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PENNSYLVANIA BULLETIN

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The Courts
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Development
Department of Environmental Protection
Department of General Services
Department of Revenue
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Environmental Hearing Board
Independent Regulatory Review Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 286, September 1998

PENNSYLVANIA



BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 1998-4]

Interagency Committee to Coordinate Services Provided to Individuals with Disabilities

August 12, 1998

Whereas, the administrative agencies of the Commonwealth have the responsibility to develop practical and efficient means for coordination of their work pursuant to sections 501 and 502 of The Administrative Code of 1929 (71 P. S. §§ 181 and 182); and

Whereas, the Department of Education has the duty to administer all of the laws of this Commonwealth with regard to the establishment, maintenance, and conduct of the public schools pursuant to the Public School Code of 1949 (24 P. S. §§ 1-101 et. seq.), the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (20 U.S.C.A. § 1400 et seq.), the State Board of Education's Regulations at 22 Pa. Code Chapter 14, Special Education Programs and Services, and the Department of Education's Standards at 22 Pennsylvania Code Chapter 342, Special Education Services and Programs; and

Whereas, the Department of Education is the agency responsible for ensuring that each local education agency provides a free, appropriate public education to eligible students; and

Whereas, the Department of Labor and Industry is responsible for promoting the employment of individuals with disabilities by providing vocational rehabilitation, job training and placement services pursuant to the Rehabilitation Act of 1973 (29 U.S.C. § 701 et. seq.) as amended, the Vocational Rehabilitation Act of 1988 (43 P. S. § 682.1 et. seq.); and the Job Training Partnership Act (29 U.S.C. § 1501 et. seq.), as amended; and

Whereas, the Department of Public Welfare is responsible for administering the State Plan to ensure eligible children receive Medical Assistance benefits pursuant to Title XIX of the Social Security Act, 42 U.S.C.A. § 1396 et. seq.; providing grants to counties for services to individuals with mental illness or mental retardation pursuant to the Mental Health and Mental Retardation Act of 1966, 50 P. S. § 4101 et seq.; and promoting the employment of individuals who are blind or visually impaired by providing vocational rehabilitation, job training, and placement services pursuant to the Rehabilitation Act of 1973, (29 U.S.C.A. § 701 et seq.), as amended; and

Whereas, the Department of Health is responsible for protecting the health of the people of this Commonwealth, pursuant to 71 P. S. § 532, and is authorized under 42 U.S.C.A. § 701 et seq. to administer certain maternal and child health programs; and

Whereas, Commonwealth agencies cooperate and collaborate, in whole or in part, in the provision of services to children with disabilities in a variety of contexts in the continuum of services required from birth through age 21, including but not limited to: early intervention; special education and related services; transition from school to employment; adult, continuing and postsecondary education; adult services; independent living; and community participation; and

Whereas, the Commonwealth has programmatic and fiscal responsibilities for early intervention, special education and related services, as well as services related to the transitioning of students with disabilities to adult life; and

Whereas, the coordination and direct involvement of the following agencies is essential: the Department of Education's Bureau of Special Education, Bureau of Vocational and Technical Education, and Office of School to Work Programs; Department of Labor and Industry's Office of Vocational Rehabilitation, Office for the Deaf and Hard of Hearing, and the Bureau of Employment Services and Training; Department of Health; and the Department of Public Welfare's Office of Mental Health and Substance Abuse Services, Office of Mental Retardation, Bureau of Blindness and Visual Services in the Office of Social Programs, and the Office of Medical Assistance Programs; and

Whereas, the Departments of Education, Health, Labor and Industry, and Public Welfare have operated under a number of Memoranda of Understanding (MOUs), specifying the respective duties of each agency under applicable law, in the following areas: services and programs for early intervention (PDE, DPW, Health); data tracking (PDE, DPW); Medical Assistance (PDE, DPW); school age mentally retarded persons transferred between residential facilities (PDE, DPW); students in partial hospitalization (PDE, DPW); County Child and Adult Services System Programs (PDE, DPW); transition (PDE, L&I, DPW); and the Job Training Partnership Act (PDE, L&I); and

Whereas, the Departments of Education, Health, Labor and Industry, and Public Welfare are directed to implement planning, services, and fiscal supports, as appropriate, to serve children with disabilities in a variety of contexts in the continuum of services provided from birth through age 21, including, but not limited to: early intervention; special education and related services; transition from school to employment; adult, continuing and postsecondary education; adult services; independent living; and community participation.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Interagency Committee to Coordinate Services Provided to Individuals with Disabilities (hereinafter referred to as "Committee") as hereinafter set forth.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. COUNCILS AND COMMITTEES

Subchapter A. INTERAGENCY COMMITTEE TO COORDINATE SERVICES PROVIDED TO INDIVIDUALS WITH DISABILITIES

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| 6.1. | Objectives. |
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§ 6.1. Objectives.

The Departments of Education, Health, Labor and Industry and Public Welfare shall execute an interagency agreement to establish coordination and collaboration at the State level by defining fiscal and programmatic responsibilities for each agency under applicable law. This interagency agreement shall also provide specific direction for local level interagency cooperation to achieve the objectives listed in this section. The interagency agreement shall be executed prior to the expiration of this subchapter. The directives and responsibilities set forth under the agreement will be coordinated and directed by the Pennsylvania Human Resources Investment Council, if applicable, with the involvement of appropriate advisory councils. The objectives are as follows:

- (1) To promote systematic funding to support students with disabilities. This includes the implementation of a reimbursement mechanism and the assignment of responsibilities for services each department will provide

pursuant to the terms of Federal or State law or State-level interagency agreement. The interagency agreement shall include:

(i) An identification of, or a method for defining, the financial responsibility of each agency for providing services to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency otherwise obligated under State or Federal law or State policy to provide or pay for any services that are also considered special education or related services shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child's Individualized Education Program (IEP)).

(ii) The conditions, terms and procedures under which a local educational agency shall be reimbursed by other agencies.

(iii) Procedures for resolving interagency disputes, including procedures under which local educational agencies may initiate proceedings, under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

(iv) Policies and procedures for agencies to determine and identify the responsibilities of each agency to promote interagency coordination and timely and appropriate delivery of services.

(2) To promote interagency cooperation in the implementation of the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400—1485). With reference to transition services, the interagency agreement shall identify:

(i) Policies, practices and procedures that can be coordinated between agencies, including definitions, standards for eligibility, policies and procedures for making referrals, procedures for outreach to and identification of students who are receiving special education services and are in need of transition services, and procedures and time frames for evaluation and follow-up on those students.

(ii) The roles of each agency, including provisions for determining the State lead agencies and qualified personnel with primary responsibility for transition services.

(iii) Procedures for providing training for staff of State and local educational agencies as to the availability, benefits of and eligibility standards for other State agencies providing transition services.

(iv) Available resources, including sources of funds for the development and expansion of services.

(v) Other components necessary to ensure meaningful cooperation among agencies, including procedures to facilitate the development of local teams to coordinate the provision of services to students with disabilities, sharing data and joint training of staff in the provision of transition services.

(3) To assure that local agreements, consistent with the objectives of the State-level interagency agreement, are developed and implemented among the Office of Vocational Rehabilitation district offices, local school districts, vocational technical schools, intermediate units, county mental health/mental retardation programs, district offices of Blindness and Visual Services and other appropriate agencies.

(4) To evaluate the need for and implement, as appropriate, joint training and ongoing in-service training for staff of the Bureau of Special Education, Office of Vocational Rehabilitation, Bureau of Employment Services and Training; the Office for the Deaf and Hard of Hearing; the State Office of Mental Health and Substance Abuse Services and County Mental Health; the State Office of Mental Retardation; county mental retardation offices; the Bureau of Blindness and Visual Services; intermediate units; school districts; vocational-technical schools; postsecondary institutions as well as for parents/families, service providers and representatives from business and industry.

(5) To promote the availability of appropriate choices and options for students with disabilities and their families in securing services, including

early intervention, special education and related services, and to enable students to make the transition from school to becoming successful, participating members of the community.

(6) To review existing databases for students/clients with disabilities, while maintaining proper confidentiality, as a means to make recommendations for improving coordinated services.

(7) To provide mechanisms for the replication of exemplary programs.

(8) To provide for a system to resolve conflicts or questions which may arise under this subchapter or under existing memoranda of understanding through the Governor's Office of General Counsel.

§ 6.2. Composition.

(a) The Interagency Committee to Coordinate Services Provided to Individuals with Disabilities Committee (Committee) members will be appointed by the respective Secretaries or other agency director, and will, at a minimum, include:

(1) A member of the staff of the Governor's Policy Office, and the Policy Offices of the Departments of Education, Health, Labor and Industry and Public Welfare.

(2) A deputy secretary from each of the departments or a designee.

(3) One representative each from the Department of Education's Bureau of Special Education, Bureau of Vocational-Technical Education and Office of School to Work.

(4) One representative each from the Department of Labor and Industry's Office of Vocational Rehabilitation, Office for the Deaf and Hard of Hearing and Bureau of Employment Services and Training.

(5) One representative each from the Department of Public Welfare's Office of Mental Health and Substance Abuse Services, Office of Mental Retardation, Office of Medical Assistance Programs and Bureau of Blindness and Visual Services.

(b) The Committee will meet at least quarterly.

(c) The Committee will conduct its responsibilities under the direction of the Governor's Policy Office and, where applicable, consistent with directives from the Pennsylvania Human Resources Investment Council.

§ 6.3. Implementation strategy.

Until the interagency agreement is executed, existing law and memoranda of understanding shall serve as the basis for determining and effecting any responsibilities that the departments named in the memoranda of understanding may have for providing services to children with disabilities. If there is a disagreement regarding the responsibility for providing early intervention, special education, related services or transition services, or that the memoranda of understanding do not include an agency that may have responsibility for the services, it is the responsibility of the Interagency Committee to Coordinate Services Provided to Individuals with Disabilities (Committee) to arrange for the modification of the existing memoranda of understanding, or the development of a new memoranda of understanding to include other agencies, which shall be contingent upon review and approval by the Office of General Counsel. If disputes cannot be resolved by the Committee, the issue shall be submitted to the Office of General Counsel for final resolution. No moneys for services may be encumbered by another agency unless those services are authorized by the existing memoranda of understanding, an interim memoranda of understanding, a duly executed modification thereof or pursuant to direction by the Office of General Counsel.

§ 6.4. Effective date.

This Subchapter is effective July 1, 1998.

§ 6.5. Termination date.

This subchapter will terminate December 31, 1999.

Governor

Fiscal Note: GOV 98-4. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-1483. Filed for public inspection September 11, 1998, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 33]

Adoption of Court Directive Pursuant to Rule 3305,
Pa.R.A.P.; No. 114 Doc. No. 1

Order

Per Curiam:

And Now, this 28th day of August, 1998, the following Court Directive to Rule of Appellate Procedure 3305 is herewith promulgated.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103, the immediate promulgation of this directive is hereby found to be in the interest of efficient administration.

This order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 33. BUSINESS OF THE SUPREME COURT

IN GENERAL

Rule 3305. Administrative Motions.

* * * * *

DIRECTIVE

It is expected that members of the bar will adhere to the rules of appellate procedure. Accordingly, to insure compliance with the rules, the court hereby promulgates the following directive.

Pursuant to Rule 3305, Pa.R.A.P., upon the failure to comply with the rules of appellate procedure, the court may impose sanction(s) which may include but are not limited to:

- 1.) Striking the brief or pleading;
- 2.) Loss of oral argument;
- 3.) Fine(s);
- 4.) Quashing the appeal, petition or motion;
- 5.) If the attorney is court-appointed, removal from the case, denial of fees for services performed and/or denial of further court appointments;
- 6.) If retained counsel, advising the client of the violation;
- 7.) Referral to the disciplinary board;

8.) Payment of opposing party's reasonable attorney's fees and/or court costs.

[Pa.B. Doc. No. 98-1484. Filed for public inspection September 11, 1998, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 300]

Order Approving the Revision of the Comment to Rule 305; No. 237; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the August 28, 1998 revision of the Comment to Rule of Criminal Procedure 305 (Pretrial Discovery and Inspection). The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 28th day of August, 1998, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 28 Pa.B 276 (January 17, 1998), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 703), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of the Comment to Pa.R.Crim.P. 305 in the following form is approved.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 1999.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 300. PRETRIAL PROCEEDINGS

Rule 305. Pretrial Discovery and Inspection.

* * * * *

Official Note: Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; **Comment revised August 28, 1998, effective January 1, 1999.**

* * * * *

Comment:

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in

Brady v. Maryland, 373 U.S. 83 (1963), and the refinements of the Brady standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 3.

Included within the scope of paragraph (B)(2)(a)(iv) is any information concerning any prosecutor, investigator, or police officer involved in the case who has received either valuable consideration, or an oral or written promise or contract for valuable consideration, for information concerning the case, or for the production of any work describing the case, or for the right to depict the character of the prosecutor or investigator in connection with his or her involvement in the case.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 28, 1997 *Comment* revision deleting the references to the ABA Standards published with the Court's Order at 27 Pa.B. 3997 (August 9, 1997).

Final Report explaining the August 28, 1998, 1998 Comment revision concerning disclosure of remuneration published with the Court's Order at 28 Pa.B. 4625 (September 12, 1998).

Final Report¹

Revision of Comment to Pa.R.Crim.P. 305 (Pretrial Discovery and Inspection)

Disclosure of Remuneration to Investigators or Prosecutors

On August 28, 1998, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court approved the revision of the second paragraph of the Comment to Rule of Criminal Procedure 305 (Pretrial Discovery and Inspection), effective January 1, 1999.

In correspondence with the Committee, Senator David J. Brightbill suggested that Rule 305 should be amended to require "disclosure of information relative to 1) the receipt of anything of value or 2) any oral or written promise or contract for the receipt of anything of value for either (a) information regarding the criminal offense or (b) that individual's character depiction in connection with his or her involvement as an investigator with that criminal offense." Senator Brightbill explained that he thought this information should be given to the defendant prior to trial so the defendant "will have the opportunity for thorough cross-examination...[and to] provide the necessary information to begin to serve the needs of the criminal justice system."

After reviewing Senator Brightbill's suggestion and Rule 305, the Committee debated at length whether the rule should be amended. Some members thought the disclosure of remuneration should be mandatory, and that such a disclosure fell within the scope of paragraph (B)(1)(a). Other members thought that the disclosure should be discretionary with the court, and that it fell within the scope of paragraph (B)(2)(a)(iv). A third position was that disclosure of remuneration is not covered by either paragraph (B)(1)(a) or paragraph (B)(2)(a)(iv), and the rule should be amended to specifically include such

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

disclosures. The final position advocated was that this type of disclosure should be mandatory on both the prosecution and defense.

Ultimately, the majority of the members agreed that disclosure of remuneration should be discretionary with the court, that the scope of paragraph (B)(2)(a)(iv) is broad enough to encompass such disclosures, and, therefore, it was unnecessary to amend Rule 305. However, given Senator Brightbill's concerns, and the increase in the number of cases in which remuneration is being offered, the Committee concluded that it would be helpful to the bench and bar if the Rule 305 Comment explained that disclosure of remuneration falls within the scope of paragraph (B)(2)(a)(iv). Accordingly, the Rule 305 Comment has been revised by the addition of the following paragraph:

Included within the scope of paragraph (B)(2)(a)(iv) is any information concerning any prosecutor, investigator, or police officer involved in the case who has received either valuable consideration, or an oral or written promise or contract for valuable consideration, for information concerning the case, or for the production of any work describing the case, or for the right to depict the character of the prosecutor or investigator in connection with his or her involvement in the case.

[Pa.B. Doc. No. 98-1485. Filed for public inspection September 11, 1998, 9:00 a.m.]

PART II. LOCAL AND MINOR RULES

[234 PA. CODE CH. 6000]

Order Amending Rules 6001, 6003, 6009 and 6010; No. 236; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the August 28, 1998 amendments to Rules of Criminal Procedure 6001 (Disposition of Criminal Case—Philadelphia Municipal Court), 6003 (Procedure in Non-Summary Municipal Court Cases), 6009 (Notice to Municipal Court Judge and District Attorney of Appeal or of Petition for Certiorari), and 6010 (Procedure on Appeal). These amendments change the references in the Municipal Court rules from "district attorney" to "attorney for the Commonwealth," and align the Municipal Court rules with the comparable rules in Chapters 50 and 100. These changes clarify that the procedures apply to not only the District Attorney of Philadelphia, but also any assistant district attorney in Philadelphia and any attorney in the Office of the Attorney General. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 28th day of August, 1998, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.Rs.Crim.P. 6001, 6003, 6009, and 6010 are hereby amended in the following form.

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

Annex A

TITLE 23A. RULES OF CRIMINAL PROCEDURE
PART II. LOCAL AND MINOR RULES
CHAPTER 6000. RULES OF CRIMINAL PROCEDURE FOR THE MUNICIPAL COURT OF PHILADELPHIA

Rule 6001. Disposition of Criminal Cases—Philadelphia Municipal Court.

* * * * *

(C) A case may be transferred from the Municipal Court to the Court of Common Pleas by order of the President Judge of the Court of Common Pleas, or the President Judge's designee, upon the President Judge's approval of:

* * * * *

(2) a certification by both defense counsel and the [District Attorney] attorney for the Commonwealth that the trial of the case will be so time consuming as to unduly disrupt the business of the Municipal Court.

Official Note: Present Rule 6001 adopted March 28, 1973, effective March 28, 1973, replacing prior Rule 6001; amended June 28, 1974, effective July 1, 1974; paragraph (C) added February 10, 1975, effective immediately; title amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended June 19, 1996, effective July 1, 1996; amended _____, 1998, effective _____.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the _____, 1998 amendments published with the Court's Order at 28 Pa.B. 4627 (September 12, 1998).

Rule 6003. Procedure in Non-Summary Municipal Court Cases.

* * * * *

B. CERTIFICATION OF COMPLAINT

Before a Municipal Court judge may issue process or order further proceedings in a Municipal Court case, the judge shall ascertain and certify on the complaint that:

(1) the complaint has been properly completed and executed; and

(2) when prior [approval from the office of the District Attorney] submission to an attorney for the Commonwealth is required, [that a district] an attorney has approved the complaint.

The Municipal Court judge shall then accept the complaint for filing, and the case shall proceed as provided in these rules.

* * * * *

E. ACCEPTANCE OF BAIL PRIOR TO TRIAL

The Clerk of Quarter Sessions shall accept bail at any time prior to the Municipal Court trial.

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective

January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended March 22, 1996, effective July 1, 1996; amended _____, effective _____.

Comment:

* * * * *

The procedure set forth in subsection C(3) allows the Municipal Court judge to exercise discretion in whether to issue a summons or an arrest warrant depending on the circumstances of the particular case. Appropriate factors for issuing a summons rather than an arrest warrant will, of course, vary. Among the factors that may be taken into consideration are the severity of the offense, the continued danger to the victim, the relationship between the defendant and the victim, the known prior criminal history of the defendant, etc.

If the [District Attorney of Philadelphia County] attorney for the Commonwealth exercises the options provided by Rule 107, Rule 2002A, or both, [the District Attorney] attorney must file the certifications required by paragraphs (b) of Rules 107 and 2002A with the Court of Common Pleas of Philadelphia County and with the Philadelphia Municipal Court.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 22, 1996 amendments published with the Court's Order at 26 Pa.B. 1690 (April 13, 1996).

Final Report explaining the _____, 1998 amendments published with the Court's Order at 28 Pa.B. 4627 (September 12, 1998).

Rule 6009. Notice to Municipal Court Judge and [District] Attorney for Commonwealth of Appeal or of Petition for Certiorari.

The Clerk of Municipal Court shall notify the sentencing judge and the [District Attorney] attorney for the Commonwealth of the filing of the appeal or the petition for a writ of certiorari.

Official Note: Adopted December 30, 1968, effective January 1, 1969; amended February 21, 1996, effective July 1, 1996; amended _____, 1998, effective _____.

Committee Explanatory Reports:

* * * * *

Final Report explaining the _____, 1998 amendment published with the Court's Order at 28 Pa.B. 4627 (September 12, 1998).

Rule 6010. Procedure on Appeal.

The [District Attorney] attorney for the Commonwealth, upon receiving the notice of appeal, shall prepare an information and the matter shall thereafter be treated in the same manner as any other court case.

Official Note: Adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended _____, 1998, effective _____, 1998.

Committee Explanatory Reports:

Final Report explaining the _____, 1998 amendment published with the Court's Order at 28 Pa.B. 4627 (September 12, 1998).

Final Report¹

Amendment of Rules 6001, 6003, 6009, 6010

PHILADELPHIA MUNICIPAL COURT RULES

On August 28, 1998, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court approved the amendments to Rules of Criminal Procedure 6001 (Disposition of Criminal Case—Philadelphia Municipal Court), 6003 (Procedure in Non-Summary Municipal Court Cases), 6009 (Notice to Municipal Court Judge and District Attorney of Appeal or of Petition for Certiorari), and 6010 (Procedure on Appeal). These amendments change the references in the Municipal Court rules from "district attorney" to "attorney for the Commonwealth." The Committee recommended these changes because the Municipal Court rules should be aligned with the comparable rules in Chapters 50 and 100. These changes clarify that the procedures apply to not only the District Attorney of Philadelphia, but also any assistant district attorney in Philadelphia and any attorney in the Office of the Attorney General. These amendments are effective immediately.

[Pa.B. Doc. No. 98-1486. Filed for public inspection September 11, 1998, 9:00 a.m.]

**Title 249—PHILADELPHIA
RULES**

PHILADELPHIA COUNTY

Deferment of Allegheny University/Hospital Actions by Reason of Bankruptcy Stay; Administrative Doc. No. 7 of 1998

And Now, this 20th day of August, 1998, it is hereby *Ordered* that all cases in which Allegheny University of the Health Sciences (MCP Hahnemann University), Allegheny University Medical Practices (a/k/a Allegheny Integrated Health Group), Allegheny Hospitals—Centennial (Graduate Hospital, City Avenue Hospital, Mt. Sinai Hospital, Parkview Hospital), and Allegheny University Hospitals—East (Bucks Hospital, Elkins Park Hospital, Hahnemann Hospital, MCP Hospital, St. Christopher's Hospital for Children) are named parties shall be placed in deferred status by reason of the Chapter 11 bankruptcy proceedings presently pending in the United States Bankruptcy Court for the Western District of Pennsylvania at Case Numbers 98-25773 through 98-25777, inclusive.

This Order shall apply to all such actions until and/or unless any individual case is severed from the bankruptcy proceedings by order of the Bankruptcy Court under § 362 or the stay is removed.

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

To the extent that suggestions of bankruptcy have been filed in any such individual cases, this Administrative Docket Order shall be confirmatory only.

By the Court

JOHN W. HERRON,
*Administrative Judge
Trial Division*

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. *51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

[Pa.B. Doc. No. 98-1487. Filed for public inspection September 11, 1998, 9:00 a.m.]

**Title 255—LOCAL COURT
RULES**

BUCKS COUNTY

**Order Amending Rule of Civil Procedure 1302*(1)
Regarding Compensation of Arbitrators**

And Now, this 27th day of August, 1998, Bucks County Rule of Civil Procedure No. 1302*(1) is hereby amended as follows:

Rule 1302*(1). Each member of a panel shall be paid the sum of [~~\$200.00~~] **\$225.00** for each day's service, provided that all awards made by [~~them~~] **the panel** that day are filed with the Prothonotary.

This Rule shall be effective thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

ISAAC S. GARB,
President Judge

[Pa.B. Doc. No. 98-1488. Filed for public inspection September 11, 1998, 9:00 a.m.]

SCHUYLKILL COUNTY

Amendments to Orphans' Court Rules

Order of Court

And Now, this 13th day of August, 1998, at 9:10 a.m., the Court hereby amends Schuylkill County Orphans' Court Rules 14.2C and 15.4C. The rules are amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

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

The Clerk of the Orphans' Court of Schuylkill County is Ordered and Directed to do the following:

1. File ten (10) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette reflecting the text in the hard copy version.
3. File one (1) certified copy of this Order and Rules with the Pennsylvania Orphans' Court Rules Committee.
4. Forward one (1) copy to the Schuylkill County Bar Association for publication in the *Schuylkill Legal Record*.
5. Keep continuously available for public inspection copies of this Order and Rules.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 14.2C Notice.

(a) Proof of service of notice shall be presented at the hearing. The affidavit of service shall, in all cases, relate that the petition and citation were read to the alleged incapacitated person in the terms that person is most likely to understand.

(b) The completed notification form required by the Uniform Firearms Act, 18 Pa.C.S.A. § 6105, and available in the office of the Register of Wills, shall be presented at the hearing.

Rule 15.4C Involuntary Termination of Parental Rights. Incarcerated Parent.

Where the natural parent is incarcerated, a petition for involuntary termination of that parent's parental rights must include a statement in the proposed Preliminary Order, submitted with the petition setting the hearing date, that if the natural parent desires to contest the petition, the parent may do so by requesting the issuance of a Writ of Habeas Corpus ad testificandum and/or by filing a petition for appointed counsel pursuant to 23 Pa.C.S.A. § 2313.

[Pa.B. Doc. No. 98-1489. Filed for public inspection September 11, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 63]

Private Activity Bonds—Allocations

The Department of Community and Economic Development (Department) hereby amends Chapter 63 (relating to private activity bonds—allocations) to read as set forth in Annex A. The regulation is amended under authority of section 7(4) of the Tax-Exempt Bond Allocation Act (act) (73 P. S. § 397.7(4)).

Background

The Federal Internal Revenue Code of 1986 (IRC) imposes a State ceiling on the aggregate amount of private activity bonds that may be issued in each calendar year by or on behalf of the Commonwealth and its political subdivisions.

The General Assembly adopted the act in 1985 to provide for the allocation of the State ceiling. Section 7(4) of the act authorizes the Secretary of Community and Economic Development to promulgate regulations as may be necessary to carry out the purposes set forth in the act.

This amended regulation provides for the 1998 allocation of the State ceiling. The amendment is needed because the current regulation provides allocations only for calendar year 1997.

Amendment

Section 63.1 (relating to allocations) is amended to establish the private activity bond allocations for calendar year 1998.

Notice

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)) (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are "in the circumstances impracticable, unnecessary, or contrary to the public interest." The proposed rulemaking procedures are unnecessary, since the regulation simply establishes the private activity bond allocations for calendar year 1998. Since the allocations are made under the formula set forth in the act, public comments will have no impact upon the allocation.

Fiscal Impact

The amended regulation has no fiscal impact on the Commonwealth, political subdivisions or the public. The amended regulation does not affect the total dollar amount of private activity bonds, as these ceilings are determined by Federal law. No Commonwealth funds are involved in the issuance of private activity bonds. All costs of bond issuance are paid for by bond proceeds or through funds of the issuer or borrower. The amended regulation will result in the use of private activity bonds to the maximum benefit, thereby increasing available resources.

Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended regulation.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on February 23, 1998 the Department submitted a copy of this amendment with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce and Economic Development Committee and the Senate Community and Economic Development Committee. On the same date, the final-omitted regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) of the Regulatory Review Act, on March 13, 1998, the regulation was deemed approved by the House and Senate Committees. Under section 5.1(c) of the Regulatory Review Act, IRRC approved the final-omitted regulation on March 26, 1998.

Contact Person

For further information regarding the amended regulation, contact Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Room 530 Forum Building, Harrisburg, PA 17120, (717) 783-8452.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202), are unnecessary, since the regulation simply establishes the private activity bond allocations for calendar year 1998. Since the allocations are made under the formula set forth in the act, public comments will have no impact upon the allocation.

(2) Public notice of intention to adopt the final-form regulation has been omitted under section 204 of the CDL and the regulations thereunder, 1 Pa. Code § 7.4.

(3) A delay in implementing the amendment will have a serious adverse impact on the public interest.

Order

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

(a) The regulations of the Department of Community and Economic Development, 12 Pa. Code Chapter 63, are amended by amending § 63.1 to read as set forth in Annex A.

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

(c) The Secretary of Community and Economic Development shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

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

SAMUEL MCCULLOUGH,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 1806 (April 11, 1998).)

Fiscal Note: 4-65. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART III. BUSINESS FINANCING

Subpart B. BONDS

CHAPTER 63. PRIVATE ACTIVITY BONDS—ALLOCATIONS

§ 63.1. Allocations.

(a) *Authority for allocations.* The State unified volume cap for the issuance of qualified private activity bonds provided by section 146(d) of the Internal Revenue Code (26 U.S.C.A. § 146(d)) for calendar year 1998 will be allocated utilizing the authority provided by section 146(e) of the Internal Revenue Code and section 7(4) of the Tax-Exempt Bond Allocation Act (73 P. S. § 397.7(4)) in the manner provided by this chapter.

(b) *Housing related bonds.* An amount equal to \$160 million will be allocated for housing related bonds, including qualified residential rental projects and qualified mortgage bonds as defined by sections 142(d) and 143(a) of the Internal Revenue Code (26 U.S.C.A. §§ 142(d) and 143(a)). Requests to apply the housing related bond allocation to specific projects or uses, including mortgage credit certificate programs, will be reviewed and may be approved or disapproved by the Board of the Pennsylvania Housing Finance Agency. Applications for housing related bond allocations shall be made to the Executive Director of the Housing Finance Agency.

(c) *Qualified student loan bonds.* An amount equal to \$50 million will be allocated to the Higher Education Assistance Agency for qualified student loan bonds provided by section 144(b) of the Internal Revenue Code (26 U.S.C.A. § 144(b)).

(d) *Qualified small issue bonds.*

(1) An amount equal to \$175 million will be allocated for qualified small issue bonds under section 144(a) of the Internal Revenue Code. Of this amount, \$26,800,000 will be used to allocate \$400,000 to each county. The remaining \$148,200,000 will be allocated among the counties in accordance with the following formula:

(i) The Secretary will determine the ratio of the county's total 1996 and 1997 allocation usage to the sum of every county's 1996 and 1997 allocation usage.

(ii) The Secretary will multiply the ratio determined in subparagraph (i) by \$148,200,000.

(2) Requests to apply this allocation to specific projects or uses will be reviewed and may be approved or disapproved by the Secretary. Applications for allocations shall be made to the Private Capital Financing Office in the Department. The Secretary will provide allocations for qualified small issue bonds utilizing the procedures and subject to the requirements imposed by § 61.6 (relating to allocation procedures).

(e) *Other qualified private activity bonds.* An amount equal to \$166 million will be allocated to other qualified private activity bonds, including qualified redevelopment bonds as defined by section 144(c) of the Internal Revenue Code, exempt facility bonds as defined by section

142 (excluding § 142(d)) of the Internal Revenue Code, and enterprise zone bonds as defined by section 1394 of the Internal Revenue Code, all of which are subject to the unified volume cap provided by section 146 of the Internal Revenue Code. Requests to apply this allocation to specific projects or uses will be reviewed and may be approved or disapproved by the Secretary. Applications for allocations shall be made to the Private Capital Financing Office in the Department. The Secretary will provide allocations for qualified private activity bonds utilizing the procedures and subject to the requirements imposed by § 63.3 (relating to procedures). An allotment of at least 25% of the total amount for other qualified private activity bonds is reserved for solid waste disposal projects.

(f) *Special allocation pool.* The Secretary may utilize not more than \$50 million for a special allocation pool for projects which require more bond authority than a given county currently has available to it. To qualify for consideration to use this pool, local issuing authorities shall demonstrate to the Secretary's satisfaction that they have acted responsibly in selecting projects which maximize long-term net new job creation, consistent with the intent of the Tax-Exempt Bond Allocation Act (73 P. S. §§ 397.1—397.8). Decisions regarding use of the special allocation pool for small issue purposes will be based upon the characteristics and merits of individual projects proposed, and upon the record of the issuing authority in utilizing industrial development financing to create or retain jobs. A project may be considered if the entire allocation for the county in which the project is proposed has been obligated. In determining approval or disapproval of allocation requests from this pool, the Secretary will consider the following:

- (1) The amount of the allocation available.
- (2) The size of the project.
- (3) The level of economic distress.
- (4) The number of net new jobs to be created.
- (5) The ability to undertake the project without approval.
- (6) The amount of private funds leveraged.
- (7) The project's consistency with the economic development plans of the Commonwealth and of municipalities and regions.
- (8) The date the bonds are to be issued.

[Pa.B. Doc. No. 98-1490. Filed for public inspection September 11, 1998, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 162]

Insurance Premiums Tax; Calculation of Foreign Title Insurance Company Gross Premiums

The Department of Revenue (Department), under the authority contained in section 408(a) of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7408(a)), by this order adopts an amendment to § 162.11 (relating to calculation of foreign title insurance company gross premiums).

Purpose of Amendment

The Department is changing the method of calculating the gross premiums tax on title insurance policies for which the issuer charges the insured an all-inclusive fee under the rate schedule approved by the Insurance Department.

Explanation of Regulatory Requirements

There are two methods under which title insurance companies issue policies: the "all-inclusive fee" and the "approved attorney system." Under the all-inclusive fee system, the title insurer charges a fee under a schedule approved by the Insurance Department. In addition to the charge for the policy, this fee includes a charge for ancillary services, such as title searches, abstracts, attorneys' fees and document preparation. The title company performs these ancillary services. Under the approved attorney fee system, an approved attorney performs the ancillary services and the insurer charges a fee for the policy referred to as the "approved attorney" rate.

Depending on the method used, the Department had subjected the gross premiums tax either to the entire all-inclusive fee or the approved attorney rate.

With the adoption of the amendments to § 162.11, the Department will tax a title insurance policy issued under the all-inclusive fee schedule approved by the Insurance Department that portion of the all-inclusive fee that is equivalent to the fee that would be charged under the approved attorney fee schedule for the same policy coverage. See § 162.11(b).

Subsection (c) sets forth the method of calculation and provides a detailed example. Notwithstanding the amount of the fee charged to the insured, subsection (d) provides that a title insurance company must calculate the amount of its taxable premiums relative to the total fee charged on the basis of the number of policies and the total liability covered by these policies with respect to the liability ranges prescribed in the approved attorney fee schedule then in effect. An example details how the schedule should be prepared.

Comment and Response Summary

Notice of proposed rulemaking was published at 27 Pa. B. 4434 (August 30, 1997). This amendment is being adopted with changes to the proposed rulemaking to read as set forth in Annex A.

The Department did not receive any comments during the public comment period. No comments were received from the House Finance Committee or the Senate Finance Committee. The Department did receive comments from the Independent Regulatory Review Commission (IRRC).

The amendments to the proposed rulemaking in response to the comments from IRRC are as follows:

(1) IRRC's initial comment stated that the definition of "excess fee" in subsection (a) lacked clarity in that it did not explain how to derive the all-inclusive fee using the maximum liability coverage specified in the approved attorney fee schedule. To address this comment, the Department has amended the definition to provide that an excess fee is the difference between the all-inclusive fee for the actual liability covered by a title insurance policy and the all-inclusive fee for a hypothetical title insurance policy written to cover the maximum liability specified in the current approved attorney fee schedule.

(2) In subsection (b), IRRC indicated that the proposed language lacked clarity because the substance of the

provision was lost in unnecessary detail. The Department agreed with the comment and amended the proposal to incorporate IRRC's suggested language.

(3) IRRC indicated in its comments that the example in subsection (c)(2) lacked clarity in that the arrangement of information was confusing to the reader. IRRC provided suggested language to clarify the example. The Department agreed with the language suggested by IRRC and has amended the example accordingly.

IRRC's final comment related to whether, in practice, actual attorney fee schedules and all-inclusive fee schedules for an insurer both have the same maximum specified liability coverage as used in the example in subsection (c)(2). IRRC suggested that the example would be clearer and more closely track the industry, if the two fee schedules used in the example have different maximum specified liabilities. Though the Department agreed that the schedules do not mirror those used in practice with regard to the maximum specified liability coverage, the schedules are only included to facilitate the example. Because the schedules change periodically, the Department would not want to present a schedule in this amendment on which the public would rely that would soon be out-of-date.

During its internal review, the Department concluded that for clarity, the title of § 162.11 should be revised to specify that the section relates to the calculation of foreign title insurance company gross premiums.

Fiscal Impact

The Department estimates that the regulation will cause annual revenue losses of \$1.2 million. This figure is based on estimated fiscal year cash payments of the six foreign title insurance companies that are currently appealing or litigating tax liabilities under the all-inclusive fee schedule. Costs in the current fiscal year reflect refunds due the six appellants/litigants, which are estimated to be \$2.7 million, including principal and interest (accrued for periods between 1984 and 1995).

Paperwork

The amendment will have a minimal impact on the paperwork requirements for title insurance companies. The amendment will require a title insurance company to complete and file an additional schedule reporting taxable premiums under the approved attorney rate fee schedule with its annual gross premiums tax report. This schedule, however, is simply completed by information readily available to the title insurance companies because of their own recordkeeping systems.

Effectiveness/Sunset Date

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

Contact Person

The contact person for an explanation of the final-form regulation is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 4434, to IRRC and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance for review and comment. In compliance with section 5(c)

of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

In preparing this final-form regulation, the Department has considered all comments received from IRRC, the Committees and the public.

This final-form regulation was deemed approved by the House and Senate Committees on July 14, 1998. IRRC met on July 30, 1998, and approved the amendment in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)).

Findings

The Department finds that:

(1) Public notice of intention to adopt the regulations 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The regulation is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Department acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, Chapter 162, are amended by amending § 162.11 (relating to calculation of foreign title insurance company gross premiums) to read as set forth in Annex A.

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

(c) The Secretary of the Department 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 upon publication in the *Pennsylvania Bulletin*.

ROBERT A. JUDGE, Sr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa. B. 4007 (August 15, 1998).)

Fiscal Note: Fiscal Note 15-385 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE VI. CORPORATION TAXES

CHAPTER 162. INSURANCE COMPANIES

SUBJECT TO TAX IN THIS COMMONWEALTH

§ 162.11. Calculation of foreign title insurance company gross premiums.

(a) The following words and terms when used in this section, have the following meanings:

Excess fee—The difference between the all-inclusive fee for the actual liability covered by a title insurance policy and the all-inclusive fee for a hypothetical title insurance policy written to cover the maximum liability specified in the current approved attorney fee schedule.

(b) Except as provided in subsection (c), gross premiums for all title insurance policies, including policies issued under an all-inclusive fee schedule, shall be calculated by applying the liability coverage to the insurer's approved attorney fee schedule approved by the Insurance Department.

(c) The taxable premium for policies that are written in excess of the maximum liability coverage amount specified in the approved attorney fee schedule shall be calculated as follows:

(1) If the title insurance policy is written under the approved attorney system, the taxable premium is the entire fee.

(2) If the title insurance policy is written under the all-inclusive system, the taxable premium is the sum of the following:

(i) The approved attorney fee for the maximum liability coverage specified in the approved attorney fee schedule.

(ii) The excess fee.

Example:

A title insurance policy is written with a liability coverage of \$20 million. A fee of \$38,583 is charged under the all-inclusive system. The approved attorney fee schedule is consulted, which for purposes of illustration, only, is as follows:

<i>Unit of Insurance or Fraction Thereof</i>	<i>Fee</i>
\$0.00 to \$15,000	\$45
\$15,001 to \$100,000.....	Add \$3 per \$1,000
\$100,001 to \$500,000.....	Add \$2.50 per \$1,000
\$500,001 to \$1,000,000	Add \$2 per \$1,000
\$1,000,001 and greater	Subject to negotiation

The \$20 million liability of the policy exceeds the maximum liability specified in the approved attorney fee schedule of \$1 million. Under paragraph (2), the taxable premium is the sum of two components. First, under subparagraph (i), the maximum liability coverage specified is \$1 million and the corresponding fee totals \$2,300. Second, the excess fee needs to be calculated utilizing fees in the all-inclusive fee schedule, which for purposes of illustration, only, is as follows:

<i>Unit of Insurance or Fraction Thereof</i>	<i>Fee</i>
\$0.00 to \$15,000	\$303
\$15,001 to \$35,000.....	Add \$7 per \$1,000
\$35,001 to \$50,000.....	Add \$6 per \$1,000
\$50,001 to \$100,000.....	Add \$5 per \$1,000
\$100,001 to \$500,000.....	Add \$4.50 per \$1,000
\$500,001 to \$1,000,000	Add \$3.50 per \$1,000
\$1,000,001 and greater	Subject to negotiation

Using the maximum liability coverage of \$1 million, the corresponding fee totals \$4,333. The excess fee under subparagraph (ii) is \$34,250 (\$38,583–\$4,333). The taxable premium for the policy is the sum of the two components which is \$36,550 (\$2,300 + \$34,250).

(d) A title insurance company shall calculate the amount of its taxable premiums on the basis of the number of policies and the total liability covered by the policies within the liability ranges as prescribed in the approved attorney fee schedule then in effect. A title insurance company shall submit a schedule setting out the relevant data by policy coverage ranges and calculat-

ing the taxable gross premiums as indicated. (Refer to the schedule in the following example.) This schedule shall be attached to the title insurance company's gross premiums tax report. Copies of the applicable approved attorney fee schedule and the all-inclusive fee schedule in effect for the title insurance company also shall be attached to the gross premiums tax report.

Example:

A title insurance company writes 3,201 title insurance policies covering a total liability of \$391,000,000 under the all-inclusive system during the tax year. The distribution of policies, utilizing the ranges set forth in the fee schedule is as follows:

A	B	C	D	E	F	G	H	I
Range	Number of Policies	Total Liability for Policies in Range	Premium on first \$15,000 of Coverage [Col B × \$45]	Premium on next \$85,000 per Policy @ \$3 per 1,000	Premium on next \$400,000 per policy @ \$2.50 per 1,000	Premium on next \$500,000 per policy @ \$2 per 1,000	Excess Fee for Negotiated Policies	Total [Col.D +Col. E +Col.F +Col.G +Col. H]
0 to 15,000	100	1,000,000	4,500	—	—	—	—	4,500
15,001 to 100,000	2,000	90,000,000	90,000	180,000 (60,000,000 @ \$3 per 1,000)	—	—	—	270,000
100,001 to 500,000	1,000	200,000,000	45,000	255,000 (85,000,000 @ \$3 per 1,000)	250,000 (100,000,000 @ \$2.50 per 1,000)	—	—	550,000
500,001 to 1,000,000	100	80,000,000	4,500	25,500 (8,500,000 @ \$3 per 1,000)	100,000 (40,000,000 @ \$2.50 per 1,000)	60,000 (30,000,000 @ \$2 per 1,000)	—	190,000
1,000,001 or more	1	20,000,000	45	255 (85,000 @ \$3 per 1,000)	1,000 (400,000 @ \$2.50 per 1,000)	1,000 (500,000 @ \$2 per 1,000)	34,250	36,550
TOTAL	3,201	391,000,000	144,045	460,755	351,000	61,000	34,250	1,051,050

Under this section, and utilizing this illustrative fee schedule, the title insurance company's taxable gross premiums are \$1,051,050.

[Pa.B. Doc. No. 98-1491. Filed for public inspection September 11, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

Title 25—ENVIRONMENTAL PROTECTION

STATE CONSERVATION COMMISSION [25 PA. CODE CH. 83]

Dirt and Gravel Road Maintenance Program

The State Conservation Commission (Commission), under the authority contained in the Conservation District Law (3 P. S. §§ 849—864), and 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance) adopts Subchapter F (relating to Dirt and Gravel Road Maintenance Program—statement of policy) to read as set forth in Annex A. This statement of policy implements the new dirt and gravel road maintenance provisions of 75 Pa.C.S. (relating to Vehicle Code). It allows the Commission to: 1) fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution; and 2) establish a dedicated and earmarked funding mechanism that provides streamlined appropriation to county conservation districts and enables local officials to establish fiscal and environmental controls.

Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

For further information, contact Karl Brown, Executive Secretary, State Conservation Commission, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-8821. Persons with a disability may use the AT&T Relay Services by calling (800) 654-9584 (TDD users) or (800) 654-5788 (voice users) and request that they relay the call. In support of the State Conservation Commission, the Department of Environmental Protection (Department) has made this statement of policy available electronically through the Department's Website (<http://www.dep.state.pa.us>).

Statutory Authority

This statement of policy is published by the Commission under the authority of sections 4(1), (5)(c) and (6) of the Conservation District Law (3 P. S. §§ 852(1), (5)(c) and (6)), which establishes the Commission and grants it the power to approve conservation district programs and allocate funds it deems appropriate, and under the authority of 75 Pa.C.S. § 9106 which requires the Commission to: 1) apportion available Dirt and Gravel Road Maintenance Program (Program) funds to local officials in a streamlined fashion; 2) adopt program performance standards; 3) provide for a system of audit; and 4) annually assess and report on the program.

Background

The Program is a new and innovative approach to controlling dust and sediment pollution. It is built on the premise that local officials are best suited to establish the fiscal and environmental controls necessary to address pollution that emanates from the Commonwealth's dirt and gravel roads. The Program stresses simplicity, education, pollution prevention and low-cost common sense solutions in the environmentally sound maintenance of this Commonwealth's 28,000 miles of dirt and gravel roads.

The Commission is charged under 75 Pa.C.S. § 9106 to administer the Program. The Program is implemented at

the local level by county conservation districts in cooperation with a Quality Assurance Board (QAB) created by each district.

The purpose of the Program is two-fold:

(1) First, to fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.

(2) Second, to establish a dedicated and earmarked funding mechanism that provides streamlined appropriation to county conservation districts and enables local officials to establish fiscal and environmental controls.

The enabling Legislation provides funding for the program through an annual appropriation of \$5 million from the Commonwealth's motor license fund. Of the funds available, \$1 million is annually distributed to the Department of Conservation and Natural Resources for the maintenance and mitigation of dust and sediment pollution that emanates from forestry roads. Funds in the amount of \$4 million are provided annually to the Commission and administered in a nonlapsing, nontransferable account restricted to maintenance and improvement of dirt and gravel roads.

The Commission must apportion program funds based on written criteria it develops to establish priorities based on preventing dust and sediment pollution. In the first fiscal year, top priority will be given to specific trouble spot locations already mapped by the Task Force on Dirt and Gravel Roads. Copies of the Task Force's 1997 Status Report are available from the Commission upon request. The apportionment criteria shall: 1) be based on verified need to correct pollution problems related to the road; 2) consider the total miles of dirt and gravel roads maintained by local municipalities or State agencies that are open to the public during any period of the year; 3) consider total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth; 4) consider allowances for the local costs of limestone aggregate; and 5) consider the commitments of grant applicants to comply with the established nonpollution requirements.

The Commission is required to: 1) adopt performance standards; 2) provide for a system of audit; 3) annually assess the Program and report to the Transportation Committee of the Senate and the House of Representatives on its acceptance and effectiveness. The Commission is entitled to withhold and expend the costs of the audit and report preparation up to the maximum limit of 2% of funds administered.

At the local level, apportioned funds are dispersed to county conservation districts for distribution to eligible project participants (local municipalities or State agencies) who maintain dirt and gravel roads that are open to the public during any period of the year. The conservation district must form a four member QAB to establish and administer the grant program. QAB members include: 1) a nonvoting chairperson appointed by the conservation district; 2) a local representative of the Natural Resource Conservation Service; 3) a local representative of the Fish and Boat Commission; and 4) a representative of the county conservation district. If circumstances require, the Chairperson may vote to decide a tie vote.

In administering the Program at the county level, QABs must do the following: 1) adopt written criteria to assure equal access for all eligible applicants; 2) ensure

that all required permits are obtained; 3) adopt procedures to assure a minimal amount of paperwork; 3) adopt written criteria to specify funding priorities; 4) adopt funding and budgeting procedures; 5) adopt incentives for training road managers and equipment operators; 6) adopt standards that prohibit use of materials or practices which are environmentally harmful; and 7) adopt site inspection requirements to verify completion of work.

A very unique aspect of the Program is the emphasis to minimize paperwork and to keep the project application process as simple as possible as dictated by 75 Pa.C.S. § 9106. For example, the grant application shall not exceed one page and require only minimal handwritten information such as location, problem being solved, basis of cost estimate, project work schedule, basis of successful completion and type and amount of pollution reduced. QABs are required by law to expedite the approval process by inserting, where appropriate, additional requirements that complete and qualify the grant for approval and which, when accepted by the applicant, become a binding obligation on the applicant.

This statement of policy was developed in cooperation with the Commission's Program QAB Advisory Committee. Members of this 15-person advisory committee have expertise in conservation district operations and management, as well as expertise in municipal government management and operations. Staff from the Commission, the Department, NRCs, Fish and Boat Commission and Penn State's Local Transportation Assistance Program (LTAP) provided assistance to the advisory committee in the development of this document. In addition, a number of the advisory committee members and staff advisors also serve on the original Dirt and Gravel Road Task Force which championed the development and implementation of this program. The draft statement of policy was circulated to conservation districts and other interested parties for review and comment. When possible and appropriate, suggested changes were incorporated into the final version of this document. This statement of policy was approved for publication by a formal action of the Commission at its May 7, 1998, meeting.

JAMES M. SEIF,
Chairperson

(Editor's Note: The Commission has amended 25 Pa. Code Chapter 83 (relating to State Conservation Commission), by adding a statement of policy in §§ 83.601—83.614 to read as set forth in Annex A.)

Fiscal Note: 7-508. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE I. LAND RESOURCES
CHAPTER 83. STATE CONSERVATION COMMISSION
Subchapter F. DIRT AND GRAVEL ROAD MAINTENANCE PROGRAM—STATEMENT OF POLICY
GENERAL PROVISIONS

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§ 83.601. Purpose.

It is the intention of the Commission to provide local governments and other eligible entities with funds to:

(1) Fund safe, efficient and environmentally sound maintenance of sections of dirt and gravel roads which have been identified as sources of dust and sediment pollution.

(2) Establish a dedicated and earmarked funding mechanism that provides streamlined apportionment to the county level and enables local officials to establish fiscal and environmental controls.

(3) Provide training to road crews on techniques of dirt and gravel road maintenance which minimize negative environmental impact.

(4) Conduct demonstrations of new and innovative techniques of dirt and gravel road maintenance to assist in training of road crews and educate the general public on this matter.

§ 83.602. Definitions.

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

Act—The act of April 17, 1997 (P. L. 6, No. 3) which amended 75 Pa.C.S. (relating to the Vehicle Code) by adding 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

Commission—The State Conservation Commission created by the Conservation District Law (3 P. S. §§ 849—864).

Cooperating organization—An organization approved by the Commission to assist in implementing the act.

District—A conservation district as defined in the Conservation District Law (3 P. S. §§ 847—864).

Exceptional value—A stream or watershed which is designated as an exceptional value water under Chapter 93 (relating to water quality standards).

High quality—A stream or watershed which is designated as a high quality water under Chapter 93.

Performance standards—The administrative policies or technical requirements, or both, adopted by the Commission for the implementation of the Program, including standards that prohibit the use of materials or practices which are environmentally harmful.

Program—The Dirt and Gravel Road Maintenance Program.

Project area—A designated area where critical sediment or dust, or both, pollution problems have been identified.

Project participant—A municipality or State agency eligible to participate in a Program project under the act.

QAB—Quality Assurance Board—The administrative board impaneled by a district to administer the Program locally, under 75 Pa.C.S. § 9106(e).

QAB Advisory Committee—The advisory committee established by the Commission to assist and advise the Commission on the implementation and administration of the Program by local QABs.

Task Force on Dirt and Gravel Roads—The public/private sector, multi-agency task force which provides program guidance to the Commission on technical standards and other aspects of the Program.

§ 83.603. Cooperation.

(a) The Commission will encourage cooperation between Commonwealth and Federal agencies and other organizations including the Task Force on Dirt and Gravel Roads which have either direct or indirect involvement in the program to achieve the objectives to reduce sediment or dust, or both, pollution originating from dirt and gravel roads.

(b) Agencies other than conservation districts will be encouraged to work closely with the appropriate conservation districts to promote local awareness of the projects and to effectuate the purposes of this program.

§ 83.604. Apportionment criteria.

(a) The Commission will apportion the amount of funds for each participating district under the program, based on the act and the criteria in subsection (c).

(b) The Commission may reallocate funds if an agreement cannot be fulfilled by the district, local government, contractor, and agency or cooperating organization.

(c) Apportionment criteria shall be based on the verified need to correct pollution problems related to the road and shall include consideration of the following:

(1) The total number of miles of dirt and gravel roads maintained by local municipalities or State agencies that are open to the public during any period of the year.

(2) The total miles of dirt and gravel roads within watersheds protected as of November 1996 as exceptional value or high quality waters of this Commonwealth.

(3) Allowances for the local costs of limestone aggregate.

(4) The commitments of grant applicants to comply with the nonpollution requirements established.

(5) Other factors determined by the Commission to be appropriate.

(d) In the first fiscal year, top priority shall be given to specific trouble spot locations already mapped by the Task Force on Dirt and Gravel Roads. The Commission may extend this priority beyond the first fiscal year.

(e) The Commission may allocate funds for training or road demonstration project, or both, to an aggregated budget managed by the Commission and may establish spending limits, consistent with the act, which includes the portion of the aggregated funds administered by the Commission.

(f) Public notice of the apportionment of funds for this Program will be published by the Commission in the *Pennsylvania Bulletin*.

§ 83.605. Payments by the Commission to districts.

(a) State funds apportioned to districts under this Program will be utilized solely for implementing a county level Program.

(b) The Commission will provide apportioned funds to a participating district through an agreement between the Commission and each participating district.

(c) The Commission may withhold funds until the Commission has received any overdue Program reports and audit statements as required by the Commission.

(d) For purposes of disbursing funds to participating conservation districts, the Commission may process an advanced working capital payment as follows:

(1) Upon the full execution of the grant agreement, the Commission may process up to 50% of the approved grant amount. Subsequent payments to the districts will be made on an "actual cash expended" basis to replenish the working capital advance.

(2) Advance payments by a conservation district to an eligible project participant under a project agreement shall be considered "actual cash expended" when the advance is paid by the conservation district.

(3) The district shall request the payments to replenish working capital in writing to the Commission in a format and time frame as prescribed by the Commission. The Commission may set a minimum payment level or time frequency, or both, for each request for payment.

(4) Notwithstanding the provisions of paragraph (1), (2) or (3), grant awards apportioned by the Commission to a conservation district and any advanced working capital payments made to conservation districts which will be \$25,000 or less for any 1 fiscal year may be advanced in total to the district.

§ 83.606. QAB Advisory Committee responsibilities.

The QAB Advisory Committee shall advise the Commission on the following:

(1) Allocation of funds from the State level to conservation districts.

(2) Development of Program and administrative procedures for QABs.

(3) Review of administrative and technical guidance for the Program.

(4) Other matters relating to the administration of this Program.

§ 83.607. District responsibilities.

(a) A district participating in the Program shall enter into an agreement with the Commission establishing the duties and responsibilities of each entity.

(b) The district shall receive and manage funds for the Program that have been apportioned by the Commission to the district.

(c) The district is responsible for all aspects of the management and administration of the Program within that county.

(d) A participating district shall conduct its Program consistent with the act, this subchapter and all other policies and regulations established by the Commission.

(e) The district shall appoint and impanel a four-member QAB to administer the Grant Program within the county, under the supervision and direction of the district board of directors. The QAB is to be comprised of a nonvoting chairperson appointed by the district and one local representative appointed by each of the following entities:

(1) The Federal Natural Resource Conservation Service.

(2) The Fish and Boat Commission.

(3) The district.

(f) The district shall develop a fair and open project selection process, consistent with Commission policy, that provides general program information to all eligible project participants and includes sign-up periods necessary to receive requests for road maintenance and repair work from eligible project participants. Special efforts will be made to enlist the cooperation of project participants with identified critical erosion or dust problems.

(g) Work completion by project participants will be subject to approval by the district under the performance standards adopted by the QAB.

(h) The district shall conduct an annual audit of Program expenditures in accordance with guidance provided by the Commission.

(i) The district shall submit the results of its annual audit to the Commission in a manner and time frame established by the Commission. The Commission reserves the right to audit all Program-related accounts and records to determine if funds were expended in accordance with Commission policies and the act.

(j) The district shall report Program accomplishments to the Commission on prescribed forms at times as specified by the Commission.

(k) The district shall maintain a separate accounting of funds received under the Program. The district shall maintain an itemized accounting of administrative costs claimed. Districts shall deposit funds in a Federally insured interest bearing account. Interest earnings from the account shall be applied only to the Program. The percent of apportioned funds utilized by the district for administration or training grants may not exceed those limits established by the Commission or the act, or both.

(l) Records shall be retained by districts for 3 years after completion of the work.

(m) The Commission reserves the right to examine all records and files maintained by the district related to the administration of the district's Program.

§ 83.608. QAB responsibilities.

(a) The QAB impaneled by a district shall establish and administer the Program for the district under the direction of the board of directors of the district and consistent with the policies adopted by the Commission.

(b) The QAB shall consider and adopt the following:

(1) Written criteria to assure equal access for all eligible applicants within each funding category.

(2) Procedures that assure a minimum amount of procedural paperwork.

(3) Written criteria to specify priorities.

(4) Funding categories to provide separate budgeting for road maintenance projects, road demonstration projects, training grants and administrative costs:

(i) QAB training grants may not exceed limits established by the Commission.

(ii) Administrative costs may not exceed 10%.

(5) Incentives for training road managers and equipment operators.

(6) Standards that prohibit use of materials or practices which are environmentally harmful.

(7) Site inspection requirements to verify completion of work.

(c) The QAB shall review applications and recommend project participants to be funded through the Program.

(d) The QAB shall consider and adopt procedures for the conduct of business by the Board, including the following:

(1) Meeting schedules and procedures for public notice of meetings.

(2) Recordkeeping and provisions to make minutes and records available to the public.

(3) Rules of conduct, including rules necessary to avoid conflicts of interest by members of the QAB.

§ 83.609. Application by project participants.

(a) Applications will be on a one-page form approved by the Commission. Applications should be submitted to the local conservation district at the times designated by the local district. Handwritten applications will be acceptable.

(b) An application shall be specific to one work location or one type of work and shall include the following:

(1) A short description of the problem being solved.

(2) The basis of the cost estimate.

(3) The proposed project work schedule.

(4) The basis for successful completion.

(5) The type of pollution to be reduced.

(6) Other items specified by the Commission.

(c) The QAB shall expedite the approval process by inserting additional requirements which become binding when accepted by the applicant.

§ 83.610. Agreements.

(a) An agreement is required between a district and project participants.

(b) The form of agreements between the district and project participants shall be approved by the Commission.

(c) Each agreement shall provide that the parties agree to comply with the conditions in this subchapter, the general contract conditions adopted by the Commission and the performance criteria adopted by the QAB of the district.

(d) The term of the agreement shall be sufficient to cover the duration of work implemented under the agreement.

§ 83.611. Eligible expenses.

(a) Eligible expenses include all Program and project costs associated with the administration and implementation of the Program, and the design, review, approval, implementation and maintenance of any project approved and funded by the Program. Eligible costs payable to project participants for Program projects and eligible costs payable to conservation districts for the overall administration and implementation of the Program will be determined by the Commission.

(b) Eligible expenses for project participants include the materials, services and labor required to design and implement a project, including, but not limited to, construction and maintenance supplies and materials, equipment rental and transportation charges, demurrage, reimbursement for use of participant owned equipment, salaries and benefits, automotive and hauling travel including room and board expenses, contracted specialized services, miscellaneous expenses, certain engineering and technical fees as determined by the Commission and other expenses necessary for the satisfactory completion of a project as determined by the Commission.

(c) Eligible expenses for participating conservation districts shall include eligible costs defined in subsections (a) and (b) for project participants, plus materials, services, labor, insurance/liability coverage and all other expenses necessary for the overall administration and implementation of the Program, the development and delivery of training/education programs, demonstration projects, resource assessment, site inspections and other expenses determined by the Commission to be necessary to administer and implement the Program.

§ 83.612. Project participant responsibilities.

(a) Project participants shall conduct the dirt and gravel road maintenance project in accordance with the project agreement with the district, the work plan for the project, the standards established by the QAB for the district, and the policies adopted by the Commission.

(b) Project participants may not use materials or practices that are environmentally harmful.

(c) Project participants shall apply for necessary local, State and Federal permits required for the project and provide the district with suitable documentation of permit issuance and requirements.

(d) Project participants shall report Program accomplishments to the district in a manner prescribed in the agreement.

(e) Claims for payment shall be submitted to the district in accordance with the schedule contained in the agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the budget outlined in the agreement. The claims shall also include receipts, weigh slips or other appropriate supporting information, as determined by the Commission, to document actual expenditures by the project participant.

(f) The district and the Commission reserve the right to audit project related accounts and records to determine if funds were expended in conformance with the agreement.

(g) A project participant shall maintain a separate accounting of the funds received under the Program.

(h) Records shall be retained for 3 years following the last payment for the project.

(i) Upon the request of the district or the Commission, or both, project participants shall provide access to all records, files and documents related to Program projects.

§ 83.613. Performance standards.

(a) The Commission will establish, as it deems appropriate, performance standards for the implementation of the Program. These standards may include specific administrative policies or technical requirements, or both, adopted by the Commission for the implementation and

administration of the Program, including standards which prohibit the use of materials or practices which are environmentally harmful.

(b) Standards which prohibit the use of materials or practices which are environmentally harmful shall include the following minimum requirements:

(1) The commercial products used by project participants within a project area shall be used or installed, or both, according to manufacturer's recommendations and label requirements.

(2) Materials toxic to aquatic life, as defined by The Clean Streams Law (35 P. S. §§ 691.1—691.1001), may not be used where surface runoff may enter surface or ground waters.

(3) Compliance with applicable Federal, State and local laws, regulations and permit requirements.

§ 83.614. Payment of eligible expenses to project participants.

(a) Payments made by a district pursuant to a project agreement shall be solely for eligible expenses.

(b) Claims for payment shall be submitted by a project participant to the district in accordance with the schedule and terms contained in the approved project agreement. The claims shall be itemized and show that the utilization of funds are in accordance with the project cost summary contained in the approved project application and work plan. Claims shall include receipts, weigh slips, equipment use time sheets, employe time sheets or other appropriate supporting information to document actual expenditures by the project participants.

(c) For the purpose of dispersing funds to a project participant under a project agreement, the district may process an advanced working capital payment as follows:

(1) Upon the full execution of the project agreement, the district may process an advanced payment to a project participant of up to 50% of the approved project expenses.

(2) Subsequent payments to the project participant will be made on an actual cash expended basis.

(3) In all cases, the district shall withhold payment of at least 30% of the approved project expenses until the satisfactory completion of the project. Final payment for the project expenses shall be made only after a final inspection by the district determines that the work was performed consistent with the project application and the work plan, and to the satisfaction of the district.

[Pa.B. Doc. No. 98-1492. Filed for public inspection September 11, 1998. 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 1, 1998.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-27-98	Emclaire Financial Corp., Emlenton, to acquire 100% of the voting shares of Peoples Savings Financial Corporation, Ridgway	Emlenton	Approved Effective 8-31-98

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-31-98	The Farmers National Bank of Emlenton, Emlenton, and Peoples Savings Bank, Ridgway Surviving Institution— The Farmers National Bank of Emlenton	Emlenton	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-98	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	21 East Market Street York York County (Trust Office)	Opened
8-24-98	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 140 North McDade Blvd. Glenolden Delaware County	Opened
8-25-98	The Madison Bank Blue Bell Montgomery County	100 West Main Street Lansdale Montgomery County	Opened
8-27-98	First Republic Bank Philadelphia Philadelphia County	1818 Market Street Philadelphia Philadelphia County	Opened
8-27-98	Berks County Bank Reading Berks County	3900 Hamilton Center 3900 Hamilton Blvd. South Whitehall Twp. Lehigh County	Filed
8-28-98	Wilmington Trust of Pennsylvania West Chester Chester County	787 East Lancaster Ave. Villanova Delaware County	Filed
8-31-98	BankPhiladelphia Philadelphia Philadelphia County	18 E. Wynnewood Avenue Wynnewood Montgomery County	Filed
8-31-98	Fidelity Deposit and Discount Bank Dunmore Lackawanna County	336—338 North Washington Avenue Scranton Lackawanna County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-24-98	Penn Security Bank & Trust Company Scranton Lackawanna County	<i>To:</i> Corner of Sanderson Avenue & E. Market St. Scranton Lackawanna County <i>From:</i> E. Market St. and Boulevard Avenue Scranton Lackawanna County	Effective
8-28-98	Northern Central Bank Williamsport Lycoming County	<i>To:</i> Dandy Mini-Mart Route 187 (Main St.) Rome Bradford County <i>From:</i> Main Street Rome Bradford County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-28-98	Belco Community Credit Union, Harrisburg, and Gettysburg Area Federal Credit Union, Gettysburg Surviving Institution— Belco Community Credit Union, Harrisburg	Harrisburg	Approved Effective 9-1-98

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1493. Filed for public inspection September 11, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS****APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS
LAW AND THE FEDERAL CLEAN WATER ACT****[National Pollution Discharge Elimination System Program (NPDES)]****DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER****(Part I Permits)**

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

Where indicated, the EPA, Region III, Regional Administrator has waived 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 Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program 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 Field 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 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 (800) 654-5984.

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

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

PA 0026603. Sewage, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002.

This application is for renewal of an NPDES permit to discharge treated sewage from the Borough of Ambler WWTP in Upper Dublin Township, **Montgomery County**. This is an existing discharge to Wissahickon Creek.

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

The proposed effluent limits for Outfall 001, from permit issuance through completion of ultraviolet disinfection facility, based on an average flow of 6.5 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus (as P)	monitor/report		
Total Residual Chlorine			
(issuance—year 2)	0.6		1.5
(year 3—expiration)	0.1		0.3
Total Copper	0.043	0.086	0.108
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Chromium			
(Hex)	monitor/report		
(Total)	monitor/report		
Total Silver	monitor/report		
Total Lead	monitor/report		
Chloroform	monitor/report		
Dichlorobromomethane	monitor/report		
Total Arsenic	monitor/report		
Total Cadmium	monitor/report		
Total Mercury	monitor/report		
Total Nickel	monitor/report		
Total Zinc	monitor/report		
Phenolics	monitor/report		

The proposed effluent limits for outfall 001, from completion of ultraviolet disinfection facility through expiration based on average flow of 6.5 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus (as P)	monitor/report		

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.043	0.086	0.107
Chromium (Hex)	monitor/report		
(Total)	monitor/report		
Total Silver	monitor/report		
Total Lead	monitor/report		
Total Arsenic	monitor/report		
Total Cadmium	monitor/report		
Total Mercury	monitor/report		
Total Nickel	monitor/report		
Total Zinc	monitor/report		
Phenolics	monitor/report		
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for stormwater outfalls 002, 003, 004, 005, 006 and 007 are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	monitor/report	monitor/report
COD	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
pH	monitor/report	monitor/report
Total Suspended Solids	monitor/report	monitor/report
Total Kjeldahl Nitrogen	monitor/report	monitor/report
Total Phosphorus	monitor/report	monitor/report
iron (Dissolved)	monitor/report	monitor/report

Other Conditions:

The EPA waiver is not in effect.

Conditions for future permit modification.

Implementation of industrial pretreatment program requirements.

Effective disinfection.

Special Test Methods for certain pollutants.

Final water quality based effluent limitations for Total Residual Chlorine.

Stormwater outfalls requirements.

PA 0054003. Industrial waste, **Alco Industries, Inc.**, P. O. Box 937, Valley Forge, PA 19482.

This application is for renewal of an NPDES permit to discharge treated groundwater from a remediation system in Upper Providence Township, **Montgomery County**. This is an existing discharge to Crossmans Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.318 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
trans-1,2-dichloroethene	monitor/report		
Trichloroethylene	0.005		0.06
Tetrachloroethylene	0.005		0.06
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

Special Test Methods for certain pollutants.

PA 0055271. Sewage, **Goshenhoppen Village**, Third Street and Church Road, East Greenville, PA 18041.

This application is for renewal of an NPDES permit to discharge treated sewage from Goshenhoppen Village to Perkiomen Creek in Upper Hanover Township, **Montgomery County**. The facility has not been built yet.

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

The proposed effluent limits for Outfall 001, based on an average flow of .059 are as follows:

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N)	20	40
Phosphorus (as P)	1.0	2.0
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0051985, Amendment No. 1. Sewage, **Township of Horsham Sewer Authority**, 617B Horsham Road, Horsham, PA 19044.

This application is for amendment of an NPDES permit to discharge treated sewage from Park Creek Sewage treatment plant located in Horsham Township, **Montgomery County**. This is an existing discharge to Park Creek.

The receiving stream is classified for the following uses: warm water fishery.

The proposed effluent limits for Outfall 001, based on an average flow of 1.0 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	4.0		8.0
Nitrite and Nitrate (as N)			
(7-1 to 10-31)	8.5		17.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Cadmium	monitor		
Total Copper	monitor		
Total Lead	monitor		
Total Silver	monitor		

The EPA waiver is not in effect.

PA 0011070. Industrial waste, **Knoll, Inc.**, 1235 Water Street, East Greenville, PA 18041.

This application is for renewal of an NPDES permit to discharge treated process wastewater, treated sewage, noncontact cooling water and stormwater from Knoll, Inc. facility in Upper Hanover Township, **Montgomery County**. This is an existing discharge to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, (only during noncontact cooling water discharge) based on an average flow of 0.0311 mgd are as follows:

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

The proposed effluent limits for outfall 001 (only during sewage treatment plant discharge), based on an average flow of 0.03 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Phosphorus (as P)	1.0	2.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine	0.8	2.0

The proposed effluent limits for outfall 001 (only during industrial wastewater plant discharge), based on an average flow of 0.02 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15	30	30
pH	within limits of 6.0—9.0 standard units at all times		
Ammonia (as N) (5-1 to 10-31)	10	20	25
(11-1 to 4-30)	20	40	50
Phosphorus as P	1.0	2.0	2.5
Total Cadmium	0.032	0.064	0.080
Total Chromium	0.11	0.22	0.28
Total Copper	0.14	0.28	0.35
Total Lead	0.43	0.86	1.1
Total Nickel	2.38	4.76	6.0
Total Silver	0.020	0.040	0.050
Total Zinc	0.92	1.84	2.3
Total Cyanide	0.65	1.30	1.60
Total Toxic Organics (TTO)		2.13	

The proposed effluent limits for outfall 004, (during emergency discharge of noncontact cooling water) based on average flow of 0.0215 mgd are as follows:

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

The proposed effluent limits for outfalls 002, 003 and 004 (stormwater) are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	monitor/report
COD	monitor/report
Oil and Grease	monitor/report
pH	monitor/report
Total Suspended Solids	monitor/report
Total Kjeldahl Nitrogen	monitor/report
Total Phosphorus	monitor/report
Iron (Dissolved)	monitor/report

Other Conditions:

1. TTO Definition
2. Special Test Methods for certain pollutants.

The EPA waiver is in effect.

PA 0054526. Industrial waste, **Interstate Nuclear Services Corp.**, 295 Parker Street, P. O. Box 201, Springfield, MA 01151-0201.

This application is for renewal of an NPDES permit to discharge treated process wastewater from an industrial laundry and personnel decontamination facility in Royersford Borough, **Montgomery County**. This is a new discharge to the Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.055 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	85% removal		
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Ammonia (as N)	20	40	50

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.2
Chromium, Hexavalent		monitor/report	
Oil and Grease	15		30
Color (platinum/cobalt scale)	100	200	250
Fecal Coliform	200 colonies/100 ml as a geometric average		
Annual Radioactive Dose Commitment	3 millirems (total body) 10 millirems (any organ)		
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

- Effective disinfection.
- 85% reduction of CBOD₅ per DRBC requirement.
- Special Test Methods for certain pollutants.
- The EPA waiver is in effect.

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

PA 0032662. Sewerage, SIC: 4952, **Mountain View Center, Inc.**, Kylertown, PA 16847.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Unnamed Tributary of Mons Run in Cooper Township, **Clearfield 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.03 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
TSS (5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Cl ₂ Residual	1.0		2.3
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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

PA 0001473. Sewerage, **Mon River Sewage Corporation**, 1428 Delberts Drive, Monongahela, PA 15063.

This application is for renewal of an NPDES permit to discharge treated sewage from the Mon River Sewage Corporation Sewage Treatment Plant in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company-Pittsburgh, Aldrich Station.

Outfall 001: existing discharge, design flow of 0.014 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0024732. Sewage, **Sanitary Authority of Elizabeth Township**, 522 Rock Run Road, Buena Vista, PA 15018.

This application is for renewal of an NPDES permit to discharge treated sewage from the Buena Vista Sewage Treatment Plant in Elizabeth Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 10,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.0
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: None

The EPA waiver is not in effect.

PA 0030449. Sewage, **Long Trailer Court**, 406 Lutz School Road, Indiana, PA 15701-9255.

This application is for renewal of an NPDES permit to discharge treated sewage from the Long Mobile Home Park in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of McKee Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ernest Borough System.

Outfall 001: existing discharge, design flow of .0112 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	4.2 12.6			8.4 24.2
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 3,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 0.25			0.8
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0090620. Sewage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701-3598.

This application is for renewal of an NPDES permit to discharge treated sewage from Morganti STP in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Two Lick Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Penelec Homer City Station on Two Lick Creek.

Outfall 001: existing discharge, design flow of 0.05435 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	3.6	5.4		7.2
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.06			0.12
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0092126. Sewage, **Apollo Ridge School District**, P. O. Box 219, Spring Church, PA 15686.

This application is for renewal of an NPDES permit to discharge treated sewage from Elders Ridge Elementary School STP in Young Township, **Indiana County**.

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

Outfall 001: existing discharge, design flow of .003080 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5			10
(11-1 to 4-30)	15			30
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.8
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0094927. Sewage, **Westmoreland County Housing Authority** R. D. 6, Box 233, Greensburg, PA 15601-9308.

This application is for renewal of an NPDES permit to discharge treated sewage from the New Florence Manor STP in New Florence Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Conemaugh River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of .01 mgd.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	40,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205575. Sewage, **Pleasant Valley Country Club**, R. D. 2, Box 292, Connellsville, PA 15425.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pleasant Valley Country Club Sewage Treatment Plant in Bullskin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Mounts Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport, located on the Youghiogheny River.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	19			38
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each commentator 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 (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691—691.1001).

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

WQM Permit No. 0998415. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. This project is for the construction of a sewage treatment plant to serve Tradesville STP located in Warrington Township, **Bucks County**.

WQM Permit No. 0998413. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. This project is for the construction of a new sewage pump station and force main to serve a new residential development located in Warrington Township, **Bucks County**.

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

A. 0297202, Amendment No. 1. Industrial waste. **Pittsburgh Naval Reactors Office**, P. O. Box 109, West Mifflin, PA 15122-0109. Application for the modification and operation of the Springwater Intercept System which serves the Bettis Atomic Power Laboratory located in West Mifflin Borough, **Allegheny County**.

A. 3074201, Amendment No. 2. Industrial waste. **West Penn Power d/b/a Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601. Application for the modification and operation of the existing wastewater treatment plant which serves the Hatfield's Ferry Power Station located in Monongahela Township, **Greene County**.

A. 465S28, Amendment No. 1. Sewerage. **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. Application for the replacement and operation of the Stonebrook Interceptor Sewer located in Peters Township, **Washington County**.

A. 0288428, Amendment No. 1. Sewerage. **Gary A. Sippel**, 2591 Wexford Bayne Road, Suite 100, Sewickley, PA 15143. Application for the upgrade and operation of the existing Stone Mansion Sewage Treatment Plant located in Franklin Park Borough, **Allegheny County**.

A. 0498402. Sewerage. **DeSimone Personal Care Home, Inc.**, P. O. Box 1561, Beaver Falls, PA 15010. Application for the construction and operation of extended aeration sewage treatment plant to serve the DeSimone Personal Care Home located in Ohioville Borough, **Beaver County**.

A. 0498403. Sewerage. **Martin Diel**, 713 Timberidge Drive, Bethel Park, PA 15102. Application for the construction and operation of a single residence sewage treatment plant to serve the Diel Residence located in Economy Borough, **Beaver County**.

A. 6398402. Sewerage. **Douglas Danforth**, 272 Justabout Drive, Venetia, PA 15367. Application for the construction and operation of a single residence sewage treatment plant to serve the Danforth Residence located in Peters Township, **Washington County**.

A. 6398404. Sewerage. **Encotech, Inc.**, P. O. Box 305, Eighty Four, PA 15330. Application for the modification and operation of a small flow wastewater treatment plant to serve Encotech, Inc. located in North Strabane Township, **Washington County**.

A. 6569411, Amendment No. 1. Sewerage. **Wen-Dell Mobile Home Park**, R. D. 3, Box 58, Ruffsdale, PA 15679. Application for the upgrade and operation of the existing sewage treatment plant to serve the Wen-Dell Mobile Home Park located in East Huntingdon Township, **Westmoreland County**.

INDIVIDUAL PERMITS (PAS)

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and

special conditions. The proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

NPDES Permit PAS10-G337. Stormwater. **Prime Hospitality**, 700 Route 46 East, Fairfield, NJ 07007, has applied to discharge stormwater from a construction activity located in East Whiteland Township, **Chester County**, to Little Valley Creek.

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

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.

NPDES Permit PAS10S071. Stormwater. **Brier Crest Woods Property Owners Assn.**, P. O. Box 236, Blakeslee, PA 18610, has applied to discharge stormwater from a construction activity located in Tunkhannock Township, **Monroe County**, to UNT to Tunkhannock Creek.

Northampton County Conservation District, District Manager, R. R. 4, Greystone Building, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U098. Stormwater. **Ronald and Eileen Orr**, 752 Bangor Rd., Nazareth, PA 18064, has applied to discharge stormwater from a construction activity located in Plainfield Township, **Northampton County** to Little Bushkill Creek.

Pike County Conservation District, District Manager, HC 6, Box 6770, Hawley, PA 18428, (717) 226-8220.

NPDES Permit PAS10V023. Stormwater. **Dr. Candace Finan, Superintendent, Delaware Valley School District** (RE: Dingman Delaware Elementary School), 236 Route 6 and 209, Milford, PA 18337, has applied to discharge stormwater from a construction activity located in Dingman Township, **Pike County**, to Dark Swamp HQ-CWF.

Lehigh County Conservation District, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES Permit PAS 10Q159. Stormwater. **Windy Road Partners**, Harry Follweiler, 1818 Sent Pine Hill, Fogelsville, PA 18051, has applied to discharge stormwater from a construction activity located in Lowhill Township, **Lehigh County** to Lyon Creek.

SAFE DRINKING WATER

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

Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Minor Amendment. Public water supply, **Robert Zientek, Manager, Hazleton City Authority—Water Department**, 400 East Arthur Gardner Parkway, Hazleton, PA 18201. This proposal involves utilizing existing feed equipment to supply soda ash as a pretreatment control of pH. The expected dosage rate is 15 ppm or 125 lbs./day (12% solution). It is located in Hazle Township, **Luzerne County**.

Engineer: John G. Synoski, P.E., Schumacher Engineering, Inc.

1398502. Public water supply. **Four Seasons Village**, Charles Birdsall, RR1, Box 153B, New Ringgold, PA 17960. This proposal involves the modification and construction of a public water supply system serving a series of apartment complexes. It is located in **Carbon County**.

Engineer: Edward Gaydos, Inc.

4898502. Public water supply. **Walnutport Water Authority**, Michael Newhard, 415 Lincoln Avenue, Walnutport, PA 18088. This proposal involves the addition of oxidation and a 175 gpm filtration plant to remove iron and manganese from the source water of Well No. 5. It is located in Walnutport Borough, **Northampton County**.

Engineer: Amy Kunkel, P.E., Spotts Stevens & McCoy.

Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

A. 3198503. Public water supply. **Mount Union Area School District/Mapleton Elementary School**, Mapleton Borough, **Huntingdon County**. *Responsible Official: Robert Ramey, Maintenance, Mt. Union Area School District, 28 West Market Street, Mt. Union, PA 17066. Type of Facility: Installation of caustic soda and orthophosphate feed system for lead and copper control treatment. Consulting Engineer: Mark V. Glenn, P.E., Gwin, Dobson and Foreman, Inc., 3121 Fairway Drive, Suite B, Altoona, PA 16602.*

A. 2198501. Public water supply. **White Rock Water Corporation**, Monroe Township, **Cumberland County**. *Responsible Official: Sandra L. McCorkel, Secretary-Treasurer, 1369 Swope Drive, Boiling Springs, PA 17007. Type of Facility: 70 gpm booster pump station on Kuhn*

Road. Consulting Engineer: Thomas M. Harbert, P.E., L. Robert Kimball and Associates, 4400 Deer Path Road, Suite 105, Harrisburg, PA 17110.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Moyer Packing Company, Upper Makefield Township, **Bucks County**, Hudson S. Green, Jr., Project Manager, Earth Data, Inc., Springdale Drive, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil contaminated with solvents and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health standards.

Boeing Company, Ridley Township, **Delaware County**. Nicholas De Rose, Langan Engineering & Environmental Services, Inc., 3655 Route 202, Suite 225, Georgetown Crossing, Doylestown, PA 18901-1699, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet Statewide health standards. A final report was simultaneously submitted.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Primages Property (203 Charles Street), Coopersburg Borough, **Lehigh County.** John V. Forsyth, General Manager, All Phase Environmental Services, Inc., 131 Technology Drive, Bethlehem, PA 18015 has submitted a Notice of Intent to Remediate (on behalf of his client, Paul Chernay, 7483 South Main Street, Coopersburg, PA 18036), concerning the remediation of site soils suspected to be contaminated with polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylenes) compounds. The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Morris Residence, Dover Township, York County. Richard and Carol Morris, 4361 Wynnefield Road, Dover, PA 17315, have submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PAHs. The applicants propose to remediate the site to meet the Statewide health standard. A final report has also been submitted. A summary of the Notice of Intent to Remediate was published in the *York Daily Record* on August 14, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This

period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Diamond Oil Property—Lot 1, City of Coatesville, Chester County. Jim Taylor, P.G., NePo Associates, Inc., 127 Willowbrook Lane, West Chester, PA 19382, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Coatesville Ledger* on August 20, 1998.

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

Tom Morris residence, Perry Township, Fayette County. Tom Morris residence, Old Route 51, Wickhaven, PA 15492 and Kevin P. Van Kuren, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on May 29, 1998.

Lectromelt Corporation Facility, City of Pittsburgh, Allegheny County. The Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, 12th Floor, Pittsburgh, PA 15219 and Karen Souza, Civil and Environmental Consultants, Inc., 601 Holiday Drive, Foster Plaza III, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, solvents, PHCs and PAHs. The applicant proposes to remediate the site to meet a special industrial area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on August 19, 1998.

LTV Steel, Eliza and Monongahela Connecting Railroad Parcels, City of Pittsburgh, Allegheny County. LTV Steel, Eliza and Monongahela Connecting Railroad Parcels, 200 Public Square, Cleveland, OH 44144-2308 and Martin C. Knuth, Civil and Environmen-

tal Consultants, Inc., 601 Holiday Drive, Building No. 3, Pittsburgh, PA 15220 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs, PAHs and an elevated pH. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on September 10, 1998.

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Lord Corporation Cambridge Springs Facility, 124 Grant St., Cambridge Springs, PA 16403-0246, **Crawford County**. Cambridge Springs, Boro of., has submitted a Notice of Intent to Remediate soil and groundwater. The site has been found to be contaminated with solvents. The applicant proposes to remediate the site to meet the site-specific standard. A Notice of Intent to Remediate has been reported to have been published in the *Erie Times* on August 20, 1998.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Request for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Northwest Regional Office: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335.

Application received from **Mace Recycling**, P. O. Box 727, Bradford, PA 16701 for a Determination of Applicability on permit no. **WMGR038** originated by the Department for use of waste tires and tire-derived material as a fuel at approved facilities, civil engineering or construction material and feedstock in the manufacturing of consumer products. The facility is located at 47 Tuna Cross Roads, Foster Township, **McKean County**. The Department accepted the Mace Recycling application as administratively complete on August 26, 1998.

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Northeast Regional Office: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.

Permit I. D. No. 101371. McAuliffe's Recycling Plant, McAuliffe Hauling and Recycling Services, Inc., P. O. Box 59, Walnutport, PA 18088. An application for the permit reissuance (Property/Facility Ownership and Permit Transfer) for this municipal waste transfer facility, located in Lehigh Township, **Northampton County**. The permit was received in the Regional Office on August 13, 1998 and was found to be administratively complete on August 20, 1998.

AIR QUALITY

Plan Approval and Operating Permit Applications Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act, and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

04-00503: PMAC, Ltd. (4023 Fourth Avenue, Beaver Falls, PA 15010) for operation of steel pipe and tube manufacturing at PMAC II in Beaver Falls, **Beaver County**.

04-00503: Mitsui/ZCA (300 Frankfort Road, Monaca, PA 15061) for operation of zinc smelting and refining at ZCA Monaca in Potter Township, **Beaver County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

10-288A: Bear Metallurgical Corp. (679 East Butler Road, Butler, PA 16001) for operation of ferroalloy product process line in Summit Township, **Butler County**.

16-136A: Bituminous Road Maintenance (521 South Street, Clarion, PA 16214) for operation of a drum type hot mix asphalt plant in Beaver and Licking Townships, **Clarion County**.

24-124A: Pennsylvania Industrial Heat Treaters (P. O. Box 348, St. Marys, PA 15857) for operation of a continuous draw furnace in Benzinger Township, **Elk County**.

42-184B: Keystone Powdered Metal Co. (1935 State Street, St. Marys, PA 15857) for operation of a heat treat furnace in Lewis Run, **McKean County**.

42-184C: Keystone Powdered Metal Co. (1935 State Street, St. Marys, PA 15857) for operation of a tempering furnace in Lewis Run, **McKean County**.

43-290A: Winner Steel Services, Inc. (P. O. Box 1628, Sharon, PA 16146) for operation of a galvanizing line in Sharon, **Mercer County**.

61-020A: Petrowax PA, Inc. (P. O. Box 3367, Smethport, PA 16749) for operation of an earth burner in Emlenton, **Venango County**.

62-017B: United Refining Co. (P. O. Box 780, Warren, PA 16365) for operation of sulfur recovery in Warren, **Warren County**.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-0169: H & N Packaging, Inc. (92 County Line Road, Colmar, PA 18915) for a graphic arts facility in Hatfield Township, **Montgomery County**.

23-0003A: Bayway Refining Co. (4101 Post Road, Trainer, PA 19061) for a fired heater in Trainer Borough, **Delaware County**.

46-0032A: SPS Technologies, Inc. (Highland Avenue, Jenkintown, PA 19046) for construction of a coating and mixing room in Abington Township, **Montgomery County**.

09-0101: WM Rowen Grant Funeral Home, Inc. (659 Street Road, Southampton, PA 18966) for construction of a crematory for human remains in Upper Southampton Township, **Bucks County**.

23-0024: Milestone Materials, Inc. (523 West Forge Road, Glen Mills, PA 19342) for construction of a hot mix asphalt plant in Middletown Township, **Delaware County**.

09-0053: Van Leer Containers, Inc. (695 Louis Drive, Warminster, PA 18974) for modification of a lining surface coating booth in Warminster Township, **Bucks County**.

23-0002: Stoney Creek Technologies, LLC (3300 West 4th Street, Trainer, PA 19061) for a Saci Process Vessels in Trainer Borough, **Delaware County**.

09-0102: R3 Technologies, Inc. (7 Steel Road East, Morrisville, PA 19067) for modification of a road recycling and remediation center in Falls Township, **Bucks County**.

23-312-213GP: Bayway Refining Co. (4101 Post Road, Trainer, PA 19061) for modification of a cone roof storage tank in Trainer Borough, **Delaware County**.

23-0075: Rhone-Poulenc Surfactants & Specialty (Blue Bell Avenue and Second Street, Marcus Hook, PA 19061) for modification of a surfactants manufacturing facility in Marcus Hook Borough, **Delaware County**.

15-0037A: De La Rue Card Systems, Inc. (523 James Hance Court, Exton, PA 19341) for modification of a lithographic press in West Whiteland Township, **Chester County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-302-171A: Premium Beverage Packers, Inc. (1055 Cross Roads Boulevard, Reading, PA 19605) for modification of two natural gas #2 fuel oil boilers in Muhlenberg Township, **Berks County**. These sources are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

32-336A: Big Mack Leasing Co., Inc. (RD 6, Box 231, Kittanning, PA 16201) for installation of coal crushing/loading/storage at Iselin No. 18 Mine in Young Township, **Indiana County**.

26-451A: Consol Docks Inc. (1800 Washington Road, Pittsburgh, PA 15241) for installation of coal stockpiling at Alicia Dock in Luzerne Township, **Fayette County**.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

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

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

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

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

Coal Applications Received

56910201. Permit Renewal, **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), commencement, operation and restoration of bituminous strip mine in Paint Township and Windber Borough, **Somerset County**, affecting 30.1 acres, receiving stream Paint Creek. Application received August 24, 1998.

11960109. Permit Revision, **Paul F. Becker Coal Company** (Rt. 22, Duncansville, PA 16635) is for a boundary correction to add 1.0 acre of mining area to the northern end of the permit on the Margaret Kelly Estate, now Paul F. and Ada M. Becker property, total SMP acres goes from 26.0 to 27.0 in Elder Township, **Cambria County**, receiving stream unnamed tributary to Brubaker Run. Application received August 26, 1998.

11960102. Permit Revision, **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), to add 10.1 acres to the permit boundary for the purpose of additional coal refuse reprocessing. Total SMP acres goes from 215.0 to 225.1 in Adams Township and South Fork Boro, **Cambria County** receiving stream South Fork Branch Little Conemaugh River. Application received August 25, 1998.

56980106. **Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905), commencement, operation and restoration of bituminous strip mine in Jenner and Quemahoning Townships, **Somerset County**, affecting 139.0 acres, receiving stream unnamed tributaries to/and Twomile Run to Quemahoning Reservoir, unnamed tributaries to Higgans Run to Higgans Run to Quemahoning Reservoir. Application received August 25, 1998.

56930112. Permit Renewal, **Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Black Township, **Somerset County**, affecting 316.0 acres, receiving stream unnamed tributaries to/and Rhoades Creek. Application received August 27, 1998.

32930102. Transfer from **John R. Yenzi, Jr. to Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650), commencement, operation and restoration of bituminous strip-auger mine in Canoe and Banks Townships, **Indiana County**, affecting 160.0 acres, receiving stream unnamed tributaries of Canoe Creek to Canoe Creek to Mahoning Creek. Application received August 26, 1998.

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

26830201. **Carbon Fuel Resources, Inc.** (P. O. Box 275, West Leisenring, PA 15489-0275). Revision received to change the post mining land use from forestland to unmanaged natural habitat on 64.0 acres of an existing coal refuse reprocessing site located in Dunbar Township, **Fayette County**, on the property of Carbon Fuel Resources, Inc. Revision received August 21, 1998.

65930106R. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**. Receiving streams: unnamed tributaries to Jacobs Creek. Renewal application received August 18, 1998.

03980901. **SBP Coal Company** (P. O. Box 11, Kittanning, PA 16201). Application received for commencement, operation and reclamation of an incidental coal extraction site located in Pine Township, **Armstrong County**, affecting 15.6 acres. Receiving streams: unnamed tributary to Scrubgrass Creek to Scrubgrass Creek to Mahoning Creek. Application received August 12, 1998.

03900109R. **State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201-5022). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Kittanning Township, **Armstrong County**. Receiving streams: Campbell Run. Renewal application received August 24, 1998.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

32841317. **Helvetia Coal Company** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Lucerne No. 9 in Conemaugh and Young Township, **Indiana County**, postmining land use change, no additional discharges. Application received August 11, 1998.

32951301. **CRG Group.** (R. D. 1, Box 119-A, Avonmore, PA 15618), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County**, revision to add ventilation borehole, no additional discharges. Application received August 12, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40930102R. **Diamond Coal Company, Inc.** (Route 309, North, Box Q, Milnesville, PA 18239-0185), renewal of an anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 405.0 acres, receiving stream—none. Application received August 17, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

10980108. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restora-

tion of a bituminous surface strip operation in Eau Claire Borough and Allegheny Township, **Butler County** affecting 45.2 acres. Receiving streams: Unnamed tributaries to South Fork Little Scrubgrass Creek. Application to include a postmining landuse change from forestland to pastureland, land occasionally cut for hay on the lands of J. Maxwell Cumberland, Jr. Application received August 10, 1998.

10930112. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip and auger operation in Cherry Township, **Butler County** affecting 98.5 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek and Slippery Rock Creek. Application for reclamation only. Application received August 24, 1998.

24820107. Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650). Renewal of an existing bituminous surface strip and auger operation in Fox Township, **Elk County** affecting 134.0 acres. Receiving streams: An unnamed tributary to Brandy Camp Run and Brandy Camp Run. Application received August 24, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received

300819-16860310-E-1. Glen Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610). Application for a stream encroachment to mine through for the purpose of clay removal of two unnamed tributaries to Little Piney Creek in Limestone Township, **Clarion County**. Application received August 17, 1998.

37980304. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15222). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 53.0 acres. Receiving streams: Three unnamed tributaries to Slippery Rock Creek. Application to include a wetland mitigation covering 1.73 acres within the permit boundary. Application received August 14, 1998.

Bureau of Deep Mine Safety Request for Variance

The Bureau of Deep Mine Safety has received a request for variance from **Canterbury Coal Company**. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

The Department of Environmental Protection (Department) is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701—702) (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation

and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Canterbury Coal Company requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the DiAnne Mine.

Request for Variance

The Bureau of Deep Mine Safety has received a request for variance from **PennAmerican Coal Inc., L. P.** The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

The Department of Environmental Protection (Department) is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701—702) (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: PennAmerican Coal Inc., L. P., requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Burrell Mine.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

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

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

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

E46-819. Encroachment. **Abington Township**, 1176 Old York Rd., Abington, PA 19001. To increase the hydraulic conveyance capacity by modifying an existing 10-foot by 6-foot stream enclosure which conveys Baeder Creek (WWF) between Wanamaker Road and Jenkintown Road. The modification consists of constructing 261 linear feet of 6-foot by 6-foot precast box culvert enclosure adjacent to the aforementioned existing structure by extending an existing 6-foot by 6-foot box culvert that exists under Jenkintown Road upstream 261 linear feet to Wanamaker Road and constructing 40 linear feet of retaining wall and installing R-5 riprap protection upstream of the inlet. The project is located (Germantown, PA Quadrangle N: 18.25 inches; W: 1.55 inches) in Abington Township, **Montgomery County**.

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

E35-302. Encroachment. **Leroy and Ann Pelicci**, R. R. 3, Box 394U, Lake Ariel, PA 18436. To place fill in approximately 0.07 acre of PEM wetlands and to construct and maintain a 9-foot diameter C.M.P. culvert in a Tributary to Ackerly Creek for the purpose of constructing a private access road to a single family residence. The project is located north of the terminus of Lynnwood Drive, approximately 0.4 mile west of the intersection of S. R. 0632 and S. R. 0407 (Dalton, PA Quadrangle N: 5.4 inches; W: 11.9 inches), in Abington Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E54-253. Encroachment. **Hillside Composting Corporation**, 173 School Street, 3rd Floor, Westbury, NY 11590. To remove the existing structure and to construct and maintain a road crossing of Swatara Creek (CWF), consisting of a 42-inch concrete culvert. The purpose of the project is to replace a hydraulically deficient culvert on an existing haul road within a leaf and yard waste composting facility. The project is located approximately 1 mile east of Interstate 81, on the north side of S. R. 0025 (Minersville, PA Quadrangle N: 8.7 inches; W: 15.5 inches), in Reilly Township, **Schuylkill County** (Baltimore District, U. S. Army Corps of Engineers).

E64-195. Encroachment. **Dunmore Oil Company, Inc.**, 1031 Reeves Street, Dunmore, PA 18512. To place fill within the floodway along a Tributary to Van Auken Creek (HQ-TSF), for the purpose of developing a commercial site. The project is located at the northwest corner of the intersection of S. R. 0006 and S. R. 0296 (Waymart, PA Quadrangle N: 16.2 inches; W: 4.7 inches), in Waymart Borough, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-196. Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Balls Creek (HQ-CWF), consisting of twin 16.0-foot by 8.0-foot precast reinforced concrete box culverts depressed 1.0 foot

below stream bed elevation. Association approach roadway widening includes the placement of fill in a de minimis area of PEM wetlands equal to 0.02 acre. The project is located on S. R. 4014, Section 670, Segment 0160, Offset 1428, approximately 1.5 miles upstream of the confluence of Balls Creek and the West Branch Delaware River (Hancock, NY-PA Quadrangle N: 14.5 inches; W: 14.4 inches), in Scott Township, **Wayne County** (Philadelphia District, U. S. Army Corps of Engineers).

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E01-197. Encroachment. **Albert Townsend**, 530 Main Street, York Springs, PA 17372. To straighten 275 linear feet of Tributary No. 2 to Latimore Creek for the purpose of restoring the channel and to remove approximately 40 feet of gravel bar in Tributary No. 1 to Latimore Creek and to place fill along the south stream bank of Tributary No. 1 just upstream of Latimore Street (Dillsburg, PA Quadrangle N: 3.0 inches; W: 16.75 inches) in York Springs Borough, **York County**.

E06-517. Encroachment. **Douglass Township**, Eileen Pinder, RD 2, Box 503, Boyertown, PA 19512. To place fill for the construct of a pump station in the flood plain of the Schuylkill River at a point along Route 422 (Pottstown, PA Quadrangle N: 22.6 inches; W: 12.6 inches) in Douglass Township, **Berks County**.

E06-518. Encroachment. **Exeter Township**, John Theisen, 4975 DeMoss Road, Reading, PA 19606. To remove an existing structure and to construct and maintain a 4 foot x 16 foot concrete box culvert in the channel of Monocacy Creek at a point at Friends Road (Birdsboro, PA Quadrangle N: 10.7 inches; W: 6.5 inches) in Exeter Township, **Berks County**.

E22-390. Encroachment. **PA Department of Transportation, Engineering District 8-0**, 1240 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 12 foot x 7 foot concrete box culvert in the channel of Lynch Run at a point at SR 0230 Section 008 (Middletown, PA Quadrangle N: 10.75 inches; W: 5.00 inches) in Londonderry Township, **Dauphin County**.

E28-221. Encroachment. **Statler Farms**, 151 Miller Road, Chambersburg, PA 17201. To remove an existing twin 24-inch diameter corrugated metal pipe (CMP) culvert and to install and maintain a new 60-inch diameter CMP culvert at the channel of an unnamed tributary to Conococheague Creek located about a mile north of Marion Village (Greencastle, PA Quadrangle N: 22.2 inches; W: 10.07 inches) in Guilford Township, **Franklin County**.

E31-148. Encroachment. **Timothy English**, 447 Willow Crossing Road, Greensburg, PA 15601. To construct and maintain a 24-foot by 34.5-foot addition on to an existing residential structure in the floodway of the Juniata River located along the north side of the Juniata River at its confluence with the Frankstown Branch of the Juniata River (Mount Union, PA Quadrangle N: 14.5 inches; W: 13.9 inches) in Henderson Township, **Huntingdon County**.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E41-432. Encroachment. **Good Will Hunting Club**, 37 Grove, Cressona, PA 17929. To realign the channel of

Little Pine Creek for the protection of private property from flooding. The realignment work shall consist of removing vegetated gravel deposition to a maximum length of 485 feet, a maximum width of 28 feet, and a depth that shall not exceed a point 6 inches above the water level at the time of removal. The project is located along the eastern right-of-way of SR 0287 approximately 2,000 feet south of the intersection of SR 0284 and SR 0287 (English Center, PA Quadrangle N: 3.0 inches; W: 3.25 inches) in Pine Township, **Lycoming County**. Estimated stream disturbance is 485 linear feet with no wetland impact; stream classification is cold water fishery.

E59-374. Encroachment. **Edward J. Signor**, P. O. Box 89, Arnot, PA 16911. To dredge approximately 13,000 cubic yards of sediments from an existing 3.5 acre pond for the purpose of improving fish habitat and recreation. 0.17 acre of wetlands are proposed to be impacted by the work. The project site is located on the northwest edge of the village of Arnot, directly east of SR 2016 (Cherry Flats, PA Quadrangle N: 7.5 inches; W: 0.75 inch) in Bloss Township, **Tioga County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E26-246. Encroachment. **PA Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a prestressed concrete or steel bridge having a normal span of 28.0 feet and an underclearance of 7.0 feet over Furnace Run (WWF). Also to relocate 110.0 feet of stream channel upstream from the bridge and to install a temporary road crossing consisting of two 12-inch pipes. The project is located along S. R. 1008 approximately 3,000 feet west of its intersection with S. R. 1010 (Dawson, PA Quadrangle N: 7.2 inches; W: 9.6 inches) in Franklin Township, **Fayette County**.

E11-263. Encroachment. **Cambria County Commissioners**, P. O. Box 269, Ebensburg, PA 15931. To remove the existing structure and to construct and maintain a 16-foot by 7.5-foot box culvert in Brubaker Run (CWF) located on T-551 (Third Avenue) at a point just east of the intersection of Coleman Street with Third Avenue (Hastings PA Quadrangle N: 7.00 inches; W: 12.1 inches) in Hastings Borough, **Cambria County**.

E65-709. Encroachment. **Elsie H. McAdoo**, 1213 Denbigh Lane, Radnor, PA 19087. To operate and maintain a 12-foot long culvert crossing consisting of five 36-inch CM pipes in an unnamed tributary to Tubmill Creek (TSF) located at a point approximately 3,200 feet south of S. R. 711 and S. R. 1007 intersection (Rachelwood, PA Quadrangle N: 18.2 inches; W: 12.7 inches) in St. Clair Township, **Westmoreland County**. The work was authorized under Emergency Permit No. E6598201.

E56-284. Encroachment. **JIRO Enterprises, Inc.**, 218 North Kimberly Avenue, Somerset, PA 15501. To place and maintain fill in 0.38 acre of wetlands (PEM) for the purpose of constructing a gravel lot for parking. To compensate for wetland loss, the applicant is proposing the construction of 0.4 acre of replacement wetlands (PEM) on site. The project is located on the southwest side of the intersection of T-482 and T-561 (Somerset, PA Quadrangle N: 5.2 inches; W: 11.2 inches) in Somerset Township, **Somerset County**

DAM SAFETY

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D14-124. Dam. **Pennsylvania Military Museum** (P. O. Box 160A, Boalsburg, PA 16827). To modify, operate and maintain Reflecting Pond Dam across Spring Creek (CWF) for the purpose of reestablishing fish passage and restoring the aquatic habitat (State College, PA Quadrangle N: 5.5 inches; W: 6.3 inches) in Harris Township, **Centre County**.

D46-318. Dam. **RAGM Settlement Corporation** (1004 West Ninth Street, King of Prussia, PA 19406). To modify, operate and maintain the Renaissance Basin across a tributary to the Schuylkill River (WWF) for the purpose of providing stormwater detention (Norristown, PA Quadrangle N: 16.2 inches; W: 11.7 inches) in Upper Merion Township, **Montgomery County**.

D46-330. Dam. **Robert K. Hartenstine** (No. 1 Sunnysbrook Road, Pottstown, PA 19464). To construct, operate and maintain a stormwater detention dam across a tributary to Sprogles Run (WWF) impacting 650 feet of stream for the purpose of providing stormwater detention for the proposed Brookwood Subdivision (Phoenixville, PA Quadrangle N: 22.0 inches; W: 15.1 inches) in Lower Pottsgrove Township, **Montgomery County**.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA44-002CO. Environmental Assessment. **Board of Supervisors of Derry Township** (P. O. Box M, Yeagertown, PA 17099). To breach and remove a jurisdictional dam across Kishacoquillas Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2,500 feet south-east of the intersection of Logan Boulevard and Derry Street (Burnham, PA Quadrangle N: 3.3 inches; W: 11.0 inches) in Derry Township, **Mifflin County**.

EA59-010CO. Environmental Assessment. **Ronald Blye** (R. D. 5, Box 132, Wellsboro, PA 16901). To construct and maintain a nonjurisdictional dam across a tributary to Hills Creek (WWF) for the purpose of recreation located approximately 1,800 feet northwest of the intersection of S. R. 1001 and T-650 (Crooked Creek, PA Quadrangle N: 4.9 inches; W: 11.0 inches) in Charleston Township, **Tioga County**.

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

EA20-005NW. Environmental Assessment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323-1289. To remove the aban-

doned steel thru-truss bridge having a span of 124 feet and an underclearance of 16 feet across Oil Creek on S. R. 2020, Segment 0010, Offset 0293 approximately 500 feet north of S. R. 0027 west of Titusville (Titusville North, PA Quadrangle N: 0.8 inch; W: 10.6 inches) located in Oil Creek Township, Crawford County.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 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.

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

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

NPDES Permit No. PA-0062251. Sewerage. **Valley Gorge Mobile Home Park**, R. D. 1, White Haven, PA 18661 is authorized to discharge from a facility located in White Haven Borough, **Luzerne County**, to an unnamed tributary to Wildcat Run.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA 0110230. Sewerage. **Lycoming County Recreation Authority**, R. R. 1, Box 183, Montgomery, PA 17752. Renewal application approved to discharge to Black Hole Creek during the winter season and to spray irrigate pond during the summer period. Location is at Clinton Township, **Lycoming County**.

NPDES Permit No. PA0209686. Sewerage. **Thomas L. Harris Sr.**, Star Route Box 35C, Curwensville, PA 16833. Approval granted to discharge treated domestic sewage from a single family residence system. Location is at Pike Township, **Clearfield County**.

NPDES Permit No. PA0038865. Sewerage. **Zerbe Township**, 800 Mahanoy Street, Trevorton, PA 17881. Renewal application approved to discharge treated sewage to Zerbe Run. Facility located at Zerbe Township, **Northumberland County**.

NPDES Permit No. PA0114111. Sewerage. **U. S. Army Corp of Engineers, Baltimore District**, R. R. 1 Box 65, Tioga, PA 17946-9733. Renewal application approved to discharge treated sewage from treatment plant serving South Shore Recreation Areas. Facility located at Lawrence Township, **Tioga County**.

NPDES Permit No. PA0046094. Sewerage. **US Army Corp of Engineers, Baltimore District**, R. R. 1, Box 65, Tioga, PA 17946-9733. Renewal application approved to discharge treated sewage from treatment plant serving Ives Run Recreation Area. Facility located at Tioga Township, **Tioga County**.

NPDES Permit No. PA0209678. Sewerage. **Cooper Township Municipal Authority**, P. O. Box 466, Winburne, PA 16879. Approval to discharge treated sewage from Grassflat sewage treatment plant from facility located at Cooper Township, **Clearfield County**.

NPDES Permit No. PA0209660. Sewerage. **Cooper Township Municipal Authority**, P. O. Box 446, Winburne, PA 16879. Approval to discharge treated sewage from Winburne sewage treatment facility located at Cooper Township, **Clearfield County**.

WQM Permit No. 49983408-T1. Transfer. **Borough of Mount Carmel Municipal Building**, 100 North Vine Street, Mount Carmel, PA 17851. Approval granted to install flow pacing chlorine system at wastewater treatment plant. Location at Mount Carmel Township, **Northumberland County**.

WQM Permit No. 1798405. **Thomas L. Harris, Sr.**, Star Route Box 35C, Curwensville, PA 16833. Applicant granted permission to construct a single resident treatment system located at Pike Township, **Clearfield County**.

WQM Permit No. 1498410 Lot 3. Sewerage **L. Melvin Lowery**, 130 Lowery Lane, Julian, PA 16844. Applicant granted permission to construct a single resident treatment system located at Huston Township, **Centre County**.

WQM Permit No. 1795408-A32. Sewerage. **Bradford Township/Walk**, P. O. Box 79, Woodland, PA 16881. Approval given for residence to install treatment system for a new home previously approved in 1995. The pilot program is located at Bradford Township, **Clearfield County**.

NPDES Permit No. PA0035777. Amendment. Industrial waste. **Hoeganaes Corporation**, River Road and Taylors Lane, Riverton, NJ 08077. The request to amend NPDES permit was granted facility located at Delaware Township, **Northumberland County**.

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

NPDES Permit No. PA0051331. Sewerage. **Girl Scouts of Southern PA**, 469 Mt. Alverno Road, Media, PA 19063 is authorized to discharge from a facility located in Upper Frederick Township, **Montgomery County** into Swamp Creek.

NPDES Permit No. PA005778. Sewerage. **John D. Savon**, 47 Carter Road, Thorton, PA 19373 is authorized

to discharge from a facility located in Thornbury Township, **Delaware County** into an unnamed tributary to West Branch Chester Creek.

NPDES Permit No. PA0057428. Sewage. **Robert A. Payne**, 2205 Wentz Church Road, Lansdale, PA 19446 is authorized to discharge from a facility located in Worcester Township, **Montgomery County**.

NPDES Permit No. PA0057541. Sewage. **Mr. and Mrs. William Sellers**, 1378 Clearview Drive, Denver, PA 17517 is authorized to discharge from a facility located in Upper Salford Township, **Montgomery County** into an unnamed tributary to Vaughns Run.

NPDES Permit No. PA005717. Sewage. **Paul Chicos**, 1436 Monk Road, Gladwyne, PA 19035 is authorized to discharge from a facility located in Lower Merion Township, **Montgomery County** into an unnamed tributary to Schuylkill River.

NPDES Permit No. PA0051004. Sewage. **Lower Salford Township**, P. O. Box 243, Harleysville, PA 19438 is authorized to discharge from a facility located in Lower Salford Township, **Montgomery County** into West Branch Skippack Creek.

WQM Permit No. 1598415. Sewerage. **New Garden Township Sewer Authority**, 8934 Gap Newport Road, Landenberg, PA 19350. Construction and operation of sewage collection system, pump station and force main to serve the Preserve at New Garden located in New Garden Township, **Chester County**.

WQM Permit No. 4698421. Sewerage. **Limerick Township Municipal Authority**, 529 King Road, Royersford, PA 19468. Construction and operation of a pump station and force main to serve Limerick Medical Center located in Limerick Township, **Montgomery County**.

WQM Permit No. 4698414. Sewerage. **Paul Chicos**, 1436 Monk Road, Gladwyne, PA 19035. Construction of a

single residence STP to replace a failing onlot system located in Lower Merion Township, **Montgomery County**.

**INDIVIDUAL PERMITS
(PAS)**

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

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

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PAS-10-5105. Individual NPDES. **Campbell Mobile Homes, Inc.**, P. O. Box 129, Newport, PA 17074. To implement an erosion and sedimentation control plan for the construction of streets, utilities and home sites for a 51 lot residential subdivision known as Baily Run Estates on 40.1 acres in Miller Township, **Perry County**. The project is located on the north side of Limekiln Road (T-449) about 1.4 miles east of its intersection with PA Route 849 (Duncannon, PA Quadrangle N: 15.3 inches; W: 12.3 inches). Drainage will be to a tributary of Baily Run.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-T083	The Cutler Group 5 Sentry Parkway West Blue Bell, PA 19422	Upper Providence Township	Second order tributary to Perkiomen Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S046-1	S.I.D.E. Corporation P. O. Box 1050 Blakeslee, PA 18610	Monroe Co. Tobyhanna Twp.	Goose Run & Tobyhanna Cr.
PAS10U090	LDR Associates, Inc. 179 Mikron Road Campus Bethlehem, PA 18020	Northampton Co. Bethlehem Twp.	Monocacy Cr.

**INDIVIDUAL PERMITS
(PAR)**

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements,

operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

*List of NPDES and/or other
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG-2

Facility Location

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lackawanna Co. Taylor Bor.	PAR10N067	Mark Salak Quandel Group, Inc. 4055 Linglestown Rd. Harrisburg, PA 17112-0072	Keyser Cr.	Lackawanna CD 717-281-9495
Monroe Co. Chestnuthill Twp.	PAR10S023	MOuntain Terrace Estates Richard and Beverly Frantz HC1, Box 405 Brodheads ville, PA 18322	Sugar Hollow Creek	Monroe CD 717-629-3060
Schuylkill Co. East Brunswick Twp.	PAR105764	The Linard Residence Jay Linard 1747 Tanglewood Rd. Orwigsburg, PA 17961	Little Schuylkill River	Schuylkill CD 717-622-3742
Schuylkill Co. E. Union Twp. & Luzerne Co. Hazle Twp.	PAR105766	Humboldt Industrial Park Frank Zeske Can Do Inc. 15 Church St. Hazleton, PA 18201	Catawissa Cr.	Schuylkill CD 717-622-3742
Schuylkill Co. Port Carbon Bor. & E. Norwegian Twp.	PAR105767	D. G. Yuengling & Sons Brewery D. G. Yuengling Real Estate Limited Partnership 5th & Mahantango St. Pottsville, PA 17901	Mill Creek & Schuylkill River	Schuylkill CD 717-622-3742
Lackawanna Co. S. Abington Twp.	PAR10N072	Michael Vacendak 9188 Valley View Dr. Clarks Summit, PA 18411	Ackerly Creek	Lackawanna CD 717-281-9495
Luzerne Co. Butler Twp.	PAR10R155	Hazleton Area School Dist. 1515 W. 23rd St. Hazleton, PA 18201	Suquehanna River	Luzerne CD 717-674-7991

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Centre County Potter Township	PAR10F068	Wynwood Downs Development Alice Gummerson c/o Mr. and Mrs. Craig Taylor RR 1 Spring Mills, PA 16875	Sinking Creek Basin	Centre County CD 414 Holmes Ave. Bellefonte, PA 16823 814-355-6817
Northumberland County Coal Township	PAR104925	Den Mar Limited Liability Partnership 333 S. Pine St. Mount Carmel, PA 17851	Quaker Run	Northumberland County CD RR 3, Box 238C Sunbury, PA 17801
Lower Heidelberg Township Spring Township Berks County	PAR-10-C202	Rosewood Hills Development Donald Kuser, President E. Kuser Inc. 150 Grings Hill Road Sinking Spring, PA 19608	UNT Cacoosing Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 610-372-4657
Spring Township Berks County	PAR-10-C204	SR 0222 Sect. 003 Warren St. Ext. John J. Porter Project Mgr. PA DOT 1713 Lehigh Street Allentown, PA 18103	Little Muddy Creek Wyomissing Creek and its tributaries	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 610-372-4657
Guilford Township Chambersburg Borough Franklin County	PAR-10-M160	Chambersburg Area Dev. Corp. 75 South 2nd Street P. O. Box 399 Chambersburg, PA 17201	Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 717-264-8074
Mount Joy Township Lancaster County	PAR-10-O-311	Franklin Greiner, Jr. 1650 Steel Way Drive Mount Joy, PA 17562	UNT Donegal Creek	Lancaster County CD 1383 Arcadia Rd., Room 6 Lancaster, PA 17601 717-299-5361
West Manheim Township York County	PAR-10-Y300	South Pointe Rene Debrabander 1623 Pot Spring Road Timonium, MD 21093	South Branch Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y331	PA Steel and York Sheet Metal Wagman Construction, Inc. 3290 Susquehanna Trail North P. O. Box 15076 York, PA 17405	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
North Codorus Township York County	PAR-10-Y329	New Salem Elementary School Spring Grove School District 100 East College Street Spring Grove, PA 17362	West Branch Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Paradise Township York County	PAR-10-Y330	Paradise Elementary Spring Grove School District 100 East College Street Spring Grove, PA 17362	Beaver Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lawrence County Shenango Township	PAR103731	Kappa Properties Co. Giant Eagle Plaza 701 Alpha Drive Pittsburgh, PA 15238	Big Run to Shenango River	Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 724-652-4512
Northampton Township Bucks County	PAR-10-D374	Elliott Building Group 10 Kingswoods Drive New Hope, PA 18938	Neshaminy Creek Delaware River Basin	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Lower Makefield Township Bucks County	PAR-10-D351	Merrick B. Wilson Madison Ave. Pennington, NJ 08534	Dyers Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Warrington Township Bucks County	PAR-10-D395	Select Properties 2312 North Broad Street Colmar, PA 18915	Little Neshaminy Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Newtown Township Bucks County	PAR-10-D358	Orleans Corporation 1 Greenwood Sq. 333 Street Road No. 101 Bensalem, PA 19020	Newtown Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577

General Permit Type—PAG-04

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Centre Huston Twp.	PAG045021	L. Melvin Lowery 130 Lowery Lane Julian, PA 16844	Steel Hollow Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield Bradford Twp.	PAG045025	Douglas and Toby Walk 14 Clark Street Clearfield, PA 16830	UNT to Roaring Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming Woodward Twp.	PAG045019	Jack R. Confer 748 Mahaffey Hollow Rd. Linden, PA 17744	UNT to Quenshakney Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

**Plan Approval granted under the Pennsylvania
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northeast Regional Office: Water Management Program
Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790,
(717) 826-2553.*

Sweet Valley Mobile Home Village located on east side of Ross Township, Route 674, 3,000 feet north of County Road Intersection.

An existing 40 unit mobile home park proposing a sequencing batch reactor treatment facility with stream discharge to an unnamed tributary to Hunlock Creek.

Treatment facility is being proposed to replace a currently malfunctioning onlot septic system.

Location: Lehigh Valley Industrial Park VI, located on south side of William Penn Highway S. R. 2020, 2.7

miles west of 25th Street, PA Route 248 in Bethlehem Township, **Northampton County**.

Project Description: This project proposes a 44 lot office and industrial park on 188 acres. The project will employ an estimated 2,030 people. Projected sewage flows of 125,000 gpd have been established for this project. The proposed 125,000 gpd of sewage flows will be collected by Bethlehem Township for conveyance and treatment by municipal facilities of the City of Bethlehem. The industrial park sanitary lines will connect to the Bethlehem Township existing collection system at Manhole Numbers 20 and 307. Easton Suburban Water Authority will provide public water to the project.

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0530.

Location: Delmar Township, Tioga County.

Project Description: The Delmar Township Board of Supervisors have revised the Act 537 Official Sewage

Facilities Plan for the township. The former plan called for future construction of a 35,000 gallon per day wastewater treatment facility to treat collected wastewater from the villages of Stony Fork and Draper in the township. The current plan, recently approved by this Department, calls instead for the construction of a 45,000 gallon per day wastewater treatment facility. The capacity of the treatment facility is being changed to more realistically provide for existing and future development capacity needs of the service area.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

Plan Revision Approval granted August 26, 1998, under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Location: Allen Betts Residence, Single Family Residence, Smithfield Township, Huntingdon County. The approved plan revision provided for: Approval of a revision to the Official Plan of Smithfield Township, **Huntingdon County**. Project involves installation of a small flow treatment facility to repair a malfunctioning sewage system to serve one three bedroom single residence dwelling and a two room cabin, with flows of 800 gpd. Located on 2.41 acres along State Route 3045, Henderson Hollow Road. Treated effluent is to be discharged into a small tributary on the Juniata River.

Required NPDES Permits or Water Management Permits must be obtained in the name of the owner, Allen Betts.

SAFE DRINKING WATER

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

Northeast Regional Office: Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Permit No. 1397503. Public water supply. **Lehighon Water Authority**, Richard Barclay, Chairperson, Box 29, Municipal Building, Lehighon, PA 18325. This proposal involves the construction of a new raw water infiltration gallery and 1.6 million gallon per day pump station in and along the Lehigh River. The project also involves the construction of 7,330 feet of 16-inch raw and treated water transmission mains. A stream crossing is involved. It is located in Lehighon Borough, **Carbon County**.

Permit to Operate: August 17, 1998.

Permit No. 3598501. Public water supply. **Pennsylvania-American Water Company**, David Kaufman, Operations Manager, 20 East Union Street, Wilkes-Barre, PA 18701. This proposal involves the construction of a booster pumping station to provide service to the Montage/Glenmaura Corporate Center. It is located in Moosic Borough, **Lackawanna County**.

Permit to Operate: August 12, 1998.

Minor Amendment. PWS 2450063. PAWC (Pocono Country Place, Pocono Farms East), Coolbaugh Township, **Monroe County** was issued an Operation Permit on August 12, 1998.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. 1981501-T1. The Department issued an operating permit to **United Water Pennsylvania, Inc.** (4211 East Park Circle, P. O. Box 4151, Harrisburg, PA 17111, South Centre Township, **Columbia County**) transferred from the Columbia County Industrial Development Authority for operation of McGregor Well No. 1 and No. 2, disinfection facilities, finished water storage, booster pump station, transmission and distribution lines.

A. 1797501. The Department issued an operating permit to **Union Township Municipal Authority**, Box 4, Rockton, PA 15856 (Union Township, **Clearfield County**) for corrosion control with zinc-orthophosphate and soda ash addition to the clear well (post filtration).

A. 4998501. The Department issued a construction permit application to **East Cameron Township Municipal Authority** (R. R. 1, Box 1248, Shamokin, PA 17872; East Cameron, **Northumberland County**) for development of a new well, disinfection system and interconnecting piping.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA, (814) 332-6899.

Permit No. 1098505. Public water supply. **E. J. Gulick Mobile Home Park**, 106 Beatty Drive, Saxonburg, PA 16056 has been issued a public water supply for the installation of new water distribution lines to replace the existing ones in Winfield Township, **Mercer County**.

Type of Facility: Community Water Supply.

Consulting Engineer: Darby L. Neidig, Dakota Engineering Assoc., Inc., Etna Technical Center, Suite 200, 35 Wilson Street, Pittsburgh, PA 15223.

Permit to Construct Issued: August 26, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form,

contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Boeing Company, Ridley Township, **Delaware County**. Nicholas De Rose, Langan Engineering & Environmental Services, Inc., 3655 Route 202, Suite 225, Georgetown Crossing, Doylestown, PA 18901-1699, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Statewide health standards.

West Chester Laundry, West Chester Borough, **Chester County**. Gloria G. Hunsberger, P.G., Powell-Harpstead, Inc., 800 E. Washington Street, West Chester, PA 19380 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards for soil and site specific standards for groundwater.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Primages Property (203 Charles Street), Coopersburg Borough, **Lehigh County**, John V. Forsyth, General Manager, All Phase Environmental Services, Inc., 131 Technology Drive, Bethlehem, PA 18015 has submitted a Final Report (on behalf of his client, Paul Chernay, 7483 South Main Street, Coopersburg, PA 18036) concerning the remediation of site soils contaminated with polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The report is intended to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

Southcentral Regional Office: Environmental Cleanup Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Morris Residence, Dover Township, **York County**. Richard and Carol Morris have submitted a Final Report concerning remediation of site soils contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Portec Rail Products, Inc., O'Hara Township, **Allegheny County**. Portec Rail Products, Inc., 900 Freeport Road, Pittsburgh, PA 15238, P. O. Box 38250, Pittsburgh, PA 15238-8250 and Joseph M. Harrick, Earth Sciences Consultants, Inc., One Triangle Drive, Export, PA 15632 have submitted a Final Report addressing soil and groundwater contaminated with BTEX and solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

Northwest Regional Office: Craig Lobins, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

Pine Instrument Company (Former Cooper Energy Services Steel Service Center), 109 Madison Avenue, Grove City, PA 16127, **Mercer County**, Borough of Grove City, has submitted a Final Report to remediate soil. The site has been found to be contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide health standard. A summary of the Final Report was reported to have been published in the *Allied News* on August 5, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediations Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediations Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Trenholm Residence, Upper Mt. Bethel Township, **Northampton County**. Kevin Van Kuren, President,

Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a final report (on behalf of his client, Steven H. Trenholm, 4079 Church Street, Portland, PA 18351) concerning the remediation of site soils contaminated with polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on August 24, 1998.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Department initiated permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, 14th Floor, Harrisburg, PA 17105-8472.

General Permit No. WMGR057: Transfer of spent mushroom substrate (SMS) prior to its beneficial use.

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management, authorizes under General Permit No. WMGR057, the transfer and beneficial use of the spent mushroom substrate. This will be a Statewide general permit.

Under the terms and conditions of the general permit persons who are approved to transfer SMS for beneficial use will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conformance with minimum isolation distances, maintenance of operating records and submission of annual summary reports to the Department.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611 of the residual waste management regulations to issue general permits. Any category of beneficial use or processing that results in beneficial use of municipal waste and residual waste on a regional or Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined that the transfer of SMS prior to its beneficial use can be adequately regulated using standard conditions. The Department has restricted the size of the SMS transfer facility not to exceed 15 acres. An individual or a separate general permit will be required for facilities exceeding 15 acres.

Persons requesting approval to operate under the terms of the general permit will be required to obtain a Determination of Applicability from the appropriate Department Regional Office for each site where spent mushroom substrate will be transferred. The following minimum information will be required to obtain a Determination of Applicability:

- (a) Name and address of applicant.
- (b) Name and location of facility with site drawings and maps showing isolation distances.

- (c) Number and title of general permit.
- (d) Proof that proposed transfer activities are consistent with the general permit.
- (e) A signed statement accepting all conditions of the general permit.
- (f) Proof of host municipal notification.
- (g) Proof of identification of interests.
- (h) Compliance history information.
- (i) An application fee in the amount of \$500.
- (j) A financial bond guaranteeing operation of the entire facility, if larger than 5 acres or handling greater than 6,000 cu. yds. of SMS per acre.

Persons interested in obtaining more information or a copy of this general permit may contact Peter Arnt, Jr., in the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management at Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472 or by calling (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service (800) 654-5984. No comments were received on the proposed general permit.

Special Conditions

General Permit No. WMGR057

1. The approval herein granted is limited to the transfer of spent mushroom substrate (SMS) prior to beneficial use. The SMS accepted at the transfer facility shall be non-liquid¹.
2. Approval to operate under this permit is limited to SMS transfer facilities which do not exceed 15 acres. The SMS transfer facility shall include the transfer pad, all raw materials and SMS storage areas and the finished SMS storage area (other than areas storing bagged product for retail sale).
3. A financial bond which guarantees the operation of the entire transfer facility is required for facilities larger than 5 acres but not exceeding 15 acres. The amount of the bond shall be based upon the total estimated cost to the Commonwealth to complete final closure of the facility and to take measures necessary to prevent any adverse impact upon public health, safety, welfare and the environment.
4. The total volume managed at the SMS transfer facility may not exceed 6,000 cubic yards per acre unless the facility has posted a financial bond which guarantees operation of the entire transfer facility.
5. Storage of incoming and outgoing SMS shall be consistent with Chapter 299 of the residual waste regulations.
6. Incoming and outgoing SMS shall be stored in a manner that prevents harborage or breeding of vectors, odors, litter and other nuisances which may effect public health, safety, welfare or the environment. Storage shall be in a manner that prevents dispersal of waste by wind or water erosion or a risk of fire or explosion. SMS may not be stored in a manner that causes groundwater or surface water contamination.
7. All SMS storage or transfer at the site shall be conducted on a pad. The SMS pad shall be constructed of concrete, asphalt, remolded asphalt or other materials approved by the Department. The pad shall be capable of containing and collecting all waste or liquid waste gener-

¹Shall be determined by EPA Method 9095 (paint filter liquid test) as described in the EPA Publication No. SW-846.

ated by the transfer facility. The pad shall be located in a well-drained area and sloped to prevent ponding. The pad shall be capable of maintaining structural integrity under normal operating conditions and all types of weather and be capable of supporting vehicular traffic on the pad. The pad shall be inspected by the operator for uniformity, damage and imperfections during construction and installation. The Department may require groundwater monitoring if the pad is not constructed from concrete, asphalt or remolded asphalt.

8. The SMS pad shall not be constructed where continuous or intermittent contact may occur between the pad and the groundwater or surface water.

9. The access road to the facility shall be paved or surfaced with asphalt, gravel, cinder or equivalent material and be capable of withstanding the load limits. The access road shall be maintained to control dust and to prevent or control the tracking of mud onsite or offsite.

10. Leachate from the SMS transfer facility, if generated, shall be collected and managed as residual waste.

11. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from the SMS transfer facility to the waters of this Commonwealth.

12. The facility shall not be located:

a) In the 100-year flood plain of waters of this Commonwealth;

b) In or within 300 feet of an exceptional value wetland;

c) In or within 100 feet of a wetland other than an exceptional value wetland;

d) Within 100 feet of a sinkhole or area draining into a sinkhole;

e) Within 300 feet measured horizontally from an occupied dwelling unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;

f) Within 50 feet of a property line unless the owner has provided a written waiver consenting to the facility being closer than 50 feet;

g) Within 100 feet of a perennial stream;

h) Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet; or

i) Within 300 yards of the following, if existing prior to the date the Department received and administratively complete application, unless a written waiver is obtained from the current property owner:

1. A building owned by a school district or parochial school and used for instructional purposes.

2. A park.

3. A playground.

13. Surface water management and erosion/sedimentation controls shall be provided during all phases of construction and operation of the facility, to meet applicable requirements of 25 Pa. Code Chapter 102 (relating to erosion control). In addition, a stormwater management system shall be designed to meet Federal and State stormwater regulations and stormwater shall be managed accordingly. Surface water controls shall be based on the most significant 25-year, 24-hour precipita-

tion event. Offsite surface water shall be diverted away from the pad and any storage areas.

14. Nothing in this permit shall be construed to supersede, amend or authorize a violation of any of the provisions of any valid and applicable local law, ordinance or regulation, providing that said local law, ordinance or regulation is not preempted by the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904)

15. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to have access to and to inspect all areas on which solid waste management activities are being, will be or have been conducted. This authorization and consent shall include consent to collect samples of waste, soils, water or gases; to take photographs; to perform measurements, surveys and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books and papers required by the Department to be maintained. This permit condition is referenced in accordance with sections 608 and 610(7) of the Solid Waste Management Act (35 P. S. § 6018.610(7)). This condition in no way limits any other powers granted under the Solid Waste Management Act.

16. Failure of the measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules and regulations, and terms and conditions of this permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.

17. The activities by this permit shall not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department may modify, suspend, revoke or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, the environment, or if the activities cannot be adequately regulated under the conditions of this permit.

18. Persons or municipalities that propose to operate under the terms and conditions of this general permit after the date of permit issuance must receive a Determination of Applicability from the Department's Regional Office which has jurisdiction for waste related activities in the County where the facility will be located. No activities shall commence unless specifically authorized in writing by the Department.

At a minimum, the following information must be provided on application forms available from the Department's Bureau of Land Recycling and Waste Management:

a. Name and street address of applicant;

b. Name and location of facility and of offsite SMS generators;

c. Quantities of SMS received from each generator;

d. Number and title of general permit;

e. A detailed site plan of the SMS transfer facility including engineered drawings of locations of all storage and transfer areas, access roads, property lines, contours, pad design, wells, utilities and the like. The plan shall

include a general description of the volumes of SMS to be received at the transfer facility;

f. A detailed description of SMS transfer activities including volumes of SMS generated onsite and offsite and screening of incoming SMS for acceptance or rejection;

g. A description of how leachate, if generated, will be collected and managed;

h. Proof that waste and waste management activities are consistent with the general permit;

i. Signed and notarized statement by the person who seeks Determination of Applicability to accept all conditions and operate under the terms and conditions of this general permit;

j. An application fee in the amount of \$500, payable to the Commonwealth of Pennsylvania;

k. Proof that copies of the Determination of Applicability application have been submitted to each municipality, county, county planning agency and county health department, if one exists, in which the transfer facility is or will be located;

l. Proof that the applicant has legal right to enter the land and perform the transfer facility activities approved under this permit;

m. A copy of the facility's Preparedness, Prevention and Contingency (PPC) plan, which is consistent with the Department's guidelines on the development and implementation of PPC plans;

n. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities;

o. Information that identifies the application (that is individual, corporation, partnership, government agency, association, and the like) and related parties, including the names and addresses of every officer who has a financial interest in or controls the facility operation;

p. A list of all previous permits or licenses issued to the applicant or any related parties by the Department or Federal government under the environmental protection acts; the dates issued, status and compliance history, concerning environmental protection acts;

q. Proof that any independent contractors retained by the applicant to perform any activities authorized under this permit are in compliance with State and Federal laws and regulations relating to environmental protection;

r. A financial bond guaranteeing operation of the entire facility if larger than 5 acres, but less than 15 acres, or having greater than 6,000 cubic yards of SMS per acre.

19. Any person operating under the provisions of this permit must notify the Department, in writing, if the transfer facility is relocated or if new locations are to be included under this permit by submitting information specified in Condition 18, above.

20. Any person that operates under the provisions of this permit shall immediately notify, in writing, the waste program Operations Manager of the appropriate regional office of the Department of any changes in the: name, address, owners, operators and/or responsible officials of the company; the physical or chemical characteristics of the waste; the generators of the waste; the process that generates the waste; the status of any permit issued by the State or Federal government under the environmental

protection acts; and the land ownership and the right to enter and operate on the land where the facility is located.

21. Daily records of the weights or volumes of incoming SMS and names of persons receiving the outgoing SMS from the transfer facility shall be maintained on the premises or at another location with the approval of the Department for at least 5 years. These records shall be made available for inspection by the Department staff upon request.

22. Persons operating under the provisions of this general permit must submit to the appropriate regional waste program of the Department a summary of volumes of waste received at the facility and the SMS transferred annually. The annual report is due on the anniversary date of a Determination of Applicability by the Department.

23. A copy of a Preparedness, Prevention and Contingency (PPC) plan, that is consistent with the Department's most recent guidelines, shall be maintained at each transfer facility and updated at least every 5 years. The permittee shall immediately implement the applicable provisions of the Department approved PPC plan for any emergency that affects or threatens public health, safety, welfare or the environment.

24. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if the activities were covered by an individual permit. The Department may require the permittee to apply for, and obtain, an individual permit or cease operation if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment.

25. Upon cessation of operations at the transfer facilities, the operator shall remove any residual waste and structures or other materials which contain or have been contaminated with residual waste and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.

26. Any waste generated from the SMS transfer facility shall be managed in accordance with the Solid Waste Management Act and the regulations promulgated thereunder.

27. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall operate as described in the approved application.

28. This general permit does not authorize the discharge of air emissions. The permittee shall comply with all applicable requirements of the Air Pollution Control Act and 25 Pa. Code Subchapter C, Article III (relating to air resources) including the odor emissions contained in 25 Pa. Code § 123.31 (relating to limitations).

29. Based on the facility volume capacity, the SMS transfer facility may be subject to the plan approval and operating requirements of 25 Pa. Code, Chapter 127. If plan approval is required, the permittee may not construct, assemble, install or modify the facility prior to obtaining a plan approval from the Department's Bureau of Air Quality.

RESIDUAL WASTE PROCESSING FACILITIES

Registration under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit No. WMGR011R016. Mid States On-Site Recycling, Inc., 826 North Adams Street, Wilmington, DE 19801. Registration to operate under General Permit WMGR011 for the processing of spent ethylene glycol base antifreeze in mobile processing units for the purpose of reconditioning spent antifreeze generated by coolant or heating systems. Registration effective on August 19, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits revoked 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.

Responsible Office: Southcentral Regional Office, Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 603393. Knackstead Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Huntingdon Township, **Adams County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 603419. Robert Parr Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Dover Township, **York County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 603247. Potteiger Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Middlesex Township, **Cumberland County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 602326. Enos Zook Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Sadsbury Township, **Lancaster County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 603428. Kettering Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in East Hempfield Township, **Lancaster County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 603247. Kann Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Middlesex Township, **Cumberland County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 603404. Troop Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in East Drumore and Colerain Townships, **Lancaster County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 602326. Fred, Ernest and William Frey Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in East Drumore and Little Britain Townships **Lancaster County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 602326. Ernest Frey Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in East Drumore and Little Britain Townships, **Lancaster County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 603420. Wegman Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Colebrookdale Township, **Berks County**. Permit revoked in the Regional Office August 24, 1998.

Permit No. 602622. Stoult Farm, Conestoga Landfill (Mineview Drive, P. O. Box 128, Morgantown, PA 19543). This permit has been revoked at the applicants request for a site in Jefferson and Tulpehocken Townships, **Berks County**. Permit revoked in the Regional Office August 24, 1998.

AIR QUALITY

OPERATING PERMITS

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-318-051: Wesco Mfg. Co. (206 Progress Drive, Montgomeryville, PA 18936) for operation of a paint spray booth in Montgomery Township, **Montgomery County**.

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-340-002: Montenay Energy Resources of Montgomery County (1155 Conshohocken Road, Conshohocken, PA 19428) revised August 28, 1998, for two L & C Steinmuller in Plymouth Township, **Montgomery County**.

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

59-0005A: CNG Transmission Corp. (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) on August 5, 1998, to establish nitrogen oxides, carbon monoxide and volatile organic compound emission rates for a natural gas-fired internal combustion engine in units of pounds per hour rather than grams per horsepower hour at the Boom Compressor Station in Lawrence Township, **Tioga County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.

06-05036: Cryovac, Inc. (P. O. Box 295, Reading, PA 10603) for their Reading facility located in Muhlenberg Township, **Berks County**. The facility's major sources of emissions include VOC and HAPS from the plastic foam manufacturing sources.

06-05050: Sun Pipe Line Co. (Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699) for their refined petroleum product pumping and storage facility controlled by various floating roofs, located in Spring Township, **Berks County**. The facility is mainly a source of VOCs. Several of the tanks are subject to 40 CFR 60, Subpart K or Kb, Standards of Performance for New Stationary Sources.

67-05006: York County Resource Recovery Facility (2700 Blackbridge Road, York, PA 17402) for their municipal waste incinerator located in Manchester Township, **York County**. The facility's major source of emissions include nitrogen oxides and acidic fumes. The

facility is subject to 40 CFR Part 60, Subpart Cb, Standards of Performance for New Stationary Sources.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Attn: Eric Gustafson, (814) 332-6940.

16-00010: Owens-Brockway Glass Container, Inc. (One Seagate, 30-LGC, Toledo, OH 43666) located in Clarion Borough, **Clarion County**. The facility's major emission sources include various material handling lines and glass melting furnaces. The facility is a major facility due to its potential to emit of nitrogen oxides and sulfur oxides.

42-00028: Ball Foster Glass Container Co. (1 Railroad Avenue, Port Allegany, PA 16743) located in Port Allegany, **McKean County**. The facility's major emission sources include various material handling lines and glass melting furnaces. The facility is a major facility due to its potential to emit of nitrogen oxides and sulfur oxides.

37-00277: Emess Lighting, Inc. (One Early Street, Ellwood City, PA 16117) located in Ellwood City Borough, **Lawrence County**. The facility's major emission sources include various spray coating lines and a halogenated solvent vapor degreaser. The facility is a major facility due to its potential to emit of volatile organic compounds and trichloroethylene.

20-00123: Lord Corp., Industrial Products Division (124 Grant Street, Cambridge Springs, PA 16403) located in Cambridge Springs Borough, **Crawford County**. The facility's major emission sources include surface preparation of metal components, application of adhesives and spray lines. The facility is a major facility due to its potential to emit of volatile organic compounds.

10-00023: Mercer Lime and Stone Co. (P. O. Box 4, Branchton, PA 16021) located in Slippery Rock Township, **Butler County**. The facility's major emission sources include various material handling equipment and a rotary lime kiln. The facility is a major facility due to its potential to emit of sulfur oxides, nitrogen oxides and particulate matter less than 10 microns in diameter.

10-00028: Armstrong Cement and Supply Corp. (100 Clearfield Road, Cabot, PA 16023) located in Winfield Township, **Butler County**. The facility's major emission sources include various material handling equipment, two cement kilns and clinker coolers. The facility is a major facility due to its potential to emit of sulfur oxides, nitrogen oxides and particulate matter less than 10 microns in diameter.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

15-0016D: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355) issued August 25, 1998, for operation of a cleaning and zinc nickel plating line in East Whiteland Township, **Chester County**.

23-0040: Laurel Pipe Line Co., L. P. (3398 Garnet Mine Road, Boothwyn, PA 19061) issued August 26, 1998, for operation of a petroleum pipeline breakout tank in Bethel Township, **Delaware County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

28-310-002D: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) issued August 26, 1998, for modification of the limestone crushing plant at the Chambersburg Quarry in Guilford Township, **Franklin County**. This source is subject to 40 CFR 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants.

36-303-011A: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) issued August 26, 1998, for modification of the batch asphalt plant and a Venturi scrubber in East Cocalico Township, **Lancaster County**.

67-304-024A: R. H. Sheppard Co., Inc. (P. O. Box 877, Hanover, PA 17331) issued August 27, 1998, for construction of the foundry sand handling system no. 1 controlled by fabric collectors in Hanover Borough, **York County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

62-329-001A: United Refining Co. (Bradley and Dobson Streets, Warren, PA 16365) issued August 5, 1998, for installation of catalytic converters on internal combustion engines in Warren, **Warren County**.

24-124B: PA Industrial Heat Treaters (Access Road, St. Marys, PA 15857) issued August 19, 1998, for installation of a smog hog in Benzinger Township, **Elk County**.

42-185A: IA Construction Corp. (Route 155, Turtlepoint, PA 16750) issued August 19, 1998, for construction of a drum mix asphalt plant in Annin Township, **McKean County**.

Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

07-302-031: Appleton Papers, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673) issued July 22, 1998, to authorize temporary operation of the power boiler no. 4, covered under this Plan Approval until November 13, 1998, located at the Spring Mill in Roaring Spring Borough, **Blair County**.

21-303-001A: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) issued July 28, 1998, to authorize temporary operation of the three asphalt plants, covered under this Plan Approval until November 25, 1998, located at the Camp Hill Quarry in Lower Allen Township, **Cumberland County**. These sources are subject to 40 CFR 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

21-312-021: Scranton-Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) issued August 29, 1998, to authorize temporary operation of the petroleum product loading rack controlled by a vapor combustion unit, under this Plan Approval until December 26, 1998, located at the Mechanicsburg Terminal in Silver Spring Township, **Cumberland County**.

29-318-033B: JLG Industries, Inc. (JLG Drive, McConnellsburg, PA 17233) issued August 4, 1998, to authorize temporary operation of the McConnellsburg

Manlift Production Facility, covered under this Plan Approval until December 2, 1998, in Ayr Township, **Fulton County**.

67-02030A: C-P Converters, Inc. (15 Grumbacher Road, York, PA 17402) issued August 28, 1998, to authorize temporary operation off the flexographic press no. 10 enclosed in a permanent total enclosure controlled by catalytic incinerator, covered under this Plan Approval until December 25, 1998, in Manchester Township, **York County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

24-131B: SGL Carbon Corp. (900 Theresia Street, Box 1030, St. Marys, PA 15857) issued August 30, 1998, for 12 graphite purification furnaces in St. Marys, **Elk County**.

43-034A: Dunbar Asphalt Products, Inc. (P. O. Box 291, Wheatland, PA 16161) issued August 31, 1998, for a bituminous asphalt plant in Wheatland, **Mercer County**.

43-399-016: GE Transportation Systems (1503 West Main Street Extension, Grove City, PA 16127) issued August 28, 1998, for diesel engine test cells in Grove City, **Mercer County**.

42-399-026A: Allegheny MDF, Limited Partnership (Hutchins Road, Kane, PA 16735) issued August 30, 1998, for a material reject air system in Kane, **McKean County**.

42-399-027A: Allegheny MDF, Limited Partnership (Hutchins Road, Kane, PA 16735) issued August 30, 1998, for two dryers in Kane, **McKean County**.

42-399-028A: Allegheny MDF, Limited Partnership (Hutchins Road, Kane, PA 16735) issued August 30, 1998, for a high pressure chip system in Kane, **McKean County**.

42-399-030: Allegheny MDF, Limited Partnership (Hutchins Road, Kane, PA 16735) issued August 30, 1998, for sander dust systems in Kane, **McKean County**.

42-399-031: Allegheny MDF, Limited Partnership (Hutchins Road, Kane, PA 16735) issued August 30, 1998, for a sawdust and fuel system in Kane, **McKean County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-0035: SmithKline Beecham Pharmaceutical, Inc. (709 Swedeland Road, King of Prussia, PA 19406) issued August 26, 1998, for Facility VOCs/Nox RACT in Upper Merion Township, **Montgomery County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—

1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

11823004. Permit Renewal, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip mine in Elder and Susquehanna Townships, **Cambria County**, affecting 1,458.5 acres, receiving stream Little Brubaker Run to Brubaker Run to Chest Creek. Application received May 05, 1998. Issued August 21, 1998.

11930102. Permit Renewal, **E. P. Bender Coal Company, Inc.** (Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip mine in Dean Township, **Cambria County**, receiving stream Little Laurel Run, an unnamed tributary to Clearfield Creek, and Clearfield Creek, total SMP acres 270.0. Application received March 16, 1998. Issued August 25, 1998.

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

Coal Permits Issued

03880107R. **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal issued for reclamation only of a bituminous surface/auger mine located in Kittanning/Rayburn/Valley Townships, **Armstrong County**, affecting 130.7 acres. Receiving streams: unnamed tributaries to Mill Run and Cowanshannock Creek to the Allegheny River. Application received: May 26, 1998. Renewal issued: August 24, 1998.

65930104R. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, affecting 48.5 acres. Receiving streams: unnamed tributary to Stauffer Run, to Stauffer Run, to Jacobs Creek, to Youghiogheny River. Application received: May 21, 1998. Renewal issued: August 24, 1998.

03970103. **Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905). Permit revised to temporarily relocate, mine through, and restore two township roads and approve changes to the erosion and sedimentation control plan at a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, affecting 184 acres. Receiving streams: unnamed tributary to Sulphur Run, unnamed tributary to Long Run. Application received: March 31, 1998. Revision issued: August 24, 1998.

65980102. **V. P. Smith Co., Inc.** (P. O. Box 242, Ligonier, PA 15658). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Fairfield Township, **Westmoreland County**,

affecting 72.8 acres. Receiving streams: three unnamed tributaries to Hannas Run. Application received: May 29, 1998. Permit issued: August 26, 1998.

65940107. **Ralph Smith & Son, Inc.** (200 Second Street, Derry, PA 15627). Revision issued to change the post mining land use from forestland to pastureland on the Estate of Frank E. Pikulski on an existing bituminous surface mine located in Salem, Bell and Loyalhanna Townships, **Westmoreland County**. Revision application received: April 7, 1998. Revision issued: August 27, 1998.

30980901. **Taylorstown Mining, Inc.** (P. O. Box 298, Point Marion, PA 15747). Incidental Coal Extraction Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Dunkard Township, **Greene County**, affecting 12.5 acres. Receiving streams: Dunkard Creek to Monongahela River. Application received: March 9, 1998. Permit issued: August 18, 1998.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

03841305. **Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Emilie No. 1 and 2 Mine in Plumcreek Township, **Armstrong County**, 6-inch sludge borehole and sludge pipeline, no additional discharges. Permit issued August 24, 1998.

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

Coal Applications Returned

02950102. **Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Revision to add 19.0 acres to an existing bituminous surface mine located in North Fayette Township, **Allegheny County**, is hereby returned. Receiving streams: unnamed tributary to North Branch of Robinson Run, North Branch Robinson Run, Robinson Run, Chartiers Creek, Ohio River. Revision application received: February 2, 1998. Revision application returned: August 25, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Noncoal Permits Issued

3074SM13. **Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES No. PA0107433, Slippery Rock Township and Slippery Rock Borough, **Butler County**. Receiving streams: Unnamed tributary to Beaver River and unnamed tributary to Wolf Creek. Application received: June 17, 1998. Permit Issued: August 13, 1998.

37800303. **Slippery Rock Materials, Inc.** (R. D. 2, Box 228, Volant, PA 16156) Renewal of NPDES No. PA0122734, Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run. Application received: June 23, 1998. Permit Issued: August 21, 1998.

37930303. **Rose Point Sand and Gravel Co.** (R. D. 4, Box 496, New Castle, PA 16101) Renewal of NPDES No. PA0211656, Slippery Rock and Muddy Creek Townships, **Lawrence and Butler Counties**. Receiving streams: Unnamed tributary to Muddy Creek and Muddy Creek. Application received: June 23, 1998. Permit Issued: August 12, 1998.

37920306. **Neshannock Sand and Gravel, Inc.** (R. D. 3, Box 520, Pulaski Road, New Castle, PA 16105) Renewal of NPDES No. PA0211320, Neshannock Township, **Lawrence County**. Receiving streams: Unnamed

tributary to Shenango River and Shenango River. Application received: May 7, 1998. Permit Issued: August 12, 1998.

43820309. Roger Hoffman (22 McMillan Road, Mercer, PA 16137) Renewal of NPDES No. PA0601101, Findley Township, **Mercer County**. Receiving streams: Unnamed tributary to Cool Spring Creek. Application received: June 11, 1998. Permit Issued: August 12, 1998.

62820304. IA Construction Corporation (P. O. Box 8, Concordville, PA 19331) Transfer of an existing sand and gravel operation from Tionesta Sand and Gravel, Inc. in Limestone Township, **Warren County** affecting 90.7 acres. Receiving streams: Myers Run to the Allegheny River to the Ohio River. Application received: April 3, 1998. Permit Issued: August 13, 1998.

2579302. Bedrock Sand and Gravel, Inc. (10400 Messenger Road, Girard, PA 16417) Renewal of NPDES No. PA0107212, Girard Township, **Erie County**. Receiving streams: Elk Creek. Application received: May 8, 1998. Permit Issued: August 26, 1998.

43950302. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137) Revision to an existing sand and gravel operation to change the postmining land use to unmanaged water impoundment on property of Atlantic States Materials of PA, Inc. in East Lackawanna Township, **Mercer County**. Receiving streams: Unnamed tributary to Beaver Run and Beaver Run to Neshannock Creek to the Shenango River. Application received: May 4, 1998. Permit Issued: August 27, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

06880301C. National Earth Products, Inc. (245 Butler Avenue, Lancaster, PA 17601), renewal of NPDES Permit No. PA0594181 in Richmond Township, **Berks County**, receiving stream—Moslem Creek. Renewal issued August 24, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

58980820. Timothy Mark Smith (R. R. 3, Box 329E, Montrose, PA 18801), commencement, operation and restoration of a small quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream—none. Authorization granted August 26, 1998.

58980817. Melvin Heeman, Sr. (R. R. 1, Box 264B4, Wyalusing PA 18853), commencement, operation and restoration of a bluestone quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted August 27, 1998.

58980829. Pennsylvania Quarried Bluestone Co. (P. O. Box 4, South Gibson, PA 18842), commencement, operation and restoration of a bluestone quarry operation in Lenox Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted August 27, 1998.

58980833. George J. Evans (R. R. 2, Box 116A, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Silver Lake Township, **Susquehanna County** affecting 2.0 acres, receiving stream—none. Authorization granted August 27, 1998.

58980834. Randy Bishop (24 Prospect Street, Susquehanna, PA 18849), commencement, operation and restoration of a bluestone quarry operation in Laneshoro

Borough, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted August 27, 1998.

ABANDONED MINE RECLAMATION

Bureau of Abandoned Mine Reclamation

P. O. Box 8476, Harrisburg, PA 17105-8476

Bond Forfeiture Contract Awarded: BF 341-102.1. Newport Township, **Luzerne County**. AMLR Project, North American Mining, Inc., Newport Township, Luzerne County. *Contractor:* James T. O'Hara, Inc. *Amount:* \$257,239. *Date of Award:* July 9, 1998.

Bond Forfeiture Contract Awarded: BF 356-101.1. Valley and Boggs Township, **Armstrong County**. AMLR Project, James E. Martin Coal Company, Valley and Boggs Township, Armstrong County. *Contractor:* D. T. Construction, Inc. *Amount:* \$1,194,652. *Date of Award:* June 26, 1998.

Bond Forfeiture Contract Awarded: BF 156-105.1. Franklin Township, **Fayette County**. AMLR Project, TIC, Inc., Franklin Township, Fayette County. *Contractor:* John McGill. *Amount:* \$13,200. *Date of Award:* June 26, 1998.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received 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)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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 the 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.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (32 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.

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

E45-340. Encroachment. **Caesar's Paradise Stream, Inc.**, P. O. Box 400, Scotrun, PA 18355. To construct and maintain a 6-inch water intake structure in Devils Hole Creek for the purpose of withdrawing water for a snow-making operation at Caesar's Paradise Stream Resort. The project is located on the north side of S. R. 0940, approximately 0.5 mile west of S. R. 0390 (Buck Hill Falls, PA Quadrangle N: 0.5 inch; W: 8.1 inches) in Paradise Township, **Monroe County**.

E45-349. Encroachment. **Richard and Mary-Helen Boothby**, 612 West Hartwell Lane, Philadelphia, PA 19118. To place fill in a de minimis area of wetlands equal to 0.04 acre for the purpose of construction an addition to an existing seasonal home. The project is located at Lot 77 in Pocono Lake Preserve on the southern side of Pocono Lake, approximately 1.0 mile southwest of the intersection of S. R. 0940 and Township Road T580 (Blakeslee, PA Quadrangle N: 17.7 inches; W: 1.4 inches) in Tobyhanna Township, **Monroe County**.

E45-353. Encroachment. **Smithfield Township**, R. R. 5, Box 5229, East Stroudsburg, PA 18301. to regrade a portion of the 100-year floodplain of Brodhead Creek for the purpose of constructing Minisink Park. The project includes picnic areas, athletic fields and parking lots and is located southeast of the intersection of S. R. 0080 and Township Road T-663 (River Road), approximately 800 feet upstream of the confluence of Brodhead Creek with the Delaware River (Stroudsburg, PA Quadrangle N: 21.1 inches; W: 2.0 inches) in Smithfield Township, **Monroe County**.

E48-270. Encroachment. **LDR Associates, Inc.**, 179 Mikron Road Campus, Bethlehem, PA 18020. To construct and maintain a twin 24-inch x 38-inch elliptical R.C.P. stormwater outfall structure and associated energy dissipater along the western stream bank of Monocacy Creek. The project is associated with the proposed Brodhead Industrial Campus, a 3-lot subdivision, located northwest of the intersection of S. R. 0022 and S. R. 0191 (Nazareth, PA Quadrangle N: 9.7 inches; W: 13.5 inches) in Bethlehem Township, **Northampton County**.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E67-623. Encroachment. **Pennsylvania Power & Light Company**, Andrew Spear, 2 North 9th Street, Allentown, PA 18101. To remove an existing stream enclosure and to construct and maintain a 12-foot wide by 6-foot high by 109-foot long stream enclosure in its place in an unnamed tributary to the Conewago Creek for the purpose of constructing the York Haven By-Pass. Also, to construct a 42-foot long by 4-foot high concrete retaining wall immediately upstream of this enclosure end of Main Street (York Haven, PA Quadrangle N: 20 inches; W: 12 inches) in York Haven Borough, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third Street, Williamsport, PA 17701.

E17-317. Encroachment. **J. Richard Fullington Jr.**, 929 S. 6th Street, Clearfield, PA 16830. To place and maintain fill for a driveway in the floodway of Stinky Run and across 0.015 acre of wetlands located off Clark Street approximately 600 feet east of the RT 879 overpass (Clearfield, PA Quadrangle N: 3.0 inches; W: 7.2 inches) in Lawrence Township, **Clearfield County**. This permit

was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification

E53-310. Encroachment. **James R. Grub, Sr.**, 673 Lancaster Pike, New Providence, PA 17560-9756. To construct and maintain a 20 foot by 28 foot addition to an existing cabin in the floodway of Weimer Hollow Run off Weimer Hollow Road approximately 1 mile from the intersection Weimer Hollow Road (T342) with Sartwell Creek Road (SR 4001) (Roulette, PA Quadrangle N: 20.3 inches; W: 7.4 inches) in Pleasant Valley Township, **Potter County**. This permit was issued under section 105.13(e) "Small Projects."

E57-080. Encroachment. **Sullivan County Commissioners**, Sullivan County Courthouse, Laporte, PA 18626. To 1) construct and maintain a prestressed adjacent concrete box beam bridge with two clear spans of 93 feet 5.75 inches and a minimum underclearance of 8 feet across Muncy Creek located approximately 600 feet south of the intersection of SR 0220 and T-310; 1b) to realign and widen Muncy Creek for 178 feet upstream and 257 feet downstream of the concrete box beam bridge; 2a) perform minor repairs to the superstructure and substructure of the wooden covered bridge; 2b) to remove the gravel deposit directly under the covered bridge which has two clear spans of 64 feet 4 inches, a width of 15 feet and a minimum underclearance of 10 feet; 2c) to maintain the covered bridge located approximately 250 feet southeast of the intersection of SR 0220 and T-310 (Sonestown, PA Quadrangle N: 17.2 inches; W: 7.6 inches) in Davidson Township, **Sullivan County**.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1237. Encroachment. **Peoples Natural Gas Company**, 1201 Pitt Street, Pittsburgh, PA 15221. To rehabilitate, operate and maintain the existing 20-inch diameter gas pipeline (TP-800) and the existing 4-inch diameter gas pipeline (M-3647) in and across the channel of an unnamed tributary to Sawmill Run (WWF). The project is located on the south side of Leax Lane, approximately 300 feet northeast from the intersection of Beulah Road (S. R. 130) and Leax Lane (Braddock, PA Quadrangle N: 9.4 inches; W: 11.8 inches) in Wilkins Township, **Allegheny County**. This permit also authorizes the installation of temporary sandbags and an 18-inch diameter pipe. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1238. Encroachment. **The Pittsburgh Harlequins Rugby Football Association**, 208 Braddock Road, Pittsburgh, PA 15221. To place and maintain fill in approximately 0.41 acre of wetlands (PEM) adjacent to Deer Creek (CWF) and to construct and maintain four outfall structures and a paved asphalt driveway along the left bank of said stream for the purpose of constructing athletic fields for rugby and soccer. The project is located on the south side of Eisele Road approximately 450 feet west from the intersection of Eisele Road and Cove Run Road (New Kensington West, PA Quadrangle N: 14.9 inches; W: 15.7 inches) in Indiana Township, **Allegheny County**. The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

E03-375. Encroachment. **PA Department of Transportation**, P. O. Box 429, Route 286 South, Indiana, PA 15701. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 68.5 feet and a minimum underclearance of 6.4 feet

across Glade Run for the purpose of improving transportation safety and roadway standards. This permit also authorizes the construction and maintenance of a temporary causeway in Glade Run and an outfall system consisting of an 18-inch CMP and a rock-lined channel along Glade Run. The project is located on S. R. 0128, Section 151 (Kittanning, PA Quadrangle N: 1.2 inches; W: 10.2 inches) in Cadogan Township, **Armstrong County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E02-1228. Encroachment. **Amy and Patrick Fleck, Jr.**, 415 Easton Lane, Oakdale, PA 15207. To place and maintain fill in a de minimis area of wetlands (PEM) less than or equal to 0.05 acre in the North Branch Robinson Run (WWF) watershed for the purpose of constructing a commercial building. The project is located in the southeast corner of the S. R. 22/30 and Oakdale Road (S. R. 3063) interchange (Oakdale, PA Quadrangle N: 10.9 inches; W: 11.5 inches) in North Fayette Township, **Allegheny County**.

E63-453. Encroachment. **Township of Cross Creek**, 28 Clark Avenue, Avella, PA 15312. To remove the existing bridge (Parker Road Bridge) and to construct and maintain a culvert having a span of 13.6 feet with an underclearance of 6.8 feet (1.0 foot depressed) in Middle Fork Cross Creek (HQ-WWF). The bridge is located on Parker Road, just northwest from the intersection of Parker Road, just northwest from the intersection of Parker Road, T-783 and T-484 (Avella, PA Quadrangle N: 9.35; W: 6.1) in Cross Creek Township, **Washington County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-697. Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401-0459. To remove the existing structure and to construct and maintain a bridge having a normal clear span of 33.0 feet and an underclearance of 6.56 feet across Little Crabtree Creek (WWF) located on S. R. 0119, Section U10, Segment 0450, Offset 0000 (Latrobe, PA Quadrangle N: 19.40 inches; W: 13.55 inches) in Hempfield and Unity Townships, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

ENVIRONMENTAL ASSESSMENT

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D63-017EA. Environmental Assessment. **BethEnergy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931). To remove a partially breached dam across Patterson Run (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is part of the facilities associated with the closed Marianna Mine No. 58 and is located approximately 4,000 feet upstream of the confluence of Tenmile Creek and Patterson Run (Ellsworth, PA Quadrangle N: 0.85 inch; W: 17.05 inches) in West Bethlehem Township, **Washington County**.

SPECIAL NOTICES

Recycling Grant Award under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101.

The Department of Environmental Protection (Department) announces the following correction to the amount

of a grant to a municipality for its recycling programs under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, § 902. The grant was previously announced in the July 18, 1998 *Pennsylvania Bulletin*.

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed under the Municipalities Financial Recovery Act (53 P. S. §§ 11701.101—11701.501) are eligible to receive funding for an additional 10% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Carl Hursh, Chief of Recycling and Markets, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101

§ 902 Recycling Development and Implementation Grant

<i>Applicant</i>	<i>Project Type</i>	<i>Award</i>
Birdsboro Borough	Leaf Collection	\$13,680
Berks County	Equipment	

Proposed Consent Decree

Easterly Sewage Treatment Plant Site

Logan Township, Blair County

Proposed Consent Decree

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304) (HSCA), has entered into a Proposed Consent Decree with American Premier Underwriters (APU), the City of Altoona (City) and the Altoona City Authority (ACA). Under the Proposed Consent Decree, the City and the ACA will reimburse the Department for a portion of its past response costs incurred at the Easterly Site in the amount of \$25,000. In addition to the \$25,000, the Department has accepted the value of a portion of the work performed by the City and the ACA during and following the Department's interim response at the Site.

The City and the ACA will also contribute and perform in-kind work in support of APU's implementation of the final remedial response action to be conducted by APU at the Site under a separate Proposed Consent Decree between the Department and APU. Notice of the Proposed Consent Decree between the Department and APU was published in the *Pennsylvania Bulletin* on June 13, 1998. The in-kind work to be performed by the City and the ACA includes soil excavation, backfilling and grading; providing electric and telephone service; and collecting and treating groundwater from the waste pits during the implementation of the final remedial response action. The City and the ACA will also make a cash payment of \$70,000 to APU for implementation of the final remedial response action. The final remedial response action to be carried out is described in the June 13, 1998 *Pennsylvania Bulletin* notice for the Proposed Consent Decree between the Department and APU.

The City and ACA will also reimburse the Department for its future response and oversight costs. The Proposed Consent Decree provides for a Covenant Not to Sue and reservation of rights provided under section 505 of the Land Recycling and Environmental Remediation Standards Act (Act 2), and under section 706 of HSCA, and for contribution protection under section 705(c)(a) of HSCA. The Proposed Consent Decree is authorized by section 505(g) of HSCA. The Consent Decree is entered to expedite efficient remedial action, to minimize prolonged litigation and to resolve the City's and the ACA's liability to the Department under a Cost Recovery Complaint filed by the Department against APU, the City and the ACA in November 1995. The Proposed Consent Decree also resolves the liabilities of the City, the ACA and APU with respect to the cross-claims filed against each other as part of the Department's cost recovery complaint. The Proposed Consent Decree will be lodged with the Pennsylvania Commonwealth Court in Harrisburg, PA during the 60-day public comment period provided for under HSCA section 1113.

The Easterly Site is located approximately 0.25 mile north of East Altoona in Logan Township, Blair County, PA. The site includes two waste pits that were discovered in August 1989, during construction at the Easterly Sewage Treatment Plant to upgrade the facility. The pits are located immediately north of several treatment plant buildings and south of lagoons that contain sludges generated at the treatment plant. The combined surface area of the two pits is approximately 27,000 square feet. The Department conducted a Preliminary Site Investigation in 1989. The investigation revealed that groundwater was contaminated as a result of a release of hazardous substances from the waste pits. Waste and hazardous substances in the pits contained PCBs and volatile organic compounds (VOCs) including benzene, vinyl chloride, trichloroethene (TCE) and tetrachloroethene (PCE). The Department then conducted an interim response under section 505 of HSCA, in 1990—1991, which included excavation of approximately 8,000 cubic yards of soils from the pits and placement of the waste in an impoundment designed as an interim storage facility on the property. The material stored in the surface impoundment will be addressed during the final remedial response.

This notice is being provided under section 1113 of HSCA and is being published in the *Pennsylvania Bulletin* and the *Altoona Mirror*. The Proposed Consent Decree is available for public review and comments and is located in the Administrative Record for the Easterly Sewage Treatment Plant site. The Administrative Record is maintained by the Department in its Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110 and in its Altoona District Office at 615 Howard Avenue, Altoona, PA 16601. Persons wishing to submit written comments may do so by sending them to Noreen Wagner at the Harrisburg address.

The public comment period extends for 60 days from the date of publication in the *Pennsylvania Bulletin*. At the close of the public comment period, the Department will file responses to any significant written comments received during the public comment period. Unless the Department determines, based upon the public comments received, that the Consent Decree is not in the public interest, the Department, the City, the ACA and APU will then file a Joint Motion to Enter the Consent Decree with the Commonwealth Court, requesting the Court approve

the Consent Decree. The Consent Decree becomes final upon the Court's approval and entry of the Consent Decree.

[Pa.B. Doc. No. 98-1494. Filed for public inspection September 11, 1998, 9:00 a.m.]

Air Quality Technical Advisory Committee; Cancellation of Meeting

Due to a lack of agenda items, the Air Quality Technical Advisory Committee's September 25, 1998, meeting has been canceled. The Committee's next scheduled meeting will be held on November 19, 1998, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building in Harrisburg.

For further information, contact Terry Black at (717) 787-2030.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1495. Filed for public inspection September 11, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "July 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Draft Technical Guidance—New Guidance

DEP ID: 012-0501-001 Title: DEP Mediation Confidentiality Description: The purpose of this policy is to ensure that DEP-trained mediators uphold the Standard of Confidentiality when they conduct mediations, as required by law and existing professional guidelines. Anticipated Effective Date: November 15, 1998 Deadline for Submittal

of Comments: October 12, 1998 Contact: Karen Mitchell at (717) 783-5787.

DEP ID: 294-2309-003 Title: Pennsylvania Radon Certification Guide Description: The purpose of this guide is to provide assistance to anyone applying for radon certification in Pennsylvania and as a reference document for those currently certified. Anticipated Effective Date: November 15, 1998 Deadline for Submittal of Comments: October 12, 1998 Contact: Marianne Hansen at (717) 787-2480

DEP ID: 562-4000-101 Title: Water Supply Replacement and Compliance Description: Establishes procedures to be followed by District Mining staff for those water supplies which are adversely affected by surface or underground coal mining activities and fall within the area defined as rebuttable presumption. Anticipated Effective Date: March 16, 1999 Deadline for Submittal of Comments: October 12, 1998 Contact: Joseph Schueck at (717) 783-9583

Notice Of Intent To Develop Technical Guidance

Title: Biosolids Program Implementation Description: This guidance will provide the necessary information for the Department to implement the biosolids program throughout the Commonwealth. Anticipated Draft Development Date: September 1, 1998 Anticipated Effective Date: January 1, 1999 Contact: Jay Africa at (717) 783-2941

Title: Guidance for the Storage of Biosolids Description: This guidance will provide the necessary information to the public regarding the storage of biosolids. Anticipated Draft Development Date: September 1, 1998 Anticipated Effective Date: January 1, 1999 Contact: Jay Africa at (717) 783-2941

JAMES M. SEIF, Secretary

[Pa.B. Doc. No. 98-1496. Filed for public inspection September 11, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

PA Football Legends Instant Lottery Game

[CORRECTION]

An error occurred in the notice which was published at 28 Pa.B. 4293 (August 29, 1998). Some of the prize play symbols were printed incorrectly. The correct version of the game rules appears as follows, with ellipses referring to the existing text of the game rules:

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

* * * * *

4. Prize play symbols. The prize play symbols and their captions located in the "Prize" area are: \$1.00 (ONE DOL), \$2.00 (TWO DOL), \$3.00 (THR DOL), \$7.00 (SVN DOL), \$21\$ (TWY ONE), \$50\$ (FIFTY), \$100 (ONE HUN) and \$1,000 (ONE THO).

* * * * *

7. Determination of Prize Winners:

* * * * *

(f) Holders of tickets where the sum of the yardage for the four "Downs" equals 10 or more, and a prize play symbol of \$7.00 (SVN DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$7.

(g) Holders of tickets where the sum of the yardage for the four "Downs" equals 10 or more, and a prize play symbol of \$3.00 (THR DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets where the sum of the yardage for the four "Downs" equals 10 or more, and a prize play symbol of \$2.00 (TWO DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets where the sum of the yardage for the four "Downs" equals 10 or more, and a prize play symbol of \$1.00 (ONE DOL) appears in the "Prize" area, on a single ticket, shall be entitled to a prize of \$1.

(j) A prize will be paid only for the highest PA Football Legends instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

* * * * *

[Pa.B. Doc. No. 98-1407. Filed for public inspection August 28, 1998, 9:00 a.m.]

Pennsylvania \$100,000 Broadcast Bucks Instant Lottery Game

[CORRECTION]

An error occurred in the notice which was published at 28 Pa.B. 4294 (August 29, 1998). Some of the play symbols were printed incorrectly. The correct version of the game rules appears as follows, with ellipses referring to the existing text of the game rules:

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

* * * * *

3. Play Symbols: Each Pennsylvania \$100,000 Broadcast Bucks instant lottery game ticket will contain four "Play Area" areas. Each "Play Area" is played separately. The play symbols and their captions located in each "Play Area" are: \$1.00 (ONE DOL), \$2.00 (TWO DOL), \$3.00 (THR DOL), \$4.00 (FOR DOL), \$5.00 (FIV DOL), \$10.00 (TEN DOL), \$15.00 (FTN DOL), \$25\$ (TWYFIVE), \$50\$ (FIFTY), \$250 (TWOHUNFTY), \$2,500 (TWFIVHUN), \$100,000 (ONEHNTHO) and a Television Symbol (TELEVISION).

* * * * *

6. Determination of Prize Winners:

* * * * *

(g) Holders of tickets with two matching play symbols of \$5.00 (FIV DOL) and a Television Symbol (TELEVISION) in the same "Play Area," and a \$15 and \$25 win in

two other "Play Area" areas, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with three matching play symbols of \$25⁰⁰ (TWYFIVE) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIV DOL) and a Television Symbol (TELEVISION) in the same "Play Area" and a \$15 win in another "Play Area," on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with three matching play symbols of \$15⁰⁰ (FTN DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$15.

(k) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIV DOL) and a Television Symbol (TELEVISION) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE DOL) and a Television Symbol (TELEVISION) in the same "Play Area," and in a different "Play Area" two matching play symbols of \$4⁰⁰ (FOR DOL) and a Television Symbol (TELEVISION) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with two matching play symbols of \$2⁰⁰ (TWO DOL) and a Television Symbol (TELEVISION) in the same "Play Area" and a \$1 win in another "Play Area," on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with two matching play symbols of \$2⁰⁰ (TWO DOL) and a Television Symbol (TELEVISION) in the same "Play Area," on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE DOL) and a Television Symbol (TELEVISION) in the same "Play Area" and a \$2 win in another "Play Area," on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with three matching play symbols of \$3⁰⁰ (THR DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the same "Play Area" on a single ticket, shall be entitled to a prize of \$1.

* * * * *

[Pa.B. Doc. No. 98-1408. Filed for public inspection August 28, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 28 Pa. B. 167 on January 10, 1998, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Change of Ownership and Change of Name

As an addendum to the listing of approved Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police, the Department hereby gives notice of the change of ownership and the change of name for the following station:

Westinghouse Power Generation, 1002 McKee Road, Oakdale, Allegheny County, PA 15071, is now known as: Siemens Westinghouse Technical Services, Inc. a Siemens Company, 1002 McKee Road, Oakdale, Allegheny County, PA 15071 (Appointed: 08/25/98, Station R4).

Comments, suggestions or questions may be directed to Barb Tomassini, Manager, Inspection Processing Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 28 Pa. B. 167 (January 10, 1998) and 28 Pa. B. 2327 (May 16, 1998).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1497. Filed for public inspection September 11, 1998, 9:00 a.m.]

Application for Lease of Right-of-Way

The Department of Transportation, pursuant to the authority contained in Section 2002(c) of the Administrative Code (71 P.S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application to lease highway right-of-way has been submitted to the Department by Brian D. Clark and Associates, of 323 Tenth Avenue, Tarentum, Pennsylvania 15084 seeking to lease highway right-of-way located between SR 0366 (Formerly L.R. 02276) and East 10th Avenue, Borough of Tarentum, Allegheny County, 26,625 square feet ±, adjacent to SR 0366 (LR 02276), for purposes of vehicle parking and landscaping only. Interested persons are invited to submit, within thirty (30) days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Karl D. Ishman, P.E., Acting District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Pennsylvania 15017.

Questions regarding this application or the proposed use may be directed to: Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1498. Filed for public inspection September 11, 1998, 9:00 a.m.]

Application Receipt for Section 16 Program

The Department of Transportation, Bureau of Public Transportation, under the authority contained in Section 5310 of the Federal Transit Laws, 49 U.S.C. § 5310, gives notice that it will receive applications for the State-administered Section 16 Program. Under this program, private non-profit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for elderly persons and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. A Guidelines and Procedures package containing all application forms can be obtained by calling the Bureau of Public Transportation at (717) 787-7540. The initial filing deadline for the Program is October 30, 1998. Questions, comments, or suggestions may be directed to Ben Brosius, Section 16 Program Coordinator, 555 Walnut Street, 8th Floor, telephone number (717) 787-7540.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1499. Filed for public inspection September 11, 1998, 9:00 a.m.]

Retention of Engineering Firms

**Bucks County
Project Reference No. 08430AG2243**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fifteen (15) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S.R. 0132, Section S21, Bucks County

This project consists of the roadway restoration of Street Road including interconnection and signalization from Bustleton Avenue to Willopenn Drive in Upper and Lower Southampton and Bensalem Townships.

2. S.R. 0611, Section M07, Bucks County

This project consists of the roadway restoration of Traffic Route 611, including bituminous and concrete paving, concrete patching, minor structure repair and ramp construction from Edison-Furlong Road to Ferry Road in Doylestown Township.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be estab-

lished directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.
- c. Specialized experience in bituminous and concrete paving, concrete patching, earthwork, minor structure repair and signalization.
- d. Number of NICET and NECEPT certified inspectors in each payroll classification.
- e. Understanding of Department's requirements, policies and specifications.
- f. Ability to provide two (2) "CDS" operator or person capable of inputting data into a personal computer (TCIS Classification).
- g. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

A minimum of four (4) individuals submitted as part of your inspection staff (2 per project) must have a NECEPT Bituminous Field Technician Certification.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	7(5)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.

4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- a. 35 MM camera (one per project)
- b. Three (3) two-way radios/repeater equipment and base unit (maximum number per project)
- c. Safety vests—high visibility for inspectors
- d. Two (2) cellular phones (one per project)

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCIS	5
TCI	8

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Joseph Meehan, District 6-0 at (610) 964-6555.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

Mr. Charles W. Allwein, P.E., Chief
 Consultant Selection Committee
 7th Floor, Forum Place
 555 Walnut Street
 P. O. Box 3060
 Harrisburg, Pennsylvania 17105-3060

Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation

shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WEBs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" × 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" × 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany

each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" × 11" pages or five (5) double sided 8 1/2" × 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to

the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1500. Filed for public inspection September 11, 1998, 9:00 a.m.]

Retention of Engineering Firms from Annual Letter of Interest

Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties Project Reference No. 02ANLOI9801

The Department of Transportation requests Letters of Interest from firms who wish to be considered for engineering services during calendar years 1998 and 1999 on projects located in District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties. The anticipated types of projects to be assigned from Letters of Interest received in response to this advertisement include but are not limited to: maintenance betterment projects, overlay projects, non-complex enhancement projects, non-complex structure replacements or rehabilitation projects, minor roadway relocations with minimal right-of-way involvement, slide and subsidence correction projects.

When the need for a Consultant is identified, the District Consultant Shortlist Committee will review all Letters of Interest on file and establish a shortlist of a minimum of three firms for further consideration. The shortlisted firms will be given a written project scope of work at which time they may select sub-consultants, if required, to provide additional technical expertise for the project. The shortlisted firms will submit, to the Department, technical proposals for evaluation and ranking for the purpose of negotiating an agreement. All Letters of Interest will be kept on file until December 31, 1999. There is no Disadvantaged Business Enterprise (DBE) requirement for this advertisement. However, individual projects may have a DBE goal that would (if prime is not a DBE/WBE) require a shortlisted firm to add a DBE/WBE firm to the specific project team.

The following factors, as a minimum, will be considered by the Department during the evaluation of the firms submitting Letters of Interest:

- a. Experience and technical competence of firm to provide the primary engineering services required for the project. Only primary work tasks will be considered when shortlisting. Auxiliary work tasks, such as environmental, geotechnical, and survey services will be evaluated at the technical proposal stage after the shortlisted Firm has had the opportunity to add subconsultants.
- b. The size of the firm.
- c. Available staffing for the assignment and the ability to meet the Department's needs.
- d. Past record of performance with respect to cost control, work quality, and ability to meet schedules on similar projects.
- e. Location of the Firm with respect to the project.

For certain projects, preference will be given to small firms. A small firm is defined as having less than one hundred people employed. Submissions are encouraged from small engineering firms, women owned business firms, disadvantaged business firms, and other engineering firms who have not previously worked for the Department.

Questions concerning the requirements for this Letter of Interest should be directed to Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest to:

Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

The Letter of Interest may be submitted at any time but only those Letters of Interest that are on file when a project Shortlist Committee convenes will be considered for that project. At any time a firm may submit an updated Letter of Interest to reflect a change in staffing, workload, or other factors which may affect their overall qualifications and capabilities. Only the most recent Letter of Interest will be retained for consideration. The Department will not convene the first Shortlist Committee to evaluate Letters of Interest received from this advertisement until a minimum of 23 days after the date of this advertisement.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

Each Letter of Interest should include the following information and the information should be packaged in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include Project Reference Number 02ANLOI9801, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. The body of the transmittal letter must include the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans specifications plats, and reports issued by the firm.

2. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than three (3) months old as of the date of this advertisement, must be included. Do not include a Form 254 for any sub-consultants.

3. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registra-

tion to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

4. Overhead Rate (one page)

A single page summary must indicate the Firm's latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR). If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

5. Additional Information

Additional information, not to exceed four (4) one sided 8 1/2" x 11" pages or two (2) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

Any information included in a letter of Interest, other than the above-stipulated information, will be discarded before the Department evaluates the Letter of Interest.

The assignments of the agreements for the above advertisement will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignments will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1501. Filed for public inspection September 11, 1998, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Connaught Laboratories, Inc. (d/b/a Pasteur Merieux Connaught) v. DEP; EHB Doc. No. 97-264-MR

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department) and Connaught Laboratories, Inc. d/b/a Pasteur Merieux Connaught (Connaught) have agreed to a settlement of the above matter regarding its facility located in Pocono Township, Monroe County.

On November 3, 1997, the Department issued Connaught an air quality plan approval to authorize construction and installation of a new boiler fired with No. 6 fuel oil. Connaught filed a timely appeal challenging three conditions involving the emission limitation for nitrogen oxides (NOx), the monitoring requirement for the sulfur content in No. 6 fuel oil and the monitoring requirement for the nitrogen content in No. 6 fuel oil.

The parties have agreed to a settlement which is contained in a Consent Adjudication and Order filed with the Board, the major provisions of which include:

1. Within 30 days following the Board's approval of the Consent Adjudication and Order, the Department will prepare and submit for publication a draft operating permit which contains the following conditions:

a. Under the Best Available Control Technology provision of 25 Pa. Code, Chapter 127, the facility is subject to the following air contaminant emission limitations:

<i>Pollutant</i>	<i>Emission Rate</i>
NO _x	400 PPM at 3% O ₂

The above limit is applicable only for No. 6 fuel oil containing less than or equal to 0.5% nitrogen by weight.

For No. 6 fuel oil containing more than 0.5% nitrogen by weight, the applicable NO_x emission rate shall be calculated by the following formula.

$$\text{Lb NO}_x/1000 \text{ gal} = 20.54 + 104.39(N)$$

Where N is the weight % of nitrogen in the No. 6 fuel oil.

b. The company shall monitor sulfur content in No. 6 fuel oil by certification from the fuel supplier for each shipment prior to any amount of fuel oil being combusted. The certification required by this condition may be based on sampling by the fuel supplier of the oil placed in storage in the tank or tanks from which the fuel supplier draws oil for shipment to the permittee.

c. The company shall maintain, onsite, a fuel certification from the fuel supplier of the nitrogen content of the fuel, and identification of the sampling method and sampling protocol for each shipment. The certification required by this condition may be based on sampling by the fuel supplier of the oil placed in storage in the tank or tanks from which the fuel supplier draws oil for shipment to the permittee.

2. Within 60 days following the close of the public comment period, the Department will take final action on Connaught's operating permit.

3. The Board's approval of this Consent Adjudication and Order shall terminate the appeal with prejudice.

Copies of the full agreement are in the hands of:

Barbara L. Smith, Assistant Counsel, Office of Chief Counsel, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

R. Timothy Weston, Esquire, Kirkpatrick & Lockhart, LLP, Payne-Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101-1507, (717) 231-4500

and at the Offices of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Any person aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals shall be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 98-1502. Filed for public inspection September 11, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, August 27, 1998, and took the following actions:

Regulation Approved:

#1925 Environmental Hearing Board #106-3: Practice and Procedure (amends 25 Pa. Code Chapter 1021).

#1970 Department of Labor & Industry #12-51: Construction of Prisons, Jails, Reformatories, Houses of Correction and the Like (amends 34 Pa. Code Chapter 50).

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 27, 1998

Department of Labor and Industry—Construction of Prisons, Jails, Reformatories, Houses of Correction and the Like; Regulation No. 12-51

Order

On July 27, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 50. The authority for this regulation is found in 35 P. S. §§ 1221, et seq. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Department is updating the fire and panic regulations which were first adopted in 1984. The existing regulations reference the 1981 edition of the National Fire Protection Association Life Safety Code 101 (Life Safety Code). The amendment changes the reference to the 1997 edition of the Life Safety Code.

We have reviewed this regulation and find it to be in the public interest. Existing regulations require jails and prisons to be constructed in accordance with standards included in the Life Safety Code. The proposed amendment eliminates an outdated reference to the Life Safety Code.

Therefore, It Is Ordered That:

1. Regulation No. 12-51 from the Department of Labor and Industry, as submitted to the Commission on July 27, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
August 27, 1998

Environmental Hearing Board—Practice and Procedure; Regulation No. 106-3

Order

On February 4, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (EHB). It amends 25 Pa. Code Chapter 1021 relating to the EHB's practice and procedure rules. The authority for this rulemaking is section 5(c) of the Environmental Hearing Board Act (35 P. S. § 7515(c)). The proposed regulation was published in the February 14, 1998 edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 27, 1998. On August 3, 1998, the Commission received a request from the EHB to toll consideration of the final-form regulation in order to correct some drafting errors in the language of section 1021.52, relating to timeliness of appeal, and to revise some language in the Preamble. On August 5, 1998, the EHB submitted its revisions to the final-form regulation to the Commission.

This rulemaking updates and refines ten sections of the EHB's procedural rules to make them more similar to rules of practice before the courts of common pleas and the Federal district courts.

We have reviewed this revised final-form regulation and find it to be in the public interest. The amendments will benefit all litigants before the EHB by making the EHB's procedures more consistent with those of the court systems, and contribute to the expeditious processing of cases before the EHB.

Therefore, It Is Ordered That:

1. Regulation No. 106-3 from the Environmental Hearing Board, as revised on August 5, 1998, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1503. Filed for public inspection September 11, 1998, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
11-160	Insurance Department Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund	8/27/98
18-337	Department of Transportation Temporary Registration Cards and Plates	8/31/98
18-331	Department of Transportation Vehicle Equipment and Inspection	8/31/98

Reg. No. Agency/Title Received
 16A-547 State Board of Pharmacy 9/1/98
 Examination Fees

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1504. Filed for public inspection September 11, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Blue Cross; Filing No. 98-P; Individual Basic Blue Cross Program Rate Increase (Hospital Program)

Capital Blue Cross requested to increase the rates for the Individual Basic Blue Cross Program. The proposed rate increase is 20.2%. This rate change will produce an estimated additional annual income of \$2.5 million and will affect approximately 6,200 contracts. An effective date of January 1, 1999 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1505. Filed for public inspection September 11, 1998, 9:00 a.m.]

Capital Blue Cross; Filing No. 98-S; Security 65 Program Rate Increase; Medicare Plans B, C, and H

Capital Blue Cross requested to increase the rates for the Security 65 Plans B, C and H. The proposed rate increases are 11.1% for Plan B, 3.4% for Plan C and 12.8% for Plan H. This rate change will produce an estimated additional annual income of \$6.65 million and will affect approximately 103,600 contracts. An effective date of January 1, 1999 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1506. Filed for public inspection September 11, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Robert and Karen Feldman; file no. 98-121-06242; Erie Insurance Exchange; doc. no. P98-08-027; October 1, 1998, at 11 a.m.;

Appeal of John S. and Arlene C. Clapp III; file no. 98-121-06177; State Farm Mutual Automobile Insurance Co.; doc. no. P98-08-026; October 7, 1998, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1507. Filed for public inspection September 11, 1998, 9:00 a.m.]

Sales, Purchases, Exchanges, Loans, Extensions of Credits, Guarantees, Investments, Surplus Infusion, Dividends or Distributions, Reinsurance and Other Transactions

Sales, purchases, exchanges, loans, extensions of credits, guarantees, investments, surplus infusion, dividends or distributions, reinsurance and other transactions which require the prior approval of the Insurance Commissioner as mandated by The Insurance Company Law of 1921 (40 P. S. § 991.1401 et seq.) should be submitted

to the Insurance Department on or before November 1, 1998, if the filer requires approval on or before December 31, 1998. Filings made after November 1, 1998, cannot be guaranteed appropriate review and disposition by the Department by December 31, 1998. Questions or comments should be directed to Kaushik K. Patel, Chief of Financial Analysis Division, Insurance Department, Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120 at (717) 787-5890.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1508. Filed for public inspection September 11, 1998, 9:00 a.m.]

United HealthCare Insurance Company; Group Policy Number G-36000-4; Requesting Authority to Increase Rates for Group Standardized Medicare Supplement Plans A-J for American Association of Retired Persons (AARP) Group

On August 24, 1998, United HealthCare Insurance Company filed for approval increased rates for the AARP group standardized Medicare supplement plans A-J. The filing requests an average increase of 9.1%, varying by plan and geographic area. The rate increase will impact about 51,941 certificateholders, and produce additional annual Pennsylvania premium income of approximately \$7.2 million. The requested effective date of the increase is January 1, 1999.

The proposed monthly rates and rate increase percentages by plan for each area are shown below:

Plan	Area 1	Area 2	Area 3
A	\$110.50 (19.8%)	\$102.75 (15.7%)	\$ 88.00 (6.5%)
B	\$137.75 (17.7%)	\$128.00 (13.6%)	\$109.75 (4.6%)
C	\$158.25 (14.0%)	\$147.00 (10.0%)	\$126.00 (1.3%)
D	\$152.50 (19.2%)	\$141.75 (15.1%)	\$121.50 (5.9%)
E	\$138.25 (19.8%)	\$128.25 (15.7%)	\$110.00 (6.5%)
F	\$164.75 (17.7%)	\$153.00 (13.6%)	\$131.25 (4.6%)
G	\$154.50 (19.7%)	\$143.50 (15.6%)	\$123.00 (6.4%)
H	\$174.00 (19.8%)	\$161.75 (15.7%)	\$138.50 (6.5%)
I	\$176.50 (19.8%)	\$164.00 (15.7%)	\$140.75 (6.5%)
J	\$238.50 (16.8%)	\$221.50 (12.8%)	\$190.00 (3.8%)

Area 1 consists of Bucks, Chester, Delaware, Montgomery and Philadelphia counties.

Area 2 consists of Allegheny, Fayette, Greene, Indiana, Washington and Westmoreland counties.

Area 3 consists of all other counties.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, 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 the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1509. Filed for public inspection September 11, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0909, 10 West Centre Avenue, Newtown, PA 18940.

Lease Expiration Date: July 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Penn-

sylvania Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space in the Borough of Newtown.

Proposals due: October 3, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Bucks County, Wine & Spirits Shoppe #0926, 132 Veterans Lane, Doylestown, PA 18901.

Lease Expiration Date: April 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space in an area 1 mile north of Bucks County Courthouse.

Proposals due: October 3, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Chester County, Wine & Spirits Shoppe #1505, 24 Plank Avenue, Paoli, PA 19301.

Lease Expiration Date: February 28, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space located on Lincoln Highway Route #30 between Route #252, Bear Hill Road and Route #29, Phoenixville Road in Treddyffrin or Willistown Township.

Proposals due: October 3, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Delaware County, Wine & Spirits Shoppe #2311, 4316 Woodland Avenue, Drexel Hill, PA 19026.

Lease Expiration Date: August 31, 1998

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 the community of Drexel Hill.

Proposals due: October 3, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Lackawanna County, Wine & Spirits Shoppe #3510, Plaza 1500, 1531 Main Street, Peckville, PA 18452-2016.

Lease Expiration Date: September 30, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,600 net useable square feet of new or existing retail commercial space within the Borough of Blakely.

Proposals due: October 3, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Franklin County, Wine & Spirits Shoppe #2804, 9 S Main Street, Mercersburg, PA 17236-1515.

Lease Expiration Date: September 30, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 to 2,000 net useable square feet of new or existing retail commercial space within the Borough of Mercersburg or the Townships of Montgomery and Peters.

Proposals due: October 3, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 98-1510. Filed for public inspection September 11, 1998, 9:00 a.m.]

PENNSYLVANIA COMMISSION FOR WOMEN

Meeting Notice

The Pennsylvania Commission for Women has scheduled the Commissioner's Meeting for the third quarter of

1998 to be held Monday, July 28, 1998 at 10 a.m. until 3 p.m. The Commissioner's Meeting will be held in the Green Room of the Forum Building at Walnut Street and Commonwealth Avenue, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability and want to attend should contact Christine Anderson, PA Commission for Women, 205 Finance Building, Harrisburg, PA 17120 at (717) 787-8128, at least 24 hours in advance so arrangements can be made.

LOIDA ESBRI,
Executive Director

[Pa.B. Doc. No. 98-1511. Filed for public inspection September 11, 1998, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water State Revolving Fund Projects; Public Meeting on Federal FY 1999 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PIIA) and the Department of Environmental Protection (Department) have prepared the Federal fiscal year 1999 Intended Use Plan (IUP) list of municipal sewage projects to be considered for a construction loan from funds Pennsylvania expects to receive from fiscal year 1999 federal appropriation Acts to capitalize the Clean Water State Revolving Fund (CWSRF) program.

The projects to be considered for a loan from the CWSRF must meet the Federal requirements for funding in accordance with Title II and Title VI of the Water Quality Act. Accordingly, the projects included in the IUP are expected to meet the requirements applicable to use of the CWSRF loan funds. Projects listed on the FY 1999 IUP are on Pennsylvania's approved FY 98/99 Project Priority List and are expected to proceed to construction in the near future. Any project removed from an IUP is maintained on the Project Priority List unless otherwise completed.

In addition, the Department and the PIIA anticipate adding approximately 13 new sewage projects to the approved FY 98/99 Project Priority List. Any person wishing to provide comments on the addition of new projects to the priority list may send those comments to the Department at the Market Street address listed within this notice. A copy of the list of projects proposed to be added to the FY 98/99 Project Priority List is available upon request from any of the offices listed within this notice. A copy of the revised Project Priority List will be available for review in the offices listed within this notice after November 1, 1998.

The FY 1999 IUP has 26 municipal sewage construction projects listed with a total dollar value of approximately

\$70.5 million. The CWSRF will be capitalized with approximately \$42.5 million of Federal FY 1999 funds from the Environmental Protection Agency and approximately \$8.5 million of State funds. Some \$20.0 million of CWSRF loan repayments will be used to allow additional project funding opportunities on the FY 1999 IUP. Some \$1.7 million will be set aside for program administration costs, as described in the narrative portion of the IUP.

A public meeting will be held, as described within this notice. After the public meeting and assessment of the comments received, the Final FY 1999 IUP will be completed, and potentially, it may include other projects from the Project Priority List. A project must appear on the PIIA approved IUP before it can receive a loan from the CWSRF. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the Project Priority List does not dictate the order in which they will be chosen for inclusion in the IUP.

Federal guidance on development of the IUP directs that the project list be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

The Department has scheduled a public meeting for 10 a.m., October 14, 1998, in the Auditorium of the Rachel Carson State Office Building, located at 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the FY 1999 IUP. Interested persons are invited to express their views on the priority rating or ranking of projects on the IUP at the public meeting. Persons wishing to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, or by Internet E-Mail (Maisano.Tony@a1.dep.state.pa.us) by 4 p.m., October 13, 1998. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the meeting.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUP or the IUP list of projects. Interested persons may submit written comments to the Department at the address shown above. The written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and the PIIA, the written comments must be received by the Administrative Services Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted or through the Pennsylva-

nia AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the FY 1999 CWSRF IUP list of projects follows this notice. A copy of the list, as well as the narrative portion of the CWSRF IUP, are available for public review in the offices listed at the end of this notice. In addition, based on new or additional information related to project ratings or other relevant factors, prior fiscal year IUP lists have been revised and are available by contacting these same offices.

DEP—Southeast Region:
Water Management Program Manager
Lee Park, Suite 6010, 555 North Lane,
Conshohocken, PA 19428
(610) 832-6131

DEP—Northeast Region:
Water Management Program Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2553

DEP—Southcentral Region:
Water Management Program Manager
909 Elmerton Avenue, Harrisburg, PA 17110
(717) 705-4707

DEP—Northcentral Region:
Water Management Program Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3669

DEP—Southwest Region:
Water Management Program Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4000

DEP—Northwest Region:
Water Management Program Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6942

DEP—Bureau of Water Supply Management,
Division of Municipal Financial Assistance,
Administrative Services Section
11th Floor, RCSOB, 400 Market Street,
Harrisburg, PA 17101
(717) 787-6744

Pennsylvania Infrastructure Investment Authority
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND

FY 1999 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I—SECONDARY TREATMENT
- II—TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA—INFILTRATION/INFLOW CORRECTION
- IIIB—MAJOR SEWER SYSTEM REHABILITATION
- IVA—NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB—NEW INTERCEPTORS AND APPURTENANCES
- V—CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP—SEWAGE TREATMENT PLANT
- STPMOD—SEWAGE TREATMENT PLANT MODIFICATION
- INT—INTERCEPTOR
- PS—PUMP STATION
- FM—FORCE MAIN
- SS—SEWER SYSTEM
- SS REH—SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND
FY 1999 INTENDED USE PLAN PROJECT LIST
SEPTEMBER 12, 1998**

APPLICANT INFORMATION		NEEDS CATEGORIES			PROJECT INFORMATION		
ATHENS TWP AUTH		I:	\$0	IVA:	\$897,630	PROJECT NO.:	CS422043-01
184 HERRICK AVE		II:	\$0	IVB:	\$158,405	PROJ. TYPE:	SS,PS
SAYRE	PA 18840	IIIA:	\$0	V:	\$0	PROJECT RANKING:	0
REGION: NC	COUNTY: BRADFORD	IIIB:	\$0	ELIG. COST:	\$1,056,035	HARDSHIP ELIGIBLE:	NO
						NPDES NO.:	
BEECH CREEK BORO		I:	\$1,004,000	IVA:	\$665,100	PROJECT NO.:	CS421937-01
P. O. BOX 216		II:	\$0	IVB:	\$210,000	PROJ. TYPE:	STPMOD SS INT
BEECH CREEK	PA 16822	IIIA:	\$0	V:	\$0	PROJECT RANKING:	314
REGION: NC	COUNTY: CLINTON	IIIB:	\$0	ELIG. COST:	\$1,879,100	HARDSHIP ELIGIBLE:	YES
						NPDES NO.:	PA0024538

APPLICANT INFORMATION			NEEDS CATEGORIES			PROJECT INFORMATION		
BRAVE W&SA P. O. BOX 159 BRAVE REGION: SW	PA 15316 COUNTY: GREENE	I: \$125,000 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$125,000	PROJECT NO.: CS422045-01 PROJ. TYPE: STPMOD PROJECT RANKING: 0 HARDSHIP ELIGIBLE: YES NPDES NO.:				
BROKENSTRAW VALLEY AREA A BOX 155 ROUSE AVE YOUNGSVILLE REGION: NW	PA 16371 COUNTY: WARREN	I: \$2,383,493 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$7,408,907 IVB: \$3,990,000 V: \$0 ELIG. COST: \$13,782,400	PROJECT NO.: CS421820-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 295 HARDSHIP ELIGIBLE: YES NPDES NO.:				
CRESSON BORO P. O. BOX 75 CRESSON REGION: SW	PA 16630 COUNTY: CAMBRIA	I: \$4,300,000 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,300,000	PROJECT NO.: CS422046-01 PROJ. TYPE: STPMMOD PROJECT RANKING: 0 HARDSHIP ELIGIBLE: YES NPDES NO.:				
DERRY TWP SSA MILL STREET BOX N YEAGERTOWN REGION: SC	PA 17099 COUNTY: MIFFLIN	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$1,083,000 IVB: \$850,000 V: \$0 ELIG. COST: \$1,933,000	PROJECT NO.: CS420343-02 PROJ. TYPE: SS,INT PROJECT RANKING: 242 HARDSHIP ELIGIBLE: NO NPDES NO.:				
EAST SIDE BORO R. R. 1 WHITE HAVEN REGION: NE	PA 18661 COUNTY: CARBON	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$671,350 IVB: \$306,800 V: \$0 ELIG. COST: \$978,150	PROJECT NO.: CS421680-01 PROJ. TYPE: STP, SS PROJECT RANKING: 143 HARDSHIP ELIGIBLE: NO NPDES NO.: PA0020435				
ECONOMY BORO 2860 CONWAY WALLROSE ROAD BADEN REGION: SW	PA 15005 COUNTY: BEAVER	I: \$5,000,000 II: \$1,000,000 IIIA: \$0 IIIB: \$0	IVA: \$6,500,000 IVB: \$3,000,000 V: \$0 ELIG. COST: \$15,500,000	PROJECT NO.: CS422047-01 PROJ. TYPE: STP,INT,SS,PS PROJECT RANKING: 0 HARDSHIP ELIGIBLE: NO NPDES NO.:				
INDIANA COUNTY MSA P. O. BOX 351 INDIANA REGION: SW	PA 15701 COUNTY: INDIANA	I: \$0 II: \$350,000 IIIA: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$350,000	PROJECT NO.: CS422050-01 PROJ. TYPE: STP PROJECT RANKING: 0 HARDSHIP ELIGIBLE: YES NPDES NO.:				
LAWRENCE TWP P. O. BOX 508 CLEARFIELD REGION: NC	PA 16830 COUNTY: CLEARFIELD	I: \$0 II: \$0 IIIA: \$2,621,050 IIIB: \$0	IVA: \$509,000 IVB: \$0 V: \$0 ELIG. COST: \$3,130,050	PROJECT NO.: CS421984-01 PROJ. TYPE: INT SS PROJECT RANKING: 276 HARDSHIP ELIGIBLE: NO NPDES NO.: PA0026310				
LOWER BURRELL MA SCHREIBER & BETHEL STREETS LOWER BURRELL REGION: SW	PA 15068 COUNTY: WESTMORELAND	I: \$0 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$1,500,000 IVB: \$0 V: \$0 ELIG. COST: \$1,500,000	PROJECT NO.: CS422048-01 PROJ. TYPE: SS PROJECT RANKING: 0 HARDSHIP ELIGIBLE: NO NPDES NO.:				

APPLICANT INFORMATION			NEEDS CATEGORIES			PROJECT INFORMATION		
NORTH BEAVER TWP (MT JACK) 1460 MT JACKSON ROAD NEW CASTLE PA 16117 REGION: NW COUNTY: LAWRENCE	I: II: III A: III B:	\$0 \$362,500 \$0 \$0	IVA: IVB: V: ELIG. COST	\$4,551,113 \$0 \$0 \$4,913,613	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421773-01 STP,SS 196 NO		
NORTHERN BLAIR CO RSA RR 4 BOX 236A TYRONE PA 16686 REGION: SC COUNTY: BLAIR	I: II: III A: III B:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$2,867,747 \$0 \$0 \$2,867,747	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422054-01 PS INT SS 0 NO		
ORBISONIA-ROCKHILL JMA P. O. BOX 346 ORBISONIA PA 17243 REGION: SC COUNTY: HUNTINGDON	I: II: III A: III B:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$318,725 \$0 \$0 \$318,725	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422044-01 SS 0 YES		
ORWIGSBURG MA P. O. BOX 128 209 N WARREN ST ORWIGSBURG PA 17961 REGION: NE COUNTY: SCHUYLKILL	I: II: III A: III B:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$0 \$290,695 \$0 \$290,695	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421987-01 INT SS 144 YES PA0021547		
RALPHO TWP SUPR 30 SOUTH MARKET STREET ELYSBURG PA 17824 REGION: NC COUNTY: NORTHUMBERLA	I: I: III A: III B:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$1,293,827 \$0 \$0 \$1,293,827	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422019-01 SS 231 NO PA0028738		
READING TWP MA 5500 CARLISLE PIKE NEW OXFORD PA 17350 REGION: SC COUNTY: ADAMS	I: II: III A: III B:	\$1,750,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST	\$0 \$0 \$0 \$1,750,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422053-01 STPMOD 0 NO		
ROSE TWP PHASE I ROUTE 3 BOX 143 BROOKVILLE PA 15825 REGION: NW COUNTY: JEFFERSON	I: II: III A: III B:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST	\$513,200 \$120,400 \$0 \$633,600	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421914-01 SS 125 YES		
RUSH TWP (HOMETOWN AREA) P O BOX 1326 TAMAQUA PA 18252 REGION: NE COUNTY: SCHUYLKILL	I: II: III A: III B:	\$0 \$0 \$105,000 \$260,000	IVA: IVB: V: ELIG. COST:	\$1,500,000 \$500,000 \$0 \$2,365,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421637-01 SS INT SSREHA 280 NO		
S FAYETTE TWP MA P. O. BOX 171 MORGAN PA 16064 REGION: SW COUNTY: ALLEGHENY	I: II: III A: III B:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$500,000 \$1,000,000 \$0 \$1,500,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422049-01 SS,PS,INT 0 NO		

APPLICANT INFORMATION

ULYSSES MA
522 MAIN ST P. O. BOX 392
ULYSSES PA 16948
REGION: NC COUNTY: POTTER

UNION TWP
RR 1 BOX 598
PORT TREVORTON PA 17864
REGION: NC COUNTY: SNYDER

UPPER STONYCREEK JMA
P O BOX 24
HOOVERSVILLE PA 15936
REGION: SW COUNTY: SOMERSET

WEISSPORT MA
406 WHITE STREET
WEISSPORT PA 18235
REGION: NE COUNTY: CARBON

WHITE HAVEN MA (KIDDER TWP)
50 EAST WOODLAND DRIVE
WHITE HAVEN PA 18661
REGION: NE COUNTY: CARBON

WINDBER BORO COUNCIL
1409 SOMERSET AVENUE
WINDBER PA 15963
REGION: SW COUNTY: SOMERSET

NEEDS CATEGORIES

I: \$0 IVA: \$0
II: \$410,000 IVB: \$0
IIIA: \$0 V: \$0
IIIB: \$0 ELIG. COST: \$410,000

I: \$771,000 IVA: \$1,570,000
II: \$0 IVB: \$207,000
IIIA: \$0 V: \$0
IIIB: \$0 ELIG. COST: \$2,548,000

I: \$2,300,000 IVA: \$0
II: \$0 IVB: \$0
IIIA: \$0 V: \$0
IIIB: \$0 ELIG. COST: \$2,300,000

I: \$0 IVA: \$0
II: \$0 IVB: \$0
IIIA: \$1,100,000 V: \$0
IIIB: \$0 ELIG. COST: \$1,100,000

I: \$0 IVA: \$0
II: \$0 IVB: \$3,248,465
IIIA: \$0 V: \$0
IIIB: \$0 ELIG. COST: \$3,248,465

I: \$0 IVA: \$0
II: \$0 IVB: \$0
IIIA: \$0 V: \$0
IIIB: \$454,000 ELIG. COST: \$454,000

PROJECT INFORMATION

PROJECT NO.: CS421968-01
PROJ. TYPE: STPMOD
PROJECT RANKING: 100
HARDSHIP ELIGIBLE: YES
NPDES NO.: PA0045993

PROJECT NO.: CS421977-01
PROJ. TYPE: STP PS INT SS
PROJECT RANKING: 296
HARDSHIP ELIGIBLE: NO
NPDES NO.:

PROJECT NO.: CS421863-01
PROJ. TYPE: STP MOD
PROJECT RANKING: 315
HARDSHIP ELIGIBLE: YES
NPDES NO.: PA0042561

PROJECT NO.: CS421904-01
PROJ. TYPE: SS REHAB
PROJECT RANKING: 304
HARDSHIP ELIGIBLE: YES
NPDES NO.:

PROJECT NO.: CS421942-01
PROJ. TYPE: INT PS SS
PROJECT RANKING: 177
HARDSHIP ELIGIBLE: NO
NPDES NO.: PA0020435

PROJECT NO.: CS422051-01
PROJ. TYPE: SSREH
PROJECT RANKING: 0
HARDSHIP ELIGIBLE: NO
NPDES NO.:

[Pa.B. Doc. No. 98-1512. Filed for public inspection September 11, 1998, 9:00 a.m.]

Drinking Water State Revolving Fund Projects; Public Meeting on Federal FY 1999 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PIIA) and the Department of Environmental Protection (Department) have prepared the Federal fiscal year 1999 drinking water program Intended Use Plan (IUP) list of drinking water projects to be considered for a design and engineering or construction loan from funds Pennsylvania expects to receive from fiscal year 1999 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) program.

The projects to be considered for a loan from the DWSRF must meet the Federal requirements for funding in accordance with section 1452 of the Federal Safe Drinking Water Act (act). Accordingly, the projects included in the IUP are expected to meet the requirements applicable to use of the DWSRF loan funds. Projects listed on the FY 1999 IUP are on Pennsylvania's approved FY 98/99 Project Priority List and are expected to proceed with design and engineering or to construction in the near future. Other projects on the DWSRF Project Priority List are projects that are in development or will be developed for future loan consideration. Any project removed from an IUP is maintained on the Project Priority List unless otherwise completed.

In addition, the Department and the PIIA anticipate adding approximately 36 new drinking water projects to the approved FY 98/99 Project Priority List. Any person wishing to provide comments on the addition of new projects to the priority list may send those comments to the Department at the Market Street address listed within this notice. A copy of the list of projects proposed to be added to the FY 98/99 Project Priority List is available upon request from any of the offices listed within this notice. A copy of the revised Project Priority List will be available for review in the offices listed within this notice after November 1, 1998.

The FY 1999 IUP has 22 drinking water projects listed with a total dollar value of approximately \$21.4 million. The DWSRF will be capitalized with approximately \$24.0 million of Federal FY 1999 funds from the Environmental Protection Agency and approximately \$4.8 million of State funds. Some \$7.4 million of available Federal funds will be set-aside for program administration costs, technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under section 1452 of the act. The IUP also includes a narrative workplan further describing how these set-aside funds will be used.

A public meeting will be held, as described within this notice. After the public meeting and assessment of the comments received, the Final FY 1999 IUP will be completed, and potentially, it may include other projects from the Project Priority List. A project must appear on the PIIA approved IUP before it can receive a loan from the DWSRF. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the Project Priority List does not dictate the order in which projects will be chosen for inclusion in the IUP.

Federal guidance on development of the IUP requires that it be subject to public review and comment before being submitted to the United States Environmental Protection Agency.

The Department has scheduled a public meeting for 10 a.m., October 14, 1998, in the Auditorium of the Rachel Carson State Office Building, located at 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the fiscal year 1999 IUP. Interested persons are invited to express their views on the narrative portion of the IUP, the set-aside workplan or the priority rating or ranking of projects on the IUP at the public meeting. Persons wishing to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, or by Internet E-Mail (Maisano.Tony@a1.dep.state.pa.us) by 4 p.m., October 13, 1998. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the meeting.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUP, the set-aside workplan or the IUP list of projects. Interested persons may submit written comments to the Department at the address shown above. The written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PIIA, the written comments must be received by the Administrative Services Section on or before the date of the meeting.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Maisano as noted above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The FY 1999 DWSRF IUP list of projects follows this notice. A copy of the list, as well as the narrative portion of the IUP and set-aside workplan, are available for public review in the offices listed at the end of this notice. In addition, based on new or additional information related to project ratings or other relevant factors, prior fiscal year IUP lists have been revised and are available by contacting these same offices.

DEP—Southeast Region:
Water Supply Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken,
PA 19428-2233
(610) 832-6060

DEP—Northeast Region:
Water Supply Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2511

DEP—Southcentral Region:
Water Supply Manager
909 Elmerton Avenue, Harrisburg, PA 17110
(717) 705-4708

DEP—Northcentral Region
Water Supply Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3675

Southwest Region:
Water Supply Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4217

Northwest Region:
Water Supply Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6899

DEP—Bureau of Water Supply Management,
Division of Municipal Financial Assistance,
Administrative Services Section
11th Floor, RCSOB, 400 Market Street,
Harrisburg, PA 17101
(717) 787-6744

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRINKING WATER STATE REVOLVING FUND

FY 1999 INTENDED USE PLAN PROJECT LIST

September 12, 1998

PROJECT TYPE:
 SRC—SOURCE
 TRANS—TRANSMISSION SYSTEM
 TREAT—WATER TREATMENT PLANT
 WS—WATER STORAGE
 DS—DISTRIBUTION SYSTEM
 OTHER—ADMINISTRATIVE, LEGAL, FINANCIAL, ENGINEERING, ETC.

PENNSYLVANIA BULLETIN, VOL. 28, NO. 37, SEPTEMBER 12, 1998

Rank	PWSID	Applicant Name	PPL Yr	Project Type	County	Region	Assistance
1	4119997	BLACKLICK VALLEY MA (VINTONDALE)	97	TRANS, TREAT, DS	CAMBRIA	PITTSBURGH	\$2,750,000
2	5260032	MOUNTAIN WATER ASSOC	97	SRC, TREAT, WS, DS	FAYETTE	PITTSBURGH	\$482,000
3	2520046	MILFORD BOROUGH MA	98	DS	PIKE	WILKES-BARRE	\$3,482,811
4	4310025	ORBISONIA-ROCKHILL JMA	99	SRC, WS, TREAT, TRANS, DS	HUNTINGDON	HARRISBURG	\$1,008,574
5	5100031	CONNOQUENESSING BOROUGH AUTH	99	DS	BUTLER	MEADVILLE	\$140,700
6	5100062	GULICK E J MOBILE HOME PARK	98	TREAT, DS	BUTLER	MEADVILLE	\$60,000
7	6530007	ROULET WATER COMPANY	98	WS, DS	POTTER	WILLIAMSPORT	\$303,295
8	5030006	MANOR TWP JMA (PV-01)	97	SRC, TRANS, WS, DS	ARMSTRONG	PITTSBURGH	\$376,000
9	7010022	LITTLESTOWN BOROUGH	97	TREAT	ADAMS	HARRISBURG	\$678,650
10	3060100	SHOEMAKERSVILLE BOROUGH	97	OTHER (DESIGN TREAT)	BERKS	HARRISBURG	\$150,000
11	1090069	WARMINSTER TWP MA	97	WS, DS	BUCKS	CONSHOHOCKEN	\$1,486,500
12	5260006	PLEASANT VALLEY WATER AUTH	97	DS	FAYETTE	PITTSBURGH	\$350,000
13	4050037	BEDFORD TWP MA	99	WS, TREAT, DS	BEDFORD	HARRISBURG	\$2,000,000
14	7360112	QUARRYVILLE BORO WA	99	SRC	LANCASTER	HARRISBURG	\$750,000
15	7670100	THE YORK WATER CO/RAILROAD BORO	99	TRANS, WS, DS	YORK	HARRISBURG	\$900,000
16	7010002	BENDERSVILLE WATER CO	99	SRC, WS, TREAT, DS	ADAMS	HARRISBURG	\$2,500,000
17	6200004	CAMBRIDGE SPRINGS BOROUGH	98	TREAT	CRAWFORD	MEADVILLE	\$1,200,000
18	5020015	EDGEWORTH BORO MA	99	TREAT	ALLEGHENY	PITTSBURGH	\$1,000,000
19	4050029	FISHERTOWN BORO	99	SRC, TREAT	BEDFORD	HARRISBURG	\$500,000
20	7010036	LAKE MEADE MA	99	SRC, TREAT	ADAMS	HARRISBURG	\$500,000

Rank	PWSID	Applicant Name	PPL Yr	Project Type	County	Region	Assistance
21	4440015	MENNO WATER ASSOC	99	SRC, TREAT	MIFFLIN	HARRISBURG	\$500,000
22	4310016	MT UNION BORO WATER DEPT	99	SRC, TREAT	HUNTINGDON	HARRISBURG	\$181,470
							\$21,300,000

[Pa.B. Doc. No. 98-1513. Filed for public inspection September 11, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

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 September 28, 1998.

- A-00115262 Midex, Inc., t/a Midnight Express Transport Services
P. O. Box 10305, Pittsburgh, PA 15234
- A-00115261 Paul O. Meckley, t/a Meckley Trucking
17 E. Main Street, Box 331,
Morgantown, PA 19543
- A-00115260 Patrick Welch, t/a Welch Delivery Systems
P. O. Box 615, 19 East Main,
Morgantown, PA 19543
- A-00115259 Ritco, Inc.
360 Valley Drive, Somerset, PA 15501

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1514. Filed for public inspection September 11, 1998, 9:00 a.m.]

Solicitation of Public Comment on the Investigation of Local Telephone Numbers to Internet Service Providers by Competitive Local Exchange Carriers; Doc. No. P-00981404

On August 27, 1998, the Pennsylvania Public Utility Commission (Commission) approved a motion in Docket No. P-00981404 which opened a generic investigation into the question of whether Internet traffic and Internet calls in this Commonwealth are local. The motion responded to a petition filed by Bell Atlantic—Pennsylvania, Inc. (Bell), which asked the Commission to open a generic investigation of competitive local exchange carrier (CLEC) issuance of local numbers to Internet Service Providers (ISPs).

In its petition, Bell disputed the practice of assigning local telephone numbers to ISPs claiming that the calls are not actually handed to the ISP within the same local calling area where the calls originate. Bell stated that this requires it to carry the calls outside the local calling

area. Bell contended that this allows the CLEC to falsely bill Bell for reciprocal compensation that only applies to local calls.

Through approval of the motion, the Commission has agreed to open an inquiry as Bell requested and to expand the inquiry to include fundamental question as to whether Internet traffic and Internet calls are local as a matter of policy in this Commonwealth.

The Commission is inviting public comment on the issues set forth above. The deadline for filing initial comments is September 22, 1998. Reply comments may be filed no later than September 28, 1998. Anyone submitting comments or reply comments must file an original and four copies with the Commission's Secretary for filing at Docket No. P-00981404. Persons submitting comments or reply comments should also file a diskette containing an electronic read-only version of their comments in Microsoft Word 6 format clearly identifying the party, docket number, nature of filing and contact person.

The contact person at the Commission regarding this proceeding is Louise Fink Smith, Office of Special Assistants (717) 787-1827. A copy of the August 27, 1998 motion as well as the subsequent Commission order memorializing the motion may be obtained from Lisa Higley in the Office of the Secretary at (717) 787-1013.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1515. Filed for public inspection September 11, 1998, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9821.3, Replace Water Main and Valves at Packer Avenue Marine Terminal, until 2 p.m., Thursday, October 1, 1998. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., Philadelphia, PA 19106, 13th Fl., (215) 928-9100 and will be available September 15, 1998. The cost of the bid document is \$35 (includes 7% PA sales tax). The cost is nonrefundable. The PRPA is an equal opportunity employer. The contractor must comply with all applicable equal employment opportunity laws and regulations. Mandatory prebid job site meeting will be held September 24, 1998, 10 a.m. at the South Gate, Packer Avenue Marine Terminal.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-1516. Filed for public inspection September 11, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide	REQUIRED DATA DESCRIPTIONS
<p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p>B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p style="text-align: center;">⑦</p> <p>(For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.</p> <p>(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p>

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

8183820 Paper and printing—8,000 M MV-4 Certificate of Title for a Vehicle.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

Commodities

8217410 Containers, packaging and packing supplies—20,000 each sample bags 18" x 30".

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Computer Related Services—08

SP-402529 Vendor to provide the following (no substitute): SVIEW-Ent SecureVIEW Reporting Tool for EPC-FW-1 Log Analysis (3 each); SVIEW-MA SecureVIEW 12 month software maintenance (3 each). If interested vendors have questions, contact the Procurement Office. A bid package will be provided to interested vendors.

Department: Public Welfare
Location: Bureau of Information Systems, Room 56 Willow Oak Building, Harrisburg State Hospital, Harrisburg, PA 17105-2675
Duration: September 01, 1999 through August 31, 1999
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

SP 402530 Provide software for the Office of Income Maintenance. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Complex 2, Building 42, Room 236, P. O. Box 2675, Harrisburg, PA 17105-2675
Duration: October 1, 1998—December 31, 1998
Contact: Rose Wadlinger, (717) 783-3767

Construction—09

0280-04 This contract will provide manpower, equipment and incidental guiderail material for installation of approximately 8,000 linear feet of strong post guiderail at various locations throughout Elk County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for end treatments and end anchorages. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guiderail locations, and sites to be determined where the guiderail material will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the contractor. Requests for Bid Packages must be received by fax at (814) 781-6708 (Attn: Thomas Saline).

Department: Transportation
Location: Engineering District 0280, Various locations within Elk County
Duration: One year
Contact: Thomas C. Saline, (814) 834-2861

H-5609 Resurface roadways as designated. To receive specifications, submit fax to Beverly O. Epting, Hamburg Center, Hamburg, PA 19526, fax (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA 19526
Duration: October 1, 1998—June 30, 1999
Contact: Beverly O. Epting, Purchasing Agent, (610) 562-6031

SP 398321 Provide excavation, grading, compaction and paving for 1,275 square yards parking area at Sinnemahoning State Park. Bids will be opened at the Northcentral Regional Office of Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Wednesday, September 30, 1998, at 2 p.m.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, Sinnemahoning State Park, R. R. 1, Box 172, Austin, PA 16720
Duration: September 30, 1998—June 30, 1999
Contact: Gene A. Strick, Regional Engineer, (814) 486-5637

SP 398322 Services required to remove the existing stone curbs, pillars and handrails and replace them with a reinforced concrete curb and concrete slab at the overlook at Leonard Harrison State Park, Tioga County. Bids will be opened at the Northcentral Engineering Office, Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, October 9, 1998, at 2 p.m.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, Leonard Harrison State Park, R. R. 6, Box 199, Wellsboro, PA 16901
Duration: October 9, 1998—May 31, 1999
Contact: Gene A. Strick, Regional Engineer, (814) 486-5637

D.G.S. 982-75 Phase 2 Project Title: Renovation/Restoration of Masonic Temple—Masonry Repair and Restoration. Brief Description: Work consists of General Construction requiring exterior masonry repair and restoration of existing steel casement windows, french doors and related transoms. General Construction. Plans Deposit: \$50 per set. Payable to: Palumbo and Baker, Inc./Kessler Associates, Inc. (JV). Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Palumbo and Baker, Inc./Kessler Associates, Inc. (JV), 318 Penn Avenue, Scranton, PA 18503, (717) 961-2385. Bid Date: Wednesday, September 23, 1998 at 1 p. m. A Pre-Bid Conference has been scheduled for Monday, September 14, 1998 at 10 a. m. in the Second Floor Conference Room, Scranton Cultural Center, 400 Block of Washington Ave., Scranton, PA. Contact: Martin Yatsko, (717) 961-2385. All contractors who have secured contract documents are invited and urged to attend this Pre-Bid Conference.

Department: General Services
Location: Scranton Cultural Center, Scranton, Lackawanna County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Vendor Services Section, (717) 787-2199 or (717) 787-4705

Engineering Services—14

02ANLOI9801 Solicitation of annual Letters of Interest to provide engineering services in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2243 To provide supplementary construction inspection staff of approximately 15 inspectors for construction inspection and documentation services for the following projects in Bucks County: 1) S. R. 0132, Section S21; 2) S. R. 0611, Section M07.

Department: Transportation
Location: Engineering District 6-0
Duration: Sixteen (16) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

SP 338211 Services required to drill well, install hand pump and provide for abandonment of existing well at Sand Bridge State Park picnic area.

Department: Conservation and Natural Resources
Location: State Parks, R. B. Winter State Park, Sand Bridge State Park Picnic Area, Mifflinburg, PA
Duration: Commence upon execution and terminate February 30, 1999
Contact: Ed Kautz, (717) 966-1455

Fuel Related Services—20

03379-000-98-TANK Remove one existing gasoline UST (250 gallons), and provide and install one new fire rated gasoline AST (250 gallons). A mandatory site visit and sign in will be held at the Railroad Museum of PA, for all firms interested in submitting bids for the project. No bids will be accepted by contractors who do not make the mandatory site visit and sign in. For directions, contact the site at (717) 687-8628. All interested bidders should submit a request for the purchase of the bid package in writing or fax (717) 783-1073 along with a \$25 check (nonrefundable) made payable to PHMC and mailed to: PA Historical and Museum Commission, Division of Architecture, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling. Bids are due on Monday, September 28, 1998, at 1:30 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Railroad Museum of Pennsylvania, Box 15, Strasburg, PA 17579
Duration: July 1, 1998 to June 30, 1999
Contact: Judi Yingling or Jim Caufield, (717) 772-2401

HVAC—22

AE-5273 Replacement of a heating boiler. Fax (717) 783-7971.

Department: Transportation
Location: Franklin Avenue, Tunkhannock, Wyoming County, District 4-7, Tunkhannock, PA
Duration: 75 calendar days: proposed bid October 1998
Contact: Valentina Chubb, (717) 787-7001

SP 398341 Install electrical service to 26 campsites. The service is to include all meters, electric panel boxes, junction boxes, plugin modules, wiring, and the like at Hills Creek State Park, Tioga County. Bids will be opened at the Northcentral Regional Office of Bureau of Facility Design and Construction, R. R. 4, Box 212, Emporium, PA 15834, Cameron County, on Friday, October 9, 1998, at 2 p.m.

Department: Conservation and Natural Resources
Location: Bureau of Facility Design and Construction, Hills Creek State Park, R. R. 2, Box 328, Wellsboro, PA 16901-9676
Duration: October 9, 1998—April 10, 1999
Contact: Gene Strick, Regional Engineer, (814) 486-5637

Janitorial Services—23

IFB No. SSHE-9801 The State System of Higher Education, Dixon University Center is soliciting bids for the interior and exterior cleaning of windows in five buildings and two gatehouses located at 2986 North Second Street, Harrisburg, PA 17110. A site visit is required to bid on this contract. Please call (717) 720-4135 to request a bid package. All bids must be received by October 16, 1998 4 p.m.

Department: State System of Higher Education
Location: Facilities Services, DUC, 2986 North Second Street, Harrisburg, PA 17110
Duration: November 01, 1998 to October 31, 2001
Contact: Linda Venneri, (717) 720-4135

Lodging/Meeting—27

OVR-4-98 Facility needed for 1-day meeting to hold 46th Annual Governor's Committee on Employment of People with Disabilities Conference. Services needed include meeting space for 300 people, soda/coffee breaks, luncheon and audio/visual equipment. Overnight accommodations will be needed for approximately 60 people. Bid specifications will be sent to interested parties. Facility must be accessible to persons with disabilities in accordance with the Americans with Disabilities Act of 1990. Facility must be located in Allegheny County and must be available either October 5, 6, 7, 8, 13, 14 or 15, 1999.

Department: Labor and Industry
Location: Allegheny County, PA
Duration: October 5, 1999—October 15, 1999
Contact: Warren E. Thoma (800) 442-6351

Property Maintenance—33

030 Landscape Maintenance Project at Washington Crossing Historic Park to provide trimming and/or removal of 68 trees. Trees to be removed to be cut low, as close to ground as practical with a power saw. All cutting will be upon consultation with park staff for each section of work to be done under this contract. A prebid meeting is required and date will be set in advance of bid due date. All cutting will be upon consultation. Following credentials or equal are required: American Society of Consulting Arborists; International Shade Tree Association; licensed and certified by States of New Jersey and/or Pennsylvania. Certified tree expert to supervise work.

Department: Historical and Museum Commission
Location: Washington Crossing Historic Park, P. O. Box 103, 1112 River Road, Washington Crossing, PA 18977
Duration: 3 months
Contact: Eric F. Castle, Historic Site Administrator, (215) 493-4076

98-13 Contractor will supply all labor, tools, equipment, building materials and appurtenances to install 1/4" to 1/2" tempered clear reflective glass with radius to replace plexiglass panels surrounding the Security Guards Station at the Willow Oak Building No. 33 located on the campus of the Harrisburg State Hospital. Panels range in size as follows: 1) 1 each 36" x 26", 2) 1 each 36" x 56", 3) 3 each 60" x 26", 4) 3 each 60" x 60". Vendor must remove and dispose of old plexiglass panels from site properly. A bid package for this project may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Division of Office Services, Room 80, Willow Oak Building, Harrisburg State Hospital, Harrisburg, PA 17105-2675
Duration: September 01, 1998 through December 31, 1998
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

11098007 This work consists of furnishing equipment, personal liability insurance and traffic protection equipment necessary to perform mowing operations within the specified cycle time limits in northern Allegheny County. Work includes mowing multi-lane four times per year and secondary roads (side mowing) once per year.

Department: Transportation
Location: Engineering District 11-0; Various roadsides in northern Allegheny County, PA
Duration: January 01, 1999 through December 31, 2000 with a 2-year renewal clause
Contact: Joe DiPietro, (412) 429-4954

AE-5175 Door replacement. Fax (717) 783-7971.

Department: Transportation
Location: County Maintenance Building, District 9-7, Route 219, North, Rural Drive 2, Somerset, Somerset County, PA
Duration: 120 calendar days, proposed bid October 1998
Contact: Valentina Chubb, (717) 787-7001

ME09729802 Supply all labor, tools, equipment, building materials and appurtenances to replace the roof on Volunteer Building No. 04 at Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 1999
Contact: Fred Molisee, Purchasing Agent, (412) 257-6215

ME09729803 Supply all labor, tools, equipment, building materials and appurtenances to erect structural glazed tile walls in all patient bathrooms with multiple commode stalls. A total of 48 walls measuring 6' 0" long by 6' 2" high to be fabricated in Bengs Building (No. 08). For a copy of this bid vendors must contact the Commonwealth of Pennsylvania, Department of General Services, Bureau of Purchases, 414 North Office Building, Harrisburg, PA 17125.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 1999
Contact: Joe Nugent, Director DGS, (717) 787-4718

ME09729804 Supply all labor, tools, equipment, building materials and appurtenances to convert two patient bed cubicles in the Bengs Building No. 08 Wards 3 East and 3 South to separate rooms to satisfy JCAHO privacy deficiency. This renovation will include changes to the power distribution, HVAC and all other systems inherent to the building according to DGS Project No. A508-89. For a copy of this bid vendors must contact the Commonwealth of Pennsylvania, Department of General Services, Bureau of Purchases, 414 North Office Building, Harrisburg, PA 17125.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 1999
Contact: Joe Nugent, Director DGS, (717) 787-4718

SPC 297082 This contract will require tree planting on approximately 112 acres of strip mined land recently vegetated with grasses by the Bureau of Abandoned Mine Reclamation. The site is located in Newport Township, Luzerne County and requires 135,000 tree seedlings.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Newport Township, Luzerne County, PA
Duration: April 15, 1999—May 15, 1999
Contact: Tina M. Alban, (814) 364-5150

Real Estate Services—35

030-0284 Notice is hereby given that the Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located adjacent to Route 15 in Lewis Township, Lycoming County, PA. The parcel consists of 0.6961 acres. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Joel K. Hart, PA Department of Transportation, P. O. Box 218, Montoursville, PA 17754.

Department: Transportation
Location: Lycoming County, District 3-0
Duration: 30 days
Contact: Joel K. Hart, (717) 368-4237

Miscellaneous—39

4300-Printing The printing of full and reduced size plans using state-of-the-art analog and digital equipment. Reproduce and reduce Highway Letting Plans from an original plan sheet of 22" x 36" to 22" x 36" and 22" x 36" to 12" x 18". The reproduction of plans would not involve the usage of chemicals which tend to distort images. Each full size plan sheet must be copied 5 to 20 times. Each half size plan sheet will be copied 60 to 100 times. Price per sheet includes two fasteners on the 22" side (full size) and the 12" side (half size), collating, wrapping, labeling, pick-up and delivery. Original plans must be insured at replacement costs applicable at the time of pick-up and the carrier bonded. Original plans will be picked up at the 6th Floor Reproduction Room located at 555 Walnut Street, Harrisburg, PA, and returned there with completion of reproduction work. Reproduced plans will be delivered to the Publication Sales Store, 6th Floor Forum Place, 555 Walnut Street, Harrisburg, PA. Delivery hours are between 8 a.m. and 2 p.m. Basic 48-hour delivery time. Billing will be separate for each project by order requested.

Department: Transportation
Location: Bureau of Design, PennDOT, 555 Walnut Street, 6th Floor Forum Place, Harrisburg, PA 17101-1900
Duration: This will be a 1-year contract with renewal options
Contact: Donna Laird or Nancy Baker, (717) 783-6420 or 787-3311

814179 Provide initial and recurrent training support for the PA Department of Transportation, Bureau of Aviation. The training provided will be for a Piper Navajo aircraft.

Department: Transportation
Location: Aviation, Location of contractor's training site
Duration: December 1, 1998—November 30, 2002
Contact: Scott Cross, (717) 705-1236

814180 Provide initial and recurrent training support for the PA Department of Transportation, Bureau of Aviation. The training provided will be for a Beechcraft King Air 200 aircraft.

Department: Transportation
Location: Aviation, Location of contractor's training site
Duration: January 1, 1999—December 31, 2002
Contact: Scott Cross, (717) 705-1236

AE-5260 Fence installation. Fax (717) 783-7971.

Department: Transportation
Location: Maintenance District 8-5, 21st and Herr Streets, Harrisburg, Dauphin County, PA
Duration: 90 calendar days, proposed bid October, 1998
Contact: Valentina Chubb, (717) 787-7001

[Pa.B. Doc. No. 98-1517. Filed for public inspection September 11, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
7490-03 RIP No. 1	09/01/98	Gemini Business Systems	5,000.00
4210-01	09/01/98	Flag Fire, Inc.	67,944.00
9110-02	09/03/98	Quintain Resources, Inc.	376,875.00
9110-02	09/03/98	R. J. Glass, Inc.	346,500.00
9110-02	09/03/98	Rawlee Fuels, Inc.	15,168.60

Requisition or Contract #	Awarded On	To	In the Amount Of
9110-02	09/03/98	Sprankle Mills Tipple	819,060.00
9110-02	09/03/98	Unionvale Coal Co.	408,900.00
9110-02	09/03/98	United Eastern Coal Sales Corp.	708,291.00
1040208-01	09/01/98	Vanbortel	44,426.00
1047158-01	09/01/98	J. A Nearing Co., Inc.	11,257.54

GARY E. CROWELL,
Secretary

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