before being placed in service as specified in §§ 245.551—245.554 (relating to aboveground storage tank inspections).

(g) Tanks shall be inspected at installation, reconstruction or relocation and when a major modification is performed on a tank.

**§ 245.522. New aboveground tank installations and reconstructions.**

(a) Tanks shall be designed and constructed in accordance with an appropriate current code of practice developed by Nationally recognized associations such as UL, ACCI, API, ASME, ASTM or NACE.

(b) Tanks shall have a stable foundation, capable of supporting the total weight of the tank when full of product without movement, rolling or unacceptable settling. The foundation shall minimize corrosion of the tank bottom and meet or exceed the specifications of the tank manufacturer. The foundation design and construction shall be based on sound engineering practices.

(c) Tanks shall be tested for tightness in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications. If a pneumatic test is used for manufactured (shop built) tanks, the fittings, welds, joints and connections shall be coated with a soap solution and checked for leaks. Aboveground field constructed storage tanks shall be hydrostatically tested. Deficiencies shall be remedied prior to tanks being placed into service. Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(d) Reconstruction of tanks shall follow the current codes of practice developed by Nationally recognized associations. Reconstructed tanks shall be inspected and hydrostatically tested before being placed into service. Reconstructed tanks shall meet or exceed requirements specified in § 245.521 (relating to performance standards for aboveground storage tanks). Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(e) Aboveground manufactured storage tanks that are relocated to another service site shall meet the performance requirements for aboveground storage tanks and shall be tested according to industry standards and inspected before being put back in service.

**§ 245.523. Aboveground storage tanks in underground vaults.**

(a) The vault shall completely enclose the tank. There may be no openings in the vault enclosure except those necessary for access to, inspection of, and filling, emptying and venting of the tank. The walls and floor of the vault shall be constructed of reinforced concrete at least 6 inches thick. The top, walls and floor shall be designed to withstand the anticipated loading including loading from traffic, soil and groundwater.

(b) The vault shall be compatible with the stored substance and have a permeability of less than  $1 \times 10^{-7}$  cm/sec for substance stored and be water tight.

(c) A tank shall be in its own vault. Adjacent vaults may share a common wall.

(d) There may be no backfill around the tank and there shall be sufficient space between the tank and the vault to allow inspection of the tank and ancillary equipment.

(e) A vault and its tank shall be suitably anchored to withstand uplifting by either water or released substance, including when the tank is empty.

(f) Connections shall be provided to permit venting of each vault to dilute, disperse and remove vapors prior to personnel entering the vault.

(g) A vault shall be equipped with a continuous leak detection system capable of detecting vapors and liquids including water. The detection system shall activate an alarm that automatically shuts down the dispensing system if a release occurs.

(h) A vault shall have a means for personnel entry. The entry point shall have a warning sign indicating the need for procedures for safe entry into a confined space. An entry point shall be secured against unauthorized entry and vandalism.

(i) A suitable means to admit a fire suppression agent shall be provided for each vault.

(j) Tanks and ancillary equipment shall be installed, maintained and inspected in accordance with the requirements for aboveground storage tanks in this subchapter.

**§ 245.524. Aboveground tank modifications.**

(a) Modifications shall be designed and implemented in accordance with current codes of practice developed by Nationally recognized associations such as API, ACCI, ASME, ASTM or UL.

(b) Modifications shall be performed in accordance with Nationally recognized codes and manufacturer's specifications or a professional engineer's design requirements.

(c) Aboveground tanks which are modified shall be inspected and tested according to industry standards before being put in service when a major modification has been performed on the tank shell, tank roof or tank bottom. Deficiencies shall be remedied before being returned to service.

**§ 245.525. Ancillary equipment for aboveground storage tanks.**

(a) Ancillary equipment shall be designed and installed in accordance with Nationally recognized codes of practice and manufacturer's specifications such as API, ASME,

ASTM, UL, PEI or ANSI. Ancillary equipment shall be in good working order and maintained according to manufacturer's specifications and accepted industry practices. Ancillary equipment shall be compatible with the stored substance.

(b) Tanks shall be appropriately vented to protect the tank from over pressurization and excessive vacuums. Vents shall meet or exceed the appropriate codes of practice developed by Nationally recognized associations such as API and NFPA. Normal venting shall allow the tank to breath when transferring the stored product. Emergency venting shall ensure that the safe pressure for the tank is not exceeded.

(c) Tank connections through which regulated substance can flow shall be equipped with an operating valve adjacent to the tank to control flow of substance. Appropriate valves shall be installed to meet or exceed current codes of practice and jurisdictional requirements. Valves shall be designed, installed and maintained according to current codes of practice.

**§ 245.526. Piping for aboveground storage tanks.**

(a) Piping shall be compatible with the substance stored and properly designed to resist internal and external wear, vibration and shock.

(b) New and replacement piping shall be designed, fabricated and tested in accordance with current codes of practice developed by Nationally recognized associations such as API, ASME, ANSI, NFPA, PEI or STI. Installation of piping shall meet or exceed current codes of practice and be in strict accordance with manufacturer's specifications. Piping shall be tested for tightness before being placed in service and all deficiencies remedied.

(c) Piping installed after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) and in contact with the soil or an electrolyte shall be adequately protected from corrosion in accordance with current codes of practice developed by Nationally recognized associations such as NACE or API.

(d) After \_\_\_\_ (*Editors's Note: The blank refers to the effective date of the adoption of this proposal*), new or replacement piping installed beneath the surface (underground) shall have secondary containment with leak detection.

(e) Existing piping in contact with the soil or an electrolyte, or installed beneath the surface and not meeting the standards in subsections (c) and (d) shall be tested and upgraded as follows:

(1) Begin annual testing for tightness by \_\_\_\_ (*Editor's Note: The blank refers to a date 3 years after the effective date of the adoption of this proposal*) and continue annual testing until piping is upgraded.

(2) Upgrade to standards in subsections (c) and (d) when the piping system is replaced or by \_\_\_\_ (*Editor's Note: The blank refers to a date 10 years after the effective date of the adoption of this proposal*), whichever occurs first.

(f) Aboveground piping shall be adequately supported and be protected from physical damage caused by freezing, frost heaving and vehicular traffic.

**CORROSION AND DETERIORATION PREVENTION**

**§ 245.531. General corrosion and deterioration requirements.**

(a) The tank system shall be maintained with corrosion and deterioration prevention measures.

(b) Metallic tank systems in direct contact with the soil or other electrolyte shall be evaluated by a corrosion expert to determine if cathodic protection is necessary or appropriate.

(c) Existing tank bottoms that do not meet the standards in subsection (b) shall be upgraded when the tank bottom is replaced.

**§ 245.532. Cathodic protection systems.**

(a) When required for corrosion prevention, the cathodic protection system shall consist of one or more of the following:

(1) Sacrificial anodes and dielectrical coating.

(2) Impressed current.

(3) Another method specified in an appropriate Nationally recognized association code of practice such as API 651 or associations such as NACE.

(b) Cathodic protection systems shall be designed by a corrosion expert and maintained to provide protection against external corrosion for the operational life of the tank system.

(c) Each cathodic protection system shall have an access point which enables the owner or operator to check on the adequacy of cathodic protection. The cathodic protection systems shall be monitored periodically as determined by the corrosion system design.

(d) Tank and piping connections of two dissimilar metals which create a galvanic cell are prohibited.

**§ 245.533. Coating exterior tank and piping surfaces.**

The exterior surfaces of aboveground tanks and piping shall be protected by a suitable coating which prevents corrosion and deterioration. The coating system shall be maintained throughout the entire operational life of the tank.

**§ 245.534. Interior linings and coatings.**

(a) Coating or lining systems may be used to protect tank interiors from corrosion. The coating or lining system shall be designed in accordance with current codes of practices such as API 652 or associations such as NACE. Any appropriate coating which is bonded firmly to the interior surfaces may be used to protect a tank from corrosion.

(b) Specific requirements are as follows:

(1) Coatings and linings shall be chemically compatible with the substance to be stored.

(2) Coating material shall be applied and cured in strict accordance with manufacturer's specifications.

(3) Coatings used to protect the bottom of a tank shall extend up the side of the tank a minimum of 18 inches, while some forms of lining may cover the entire tank interior.

(4) Coatings shall be examined for blisters and air pockets, and tested for pinholes. The coating thickness shall be checked to assure compliance with manufacturer's specifications.

(5) Defects in coating or lining systems shall be repaired or corrected prior to putting the tank or system into service.

**RELEASE PREVENTION AND LEAK DETECTION****§ 245.541. Overfill prevention requirements.**

(a) Owner/operators shall ensure that releases from overfills do not occur. Transfer of stored substance may not exceed the volume available in the receiving tank and the transfer shall be adequately monitored. Immediate action shall be taken to stop the flow of regulated substance prior to exceeding tank capacity or in the event that an equipment failure occurs.

(b) Tanks installed after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) shall be installed with the following:

(1) A gauge or monitoring device which accurately indicates the level or volume in the tank and is visible to the individual responsible for the transfer of product. The monitoring device shall be installed, calibrated and maintained in accordance with manufacturer's specifications.

(2) A high-level alarm and an automatic high-level cut-off device or a high-level alarm and a manned operator shutdown procedure in operation.

(c) Existing tanks shall have a gauge or monitoring device installed by \_\_\_\_ (*Editor's Note: The blank refers to a date 3 years after the effective date of the adoption of this proposal*).

(d) An existing tank system which is taken out of service to perform a scheduled out-of-service inspection or a major modification to the tank shall be upgraded with a high-level alarm and cut-off device or a high-level alarm and a manned operator shutdown procedure prior to being put back in service.

**§ 245.542. Containment requirements for above-ground storage tank systems.**

(a) Containment structures shall be compatible with the substance stored and minimize deterioration to the storage tank system.

(b) Containment areas shall be designed, maintained and constructed in accordance with sound engineering practices adhering to Nationally recognized codes of practice such as NFPA, NACE, ACI or API and in compliance with State and Federal requirements.

(c) Secondary containment under the tank bottom and around underground piping shall be designed to direct any release to a monitoring point to meet leak detection requirements. Secondary containment shall be provided on a new tank at installation, and shall be provided on an existing tank at reconstruction or relocation of the tank or when the tank floor is replaced. Permeability of the secondary containment shall be less than  $1 \times 10^{-7}$  cm/sec at anticipated hydrostatic head and shall be verified at the time of installation.

(d) Aboveground tanks and loading areas shall have emergency containment structures, such as dike fields curbing and containment collection systems, which contain releases from overfills, leaks and spills, when the tank system is installed or at the next out-of-service inspection. Permeability of emergency containment shall be less than  $1 \times 10^{-6}$  cm/sec at anticipated hydrostatic head and be of sufficient thickness to prevent the released substance from penetrating the containment structure for a minimum of 72 hours, and until the release can be detected and recovered.

(e) Emergency containment areas, such as dike fields, shall be able to contain 110% of the capacity of the largest tank in the containment area.

(f) Stormwater shall be removed from the emergency containment area as soon as possible or when the water is in contact with the tank or piping and prior to the capacity of containment being reduced by 10% or more. Manually operated pumps or siphons and manually operated gravity drains may be used to empty the containment. If drain valves are used they shall be secured in the closed position when not in use. Discharge or disposal of substances from the containment structure shall comply with State and Federal requirements.

**§ 245.543. Leak detection requirements.**

(a) Aboveground tank systems installed after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) shall provide a method of leak detection capable of detecting a release. The leak detection method shall be monitored at least monthly and shall be installed, calibrated, operated and maintained in accordance with industry practices and manufacturer's specifications.

(1) The area beneath the tank bottom shall be monitored for leakage by visual, mechanical or electronic leak detection methods.

(2) Observation wells outside of the secondary containment structure do not satisfy the leak detection requirements.

(b) Existing aboveground storage tank systems which are not in direct contact with the containment structure, such as saddle mounted horizontal tanks, shall implement a monthly leak detection method as required in subsection (a) by \_\_\_\_ (*Editor's Note: The blank refers to a date 1 year after the effective date of the adoption of this proposal*).

(c) Existing aboveground storage tanks without secondary containment under the bottom of the tank that are in contact with the soil, such as vertical flat bottom tanks, and do not have cathodic protection or an internal lining shall be tested for tightness at the next scheduled service inspection after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) and continue testing for tightness at each service inspection thereafter, until the tank is upgraded.

(d) Aboveground piping shall be visually checked for leaks in accordance with the facility operations and maintenance plan.

**ABOVEGROUND STORAGE TANK INSPECTIONS****§ 245.551. General requirements for third party inspections.**

(a) Aboveground storage tank owners and operators shall have their storage tank systems inspected by a Department certified aboveground storage tank inspector at frequencies established by the Department. Inspections will check for compliance with State and Federal requirements and adherence to current codes of practice developed by Nationally recognized associations, tank manufacturer's instructions and design engineer's specifications.

(b) Only Department certified inspectors shall be used to satisfy requirements for:

(1) In-service inspections.

(2) Out-of-service inspections.

(3) Installation and modification inspections.

**§ 245.552. In-service inspections.**

(a) The in-service inspection shall follow the guidelines of a Nationally recognized association such as API 653 and API 570.

(b) The in-service inspection shall evaluate the following:

- (1) Containment areas.
- (2) Foundation.
- (3) Tank shell.
- (4) Tank roof.
- (5) Appurtenances.
- (6) Ancillary equipment including piping.
- (7) Leak detection method.
- (8) Cathodic protection system, if installed.

(c) Inspection information shall be submitted to the Department on a form provided by the Department and shall include the results of the evaluation in subsection (b) and the following:

- (1) A determination of the corrosion rate of the shell and piping.
- (2) A calculation of the life of the tank shell and piping based on corrosion rate.
- (3) The next inspection schedule based on 1/4 of the corrosion rate life with a maximum of 5 years.
- (4) The recommendations for maintaining tank system integrity.

(d) Inspection intervals for in-service inspections are as follows:

(1) Aboveground tanks installed after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) shall be initially inspected within 5 years of installation.

(2) Existing tanks shall be initially inspected as follows:

(i) Tanks over 5 years old without a previous inspection shall be inspected by \_\_\_\_ (*Editor's Note: The blank refers to a date 2 years after the effective date of the adoption of this proposal*).

(ii) Tanks with an inspection more than 3 years prior to \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) shall be inspected by \_\_\_\_ (*Editor's Note: The blank refers to a date 3 years after the effective date of the adoption of this proposal*).

(iii) Tanks with an inspection within 3 years prior to \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) shall be inspected within 6 years of the previous inspection.

(3) Tanks shall have an in-service inspection within 1/4 of the corrosion rate life with a maximum of 5 years from the previous inspection or installation.

(4) An out-of-service inspection may replace an in-service inspection.

(e) Inspection recommendations shall be addressed.

(f) The complete inspection report shall be kept at the facility until the next out-of-service inspection is completed.

**§ 245.553. Out-of-service inspections.**

(a) Inspections shall follow the guidelines of a Nationally recognized association such as API 653, API 570 or ASME.

(b) The out-of-service inspection shall evaluate the following:

- (1) Containment areas.
- (2) Foundation and supports.
- (3) Tank shell.
- (4) Tank roof.
- (5) Tank bottom.
- (6) Appurtenances.
- (7) Ancillary equipment including piping.
- (8) Leak detection method.
- (9) Cathodic protection system, if installed.
- (10) Internal linings and coatings, if installed.

(c) Inspection information shall be submitted to the Department on a form provided by the Department and shall include the results of subsection (b) and the following:

(1) A determination of the corrosion rate for tank shell, bottom plates and piping.

(2) A calculation of the tank life and piping life based on the corrosion rate.

(3) The schedule for next out-of-service inspection, based on 1/2 of the corrosion rate life with a maximum of 10 years between inspections.

(4) The recommendations for maintaining tank system integrity and meeting performance standards.

(d) Inspection intervals for out-of-service inspections are as follows:

(1) Tanks installed after \_\_\_\_ (*Editor's Note: The blank refers to the effective date of the adoption of this proposal*) shall be initially inspected within 10 years of installation.

(2) Existing tanks shall be initially inspected as follows:

(i) Tanks without a previous out-of-service inspection and over 10 years old shall be inspected by \_\_\_\_ (*Editor's Note: The blank refers to a date 3 years after the effective date of the adoption of this proposal*).

(ii) Tanks without a previous out-of-service inspection and between 5 to 10 years old shall be inspected by \_\_\_\_ (*Editor's Note: The blank refers to a date 5 years after the effective date of the adoption of this proposal*).

(iii) Tanks installed or inspected within the past 5 years shall be inspected within 10 years from the date of installation or the last inspection.

(3) Tanks shall have an out-of-service inspection at 1/2 of the corrosion rate life with a maximum of 10 years from the last out-of-service inspection.

(e) Deficiencies shall be remedied before the tank is returned to service.

(f) Aboveground storage tanks which can be completely examined from the exterior are exempt from out-of-service inspections except for tanks that are internally lined.

(g) The completed inspection report for out-of-service inspections shall be kept with the facility records until the next out-of-service inspection is completed and submitted to the Department.

**§ 245.554. Installation and modification inspections.**

(a) Aboveground storage tank systems shall be inspected by a Department certified inspector at the time of installation according to a current Nationally recognized association's code of practice and manufacturer's specifications, and the inspection report shall be kept for the operational life of the tank.

(b) Major modifications shall be inspected by a Department certified inspector at the time of modification according to current codes of practice developed by Nationally recognized associations. The inspection report shall be kept for the operational life of the tank.

(c) Tanks which are relocated or reconstructed shall be inspected by a Department certified inspector and tested for tightness in accordance with § 245.522 (relating to new aboveground tank installations and reconstructions) and current codes of practice developed by Nationally recognized associations prior to being put in service. The inspection report shall be kept for the operational life of the tank.

**CLOSURE AND REMOVAL FROM SERVICE REQUIREMENTS**

**§ 245.561. Permanent closure or change-in-service.**

Before permanent closure or change-in-service is completed, owner/operator shall comply with the following:

(1) At least 30 days before beginning either a permanent closure or change-in-service to an unregulated tank, or within a lesser time as determined by the Department, owner/operator shall notify the Department of its intent to permanently close or change-in-service from a regulated tank to an unregulated tank, unless the action is in response to a corrective action or waived by the Department.

(2) The owner/operator shall submit an amended registration form to the Department indicating the change in tank status within 30 days after the change in tank status.

(3) The owner/operators shall complete and submit a site assessment and closure report to the Department to measure for the presence of any release from the storage tank system. The assessment of the site shall be made after the notification and prior to submitting the closure report.

(4) If contaminated soil, sediment, surface water or groundwater, or free product is discovered or confirmed by either direct observation or indicated by the analytical results of sampling, the owner/operator shall proceed with the corrective action as required in Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) or, if applicable, in accordance with remedial action agreements.

(5) Regulated substance and contents removed from the tank system including piping shall be reused, treated or disposed of in a manner consistent with applicable State and Federal waste management requirements.

(6) Tank systems shall be cleaned, rendered free of hazardous vapors and ventilated if left onsite or tank systems shall be emptied and removed from the site in a manner consistent with current industry practices and

Bureau of Land Recycling and Waste Management requirements such as Chapters 263 and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste).

(7) Tanks to be permanently closed and left onsite shall be legibly marked with the date of permanent closure.

(8) The State Fire Marshal shall be notified if the tank is under a fire marshal permit.

(9) Tanks that are to be closed in place shall:

(i) Be rendered inoperable and incapable of storing liquid substance.

(ii) Be secured against unauthorized entry.

(iii) Meet the requirements specified in paragraphs (1)–(8).

**§ 245.562. Temporary removal-from-service.**

(a) The owner/operator shall complete and submit an amended registration form to the Department within 30 days after the change in tank status.

(b) A tank system shall be emptied and regulated substances and contents shall be reused, treated or disposed of in accordance with State and Federal requirements.

(c) A tank shall be secured against unauthorized entry and all piping entering or exiting the tank, excluding vents, shall be capped.

(d) Tank integrity shall be maintained throughout the temporary removal-from-service time and the tank shall be protected against flotation.

(e) Inspection requirements shall be maintained as specified in §§ 245.551–245.554 (relating to aboveground storage tank inspections).

(f) Tanks which are temporarily removed-from-service for 5 years or longer shall meet the requirements for permanent closure.

*(Editor's Note: Subchapter G is new. It has been printed in regular type to enhance readability.)*

**Subchapter G. SIMPLIFIED PROGRAM FOR SMALL ABOVEGROUND STORAGE TANKS**

**GENERAL**

- Sec. 245.601. Purpose.
- 245.602. Scope.
- 245.603. General storage tank facility requirements.
- 245.604. Referenced organizations.

**TECHNICAL REQUIREMENTS**

- Sec. 245.611. Testing requirements for new and substantially modified small aboveground storage tanks.
- 245.612. Performance and design standards.
- 245.613. Monitoring standards.
- 245.614. Requirements for closure.
- 245.615. Recordkeeping requirements.
- 245.616. Inspection requirements.

**GENERAL**

**§ 245.601. Purpose.**

This subchapter establishes a simplified program of technical standards and requirements for small aboveground storage tanks not exceeding 21,000 gallons capacity and regulated under the act. Regulated aboveground storage tanks are defined in § 245.1 (relating to definitions).

**§ 245.602. Scope.**

The standards and requirements established in this subchapter shall be applied through the use of appropriate current codes of practice developed by Nationally recognized associations such as, but not limited to, those referenced in § 245.604 (relating to referenced organizations) and through the use of manufacturer's specifications and sound engineering practices. This subchapter is not intended to supersede other State and Federal regulations or jurisdictional requirements when they are more restrictive than the requirements in this part. For certain types of tanks this subchapter may make reference to the requirements for aboveground storage tanks in Subchapter F (relating to technical standards for aboveground storage tanks and facilities).

**§ 245.603. General storage tank facility requirements.**

(a) The owner/operator of aboveground storage tank facilities with an aggregate aboveground storage capacity greater than 21,000 gallons shall develop and adhere to a Spill Prevention Response Plan (Plan) which addresses the requirements described in Chapter 9 of the act (35 P. S. §§ 6021.901—6021.904). The Plan shall be provided to the Department and updated as necessary. A current copy of the Plan shall be readily available at the storage tank facility at all times.

(b) The owner/operator of aboveground storage tank facilities is responsible to assure that appropriate security measures and procedures based on the facility location are established and implemented to protect the environment and the public. These security measures may include, but are not limited to, fencing, lighting, access control, locked entrances and securing of valves, drains and dispensers.

**§ 245.604. Referenced organizations.**

(a) Nationally recognized associations which are referenced throughout this subchapter are as follows:

- (1) American National Standards Institute (ANSI).
- (2) American Petroleum Institute (API).
- (3) American Society of Mechanical Engineers (ASME).
- (4) American Society for Testing and Materials (ASTM).
- (5) National Association of Corrosion Engineers (NACE).
- (6) Petroleum Equipment Institute (PEI).
- (7) Steel Structures Painting Council (SSPC).
- (8) Steel Tank Institute (STI).
- (9) Underwriters Laboratory (UL).

(b) Nationally recognized codes and standards shall be used in conjunction with manufacturer's specifications to comply with this subchapter. When used to meet the technical standards and requirements of this subchapter, the most current or latest edition of the codes and standards shall be applied. Other Nationally recognized codes and standards, not referenced in this part, may also be used to comply with this subchapter, when appropriate.

(c) When Nationally recognized codes and standards are updated, facilities or storage tank systems installed to previously existing standards prior to the update will not automatically be required to be upgraded to meet the new standard.

**TECHNICAL REQUIREMENTS****§ 245.611. Testing requirements for new and substantially modified small aboveground storage tanks.**

(a) Tanks installed after \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal) shall be tested for tightness in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications, except for manufactured, shop built, tanks that meet the requirements of subsection (b). The testing shall be completed, as part of the installation process, prior to putting the tank in service.

(b) Manufactured, shop built, tanks that are initially tested after full assembly at the plant do not require additional testing at installation if the manufacturer certifies that the tank was tested at the plant and the manufacturer's installation instructions do not specify additional testing.

(c) Tanks that receive major modifications to the tank shell or the tank bottom shall be tested for tightness, in accordance with current codes of practice developed by Nationally recognized associations or manufacturer's specifications, prior to being returned to service.

**§ 245.612. Performance and design standards.**

(a) Tanks shall be designed, constructed and installed or modified in accordance with current codes of practice developed by Nationally recognized associations such as API, ASME, ASTM, ANSI, STI and UL and the manufacturer's specifications.

(b) Tanks shall have a stable support or foundation capable of adequately supporting the total weight of the tank and its contents when in use. The support or foundation shall meet or exceed the specifications of the tank manufacturer and be designed and constructed in accordance with sound engineering practices.

(c) Ancillary equipment, including piping, shall be designed, installed and modified in accordance with current codes of practice developed by Nationally recognized associations such as API, SSPC, NACE, ASME, PEI and UL and the manufacturer's specifications. Ancillary equipment shall be compatible with the substance stored and shall be adequately protected from corrosion, excessive wear and deterioration. Protective coatings shall be maintained throughout the entire operational life of the storage tank system. Underground piping shall comply with the following:

(1) New or replacement piping installed in contact with the soil, underground, after \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal) shall be in secondary containment.

(2) Existing underground piping shall be upgraded to new piping standards in paragraph (1), by \_\_\_\_ (*Editor's Note:* The blank refers to a date 5 years after the effective date of the adoption of this proposal), or at the next in-service inspection, whichever is sooner.

(d) Tanks installed after \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal) shall be installed with secondary containment in or under the tank bottom to provide monitoring capability to satisfy leak detection requirements in § 245.613 (relating to monitoring standards) and emergency containment to contain possible releases, such as overfills, leaks and spills. Emergency containment shall be sufficiently impermeable to contain any potential

release for a minimum of 72 hours and until the release can be detected and fully recovered in an expeditious manner.

(e) Existing tanks which do not meet the requirements specified in subsection (d) shall be upgraded with secondary containment by \_\_\_\_ (*Editor's Note:* The blank refers to a date 10 years after the effective date of the adoption of the proposal) and emergency containment by \_\_\_\_ (*Editor's Note:* The blank refers to a date 3 years after the effective date of the adoption of this proposal).

(f) Tanks installed in underground vaults after \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal) and used for dispensing Class I and Class II motor fuels shall comply with § 245.523 (relating to aboveground storage tanks in underground vaults).

(g) The exterior of tank system shall be protected by an appropriate coating or paint which shall be maintained throughout the entire operational life of the tank system.

(h) Tanks which are internally lined shall comply with § 245.534 (relating to interior linings and coatings).

(i) Tanks shall be labeled or marked in a manner consistent with industry standards and which provides for identifying the regulated substance stored from outside the containment area.

#### § 245.613. Monitoring standards.

(a) By \_\_\_\_ (*Editor's Note:* The blank refers to a date 1 year after the effective date of the adoption of this proposal), a method of leak detection shall be in use and monitored at least monthly. An automatic sensing device, mechanical device or other appropriate method may be used. This method, at a minimum, shall provide a visual examination of the storage tank system by the owner/operator or designated representative. If releases are detected, they shall be corrected and the provisions of Subchapter D (relating to corrective action process for owners and operators of storage tanks and storage tank facilities and other responsible parties) shall be complied with.

(b) The owner/operator shall assure that a maintenance and general operations check of the storage tank system is performed at least monthly. Deficiencies noted during the check shall be corrected. The small aboveground storage tank general operations and maintenance checklist provided by the owner/operator shall be used to document the monthly operations and maintenance check. The operations and maintenance check shall include:

(1) A visual examination of the tank system for deterioration, including, but not limited to, the tank, piping, ancillary equipment, foundation and safety equipment.

(2) A check of the containment areas for accumulation of water and removal of water as necessary.

(3) Confirmation that containment drain valves are secured in the closed position when not in use.

(4) Monitoring of the leak detection system.

(5) A check of vents for restrictions.

(6) A check of ancillary equipment for operational malfunctions.

(7) An investigation of conditions that may be a fire or safety hazard, or pose an environmental hazard.

(8) Observation for evidence of a release of regulated substance from the tank system.

#### § 245.614. Requirements for closure.

(a) Tank systems shall be cleaned, rendered free from hazardous vapors and ventilated if left onsite or shall be emptied and removed from the site in a manner consistent with current industry practices and Bureau of Land Recycling and Waste Management requirements such as Chapters 263 and 299 (relating to transporters of hazardous waste; and storage and transportation of residual waste).

(b) The owner shall conduct a visual examination of the surface, soil and area surrounding and underlying the storage tank system for obvious indications or evidence of a release of regulated substance.

(1) If a release is suspected, it shall be investigated in accordance with § 245.304 (relating to investigation of suspected releases).

(2) If a release is confirmed, it shall be reported to the appropriate Department regional office responsible for the county in which the tank is located in accordance with § 245.305 (relating to reporting releases).

(c) The owner shall complete and submit an amended tank registration form to the Department within 30 days of:

(1) The completion of permanent closure.

(2) Change-in-service status of the tank.

(3) Temporary removal from service.

(d) Temporary removal from service requires that the owner/operator empty the tank system of regulated substances and conduct a visual examination of the area surrounding the tank as required in subsection (b), excluding the surface and soil underlying any tank bottom in contact with the ground. A tank may be considered to be in a temporary removal from service status when the tank is emptied and intended to remain out of use for 1 year or more.

(1) Temporary removal from service may not exceed 3 years.

(2) Monitoring standards in § 245.613 (relating to monitoring standards) are not required when a tank is reported to the Department as temporarily removed from service.

(3) Inspection of tanks temporarily removed from service shall be performed in accordance with § 245.616 (relating to inspection requirements).

#### § 245.615. Recordkeeping requirements.

(a) The owner/operator shall maintain required storage tank system records. If records are maintained offsite, the records shall be easily obtained and provided to the Department upon request.

(b) The following records shall be maintained for the operational life of the tank unless otherwise stated:

(1) Original tank and system installation records and design specifications. This requirement is limited to records currently available for tank systems existing prior to \_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal).

(2) Records of modification to the tank or storage tank system.

(3) Federal and state permits.

(4) Current registration certificates.

(5) Monthly leak detection records and maintenance checklists for the past 12 months.

(6) The last third-party inspection report.

**§ 245.616. Inspection requirements.**

(a) Required inspections of small aboveground storage tanks shall be conducted by Department certified aboveground storage tank inspectors according to a current Nationally recognized association's code of practice such as API and ASME and according to manufacturer's specifications. Deficiencies noted during the inspection shall be addressed.

(b) After \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the adoption of this proposal), small aboveground field constructed storage tanks shall be inspected at installation, reconstruction or relocation and when a major modification activity is performed on the tank shell or the tank bottom plates.

(c) The owner/operator of small aboveground storage tanks storing regulated petroleum products with a capacity greater than 5,000 gallons and owner/operator of small aboveground storage tanks storing regulated hazardous substances with a capacity greater than 1,100 gallons shall have in-service inspections conducted every 10 years or at 1/4 of the corrosion rate life with a maximum of 10 years between inspections. Inspections shall be phased in for tanks without a previous inspection as follows:

(1) New tanks shall be initially inspected within 10 years of installation.

(2) Existing tanks, less than 10 years old without a previous inspection, shall be inspected by \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 5 years after the effective date of the adoption of this proposal) or 10 years from the date of installation, whichever is greater.

(3) Existing tanks over 10 years old, without a previous inspection, shall be inspected by \_\_\_\_\_ (*Editor's Note:* The blank refers to a date 3 years after the effective date of the adoption of this proposal).

(d) In-service inspections shall evaluate the following:

(1) Containment areas.

(2) Foundation and tank supports.

(3) Tank shell and tank roof, where a roof exists.

(4) Appurtenances.

(5) Ancillary equipment including piping.

(6) Leak detection method, including monthly leak detection records and maintenance checklists.

(7) Cathodic protection system, if installed.

(8) Coatings and protections from deteriorations.

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