



Volume 28 (1998)

Pennsylvania Bulletin
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September 19, 1998 (Pages 4705-4776)

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PENNSYLVANIA BULLETIN

Volume 28
Saturday, September 19, 1998 • Harrisburg, Pa.
Number 38
Pages 4705—4776

Agencies in this issue:

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Department of Conservation and Natural
Resources
Department of Corrections
Department of Environmental Protection
Department of General Services
Department of Health
Department of Transportation
Environmental Hearing Board
Health Care Cost Containment Council
Human Resources Investment Council
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employes' Retirement Board
State Board of Medicine
State Board of Podiatry
Treasury Department

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

No. 286, September 1998

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 340
(800) 334-1429 ext. 340 (toll free, out-of-State)
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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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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List of Pa. Code Chapters Affected

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RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedures

The Environmental Hearing Board (Board) by this order amends Chapter 1021 (relating to practice and procedures) to read as set forth in Annex A. The amendments modify the rules of practice and procedure before the Board by adding or correcting terminology relating to the Board and implementing improvements in practice and procedure.

The Board approved the final-form regulations at its May 26, 1998, meeting.

Effective Date

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

Contact Person

For further information, contact William T. Phillipy, IV, Secretary to the Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. If information concerning this notice is required in an alternative form, William Phillipy may be contacted at the above number. TDD users may telephone the Board through the AT&T Pennsylvania relay center at (800) 654-5984.

Statutory Authority

The amendments are promulgated under the authority of section 5 of the Environmental Hearing Board Act (35 P. S. § 7515) which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

Comments and Revisions to Proposed Rulemaking

The Board received comments on the proposed revisions from the Independent Regulatory Review Commission (IRRC); Joel R. Burcat, Esq., John P. Krill, Jr., Esq. and R. Timothy Weston, Esq. of Kirkpatrick & Lockhart; and the Pennsylvania Coal Association (PCA). The commentators had specific comments which will be addressed on a section-by-section basis. Comments and recommendations will be addressed as a group only when the commentators have the same comments and recommendations. However, comments and recommendations which have only been raised by one of the commentators will be separately addressed.

§ 1021.2 Definitions

The final rulemaking incorporates revisions to several definitions. The revisions were made to simplify the definitions and to have them conform to the Board's rules.

One commentator agreed that the definitions needed to be revised but recommended that the Board consider using the definitions in 1 Pa. Code Part I (relating to General Rules of Administrative Practice and Procedure) rather than developing new definitions.

The Board has considered this suggestion and it will continue to have its own set of definitions because they were drafted to be very specific to the Board and the

matters which come before it. Accordingly, this section of the final rulemaking has not been modified.

§ 1021.51 Commencement, form and contents

One commentator stated that the proposed amendment to § 1021.51(f) requiring service of the appeal on the same day is unfair. The commentator noted that the revision will be burdensome and unfair to many appellants since the appellant or appellant's counsel has very little time to prepare the appeal and suggested that the Board allow 10 days to serve a copy.

The Board wants to prevent the delay of service upon persons after the notice has been filed with the Board and to streamline the appeal process. The Board sees no burden with the final rulemaking requiring service of the notice of appeal by mailing the notice of appeal to the Department and any affected permittee on the same day. Accordingly, § 1021.51(f) of the final rulemaking has not been modified.

§ 1021.52 Timeliness of appeal

Regarding § 1021.52(a)(2) one commentator suggested: 1) that the language "whichever occurs first" should be added; and 2) delete "if there is no notice of the action published in the *Pennsylvania Bulletin*" in subparagraph (ii). IRRC recommended that the colon after the word "*Bulletin*" in subsection (a)(2)(i) be replaced with a semicolon and the word "or." After further consideration IRRC recommended that the Board should have the first line of (a)(2) read as follows: "Any other person aggrieved by an action of the Department shall file its appeal with the Board within;" and subparagraph (ii) should be written to read, "(ii) Thirty days after actual notice of the action if a notice of the action is not published in the *Pennsylvania Bulletin*."

The Board has considered IRRC's recommendations and has decided the recommendations would clarify the proposal and has adopted the changes in the final rulemaking.

One commentator suggested that the Board retain the practice of "skeleton" appeals with a mandatory 30-day perfection or revision period following the filing of the appeals.

The Board has retained the proposal as published. The Board decided to do away with the skeletal appeal as it believes those provisions to be unnecessary in view of the provisions of § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals) which now permit the filing of amendments to the appeal under certain conditions and time limitations. Those provisions should govern the right to make a substantive change to the appeal. If the appeal should fail to meet some formal requirement of § 1021.51, the appellant may remedy the failure following notice of the Board's request or as a result of a motion filed by an opposing party. Of course, failure to effect or provide proof of service on the Department would be ground for dismissal of the appeal.

Another commentator recommended that the rule should include a third category of persons who could file an appeal within 30 days of receipt of written notice. The third category would include a person who has participated in the administrative process leading to action and who has received a written notice of the action but was not the person to whom the action of the Department was directed or issued. IRRC staff did not suggest that the

change be made, but recommended that the Board consider adding a third category in subsection (a)(2) to address constructive notice to unincorporated association members.

The Board has decided not to adopt these suggestions. The Board believes that the grant of additional time provided to third party appellants provided by starting the 30-day period for appeal with publication of notice of the Department's action in the *Pennsylvania Bulletin* is, in absence of a contrary Legislative directive, appropriate. Even though third parties may have participated in the administrative process leading to the Department's action, they ordinarily cannot afford to participate with the full assistance of counsel and experts as can be done by the permittee. After the Department takes action, these third party appellants ordinarily need time to consult counsel, experts and others in the affected community to prepare a proper appeal. The Board views a special rule of constructive notice for unincorporated associations to be unnecessary. The Board will continue to apply a rule of constructive notice to bar late appeals from members of an association when the officers of the association would have been bound to appeal within 30 days of the Department's action or the publication of notice in the *Pennsylvania Bulletin*. Because other circumstances may also require the application of the rule of constructive notice, the Board prefers to act on a case-by-case basis rather than to adopt a special rule now for the unincorporated associations. The special rule might be used in other circumstances to argue that the special rule for unincorporated associations is the limit of the application of a rule of constructive notice.

§ 1021.81 Prehearing Procedures

One commentator noted that the proposal would be unfair to many appellants because it provides unnecessary additional burdens on private appellants since a private appellant must obtain counsel, prepare a case, conduct discovery, obtain expert witnesses and prepare for trial. In addition, the commentator stated that the proposed requirement of serving expert reports within 120 days of the date of the prehearing order is also an unfair burden. Furthermore, the commentator noted that the proposed rule would limit or preclude opinions from experts engaged after the filing of an appeal who may be unable to form an opinion until discovery has closed and all discovered data are evaluated since this type of expert may not have gathered any data himself and may not have access to data outside of discovery. In addition, expert opinions based not just on data known at the close of discovery but also on tests or models using the data would be foreclosed by the rule. Finally, the commentator suggested that the rule should recognize that expert opinions given at the hearing must be based on the evidence in the record.

The Board believes that the final rulemaking is not unduly burdensome on private appellants. The Board's practice is to be liberal in granting extensions of time for meeting prehearing requirements such as completing discovery and the filing of dispositive motions. The same practice will be followed in the case of meeting the deadline for the identification of, and filing of reports from, experts. In addition, the parties are encouraged to agree upon their own case management order so that the steps necessary to prepare for the hearing on the merits may be tailored by the parties to meet the individual needs of the case. The Board's experience is that many experts are retained well before the completion of discovery, and that necessary tests may be conducted and

demonstrative evidence may be developed outside the discovery process so that there is little likelihood that a party will be prejudiced by the Board's application of this rule. The Board will not adopt a rule permitting expert testimony only on the basis of evidence introduced at the hearing. The Pennsylvania Rules of Evidence effective on October 1, 1998, in Rule 703 permit experts to rely on facts or data of a type reasonably relied upon by experts in the field and does not require that those facts be admissible in evidence. The Board believes this to be a statement of existing Pennsylvania law and intends to continue to apply this principle in connection with expert testimony.

§ 1021.101 Burden of Proceeding and Burden of Proof

A commentator recommended that the Board amend subsection (b)(3) by adding the words "modifies or suspends" after the word "revokes." IRRC concurred with the suggestion stating that the additional language improves the clarity of the provision. The Board agrees the rule should be modified. The final rule will read, "... revokes or suspends ..." Upon consideration of the suggestions, the Board omitted the term "modifies" since modifications may arise under different situations and depending on the situation at hand the burden may be either on the Department or on the appellant. Thus, including "modifies" would only create confusion rather than clarity. The Board solicited its Rules Committee's opinion on this matter and the Committee agreed that for clarity the term "modifies" should be omitted.

The Board has determined that proposed Rule 1021.101(c)(1) needed to be revised to place the burden of proof on the appellant when the Department either denies or refuses to modify a permit. Accordingly, the Board has decided to modify (c)(1) as follows: "When the Department denies or refuses to modify a license, permit approval or certification."

One commentator recommended that in subsection (c)(2) the Board replace "recipient" with "addressee" since addressee is more accurate because in many instances the recipient is not necessarily the party who has a direct interest in the matter or who would properly be a party in an appeal. IRRC questioned whether the language "recipient of action" and "the person to whom the action is directed or issued" are synonymous and if they are then the Board should use "recipient of action" throughout the regulation.

One commentator had the following comments regarding subsection (c)(3): 1) the proposed rule as written appears to place the burden on both the Department and the party appealing the action since "action" is defined to include "order;" and 2) the proposed rule is internally inconsistent because an "action" is issued it is not "modified." IRRC recommended that "action" in this subsection be deleted and replaced with "permit, approval or certification" to clarify what "action" refers to and to establish consistency within the section.

After consideration of the comments, the Board plans to modify the final rule. The Board will delete "who is the recipient of an action" and substitute the following language "to whom a permit approval or certification is issued." Thus, the modified final rule will read, "When a party to whom a permit approval or certification is issued protests one or more aspects of its issuance or modification." The Board concurs a change to the language in subsection (c)(3) is necessary to avoid apparent inconsistency created by the use of "action" in that subsection. The use of "action" in subsection (c)(3) along with the

language in subsection (b) appears to place the burden of proof on both the appellant and the Department in many appeals which is not the result the Board intended with the revision. The Board will modify the rule.

Other Proposed Changes

The Board did not receive any comments on proposed changes to §§ 1021.109, 1021.120 and 1021.161.

Sunset Date

A sunset date has not been established for these regulations. The effectiveness of the regulations will be evaluated on an ongoing basis by the Board and the Board's Rules Committee.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on February 4, 1998, the Board submitted copies of the proposed revisions, which were published at 28 Pa.B. 807 (February 14, 1998), to IRRC and the Senate and House Environmental Resources and Energy Committees for review and comment. The Board, in accordance with section 5(b.1) of the Regulatory Review Act (71 P. S. § 745.5(b.1)), also provided IRRC and the Committees with the Regulatory Analysis Form prepared in compliance with Executive Order 1996-2 (relating to regulatory review and promulgation) and copies of all comments received.

In preparing these final-form regulations, the Board has considered all comments received from the public and IRRC. No comments on the proposed amendments were received from either of the Legislative committees.

These final-form regulations were approved by the House and Senate Committees on August 14, 1998. IRRC met on August 27, 1998, and approved the final-form regulations under section 5(c) of the Regulatory Review Act.

Findings

The Board finds that:

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

(2) These regulations are necessary and appropriate for administration of the Environmental Hearing Board Act.

Order

The Board orders that:

(a) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by amending §§ 1021.2, 1021.51, 1021.52, 1021.62, 1021.73, 1021.81, 1021.101, 1021.109, 1021.120 and 1021.161 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this order and Annex A to the House Environmental Resources and Energy Committee, the Senate Environmental Resources and Energy Committee and IRRC, as required by law.

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

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

GEORGE J. MILLER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4683 (September 12, 1998).)

Fiscal Note: Fiscal Note 106-3 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IX. ENVIRONMENTAL HEARING BOARD

CHAPTER 1021. PRACTICE AND PROCEDURES

Subchapter A. PRELIMINARY PROVISIONS

GENERAL

§ 1021.2. Definitions.

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

Act—The Environmental Hearing Board Act (35 P. S. §§ 7511—7516).

Action—An order, decree, decision, determination or ruling by the Department affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of a person, including, but not limited to, a permit, license, approval or certification.

Board—The Environmental Hearing Board, consisting of its Chairperson and four members, all of whom are administrative law judges appointed by the Governor to hear appeals from actions of the Department.

Costs Act—The act of December 13, 1982 (P. L. 1127, No. 257) (71 P. S. §§ 2031—2035), known as the Commonwealth Agency Adjudicatory Expenses Award Law.

Department—The Department of Environmental Resources or its successor agencies.

Dispositive motion—A motion that seeks to resolve the issues in an appeal without the need for hearing or further hearing. The term includes a motion to quash appeal, a motion to dismiss, a motion for summary judgment, and a motion for partial summary judgment, but not a motion in limine.

Hearing examiner—A person other than a Board member designated by the Board to preside at hearings or conferences.

Intervenor—A person who has been permitted to intervene by the Board, as provided by § 1021.62 (relating to intervention).

Party—An appellant, appellee, plaintiff, defendant, permittee or intervenor.

Permittee—The recipient of a permit, license, approval or certification in a third-party appeal.

Person—An individual, partnership, association, corporation, political subdivision, municipal authority or other entity.

Supersedeas—A suspension of the effect of an action of the Department pending proceedings before the Board.

Third party appeal—The appeal of an action by a person who is not the recipient of the action.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions).

APPEALS

§ 1021.51. Commencement, form and content.

(a) An appeal from an action of the Department shall commence with the filing of a written notice of appeal with the Board.

(b) The caption of an appeal shall be in the following form:

ENVIRONMENTAL HEARING BOARD
2nd Floor, Rachel Carson State Office Building
400 Market Street, Post Office Box 8457
Harrisburg, Pennsylvania 17105-8457

JOHN DOE, Appellant
234 Main Street, Smithtown,
Jones County, Pennsylvania 15555
(Telephone (123) 456-7890)

v. Docket No. _____

Commonwealth of Pennsylvania
Department of _____, Appellee

(c) The appeal shall set forth name, address, and telephone number of appellant.

(d) If the appellant has received written notification of an action of the Department, a copy of the action shall be attached to the appeal.

(e) The appeal shall set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal. An objection not raised by the appeal or an amendment thereto under § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals) shall be deemed waived, provided that, upon good cause shown, the Board may agree to hear the objection. For the purpose of this subsection, good cause shall include the necessity for determining through discovery the basis of the action from which the appeal is taken.

(f) Concurrent with the filing of a notice of appeal, the appellant shall serve a copy thereof on each of the following:

(1) The office of the Department issuing the notice of Departmental action.

(2) The Office of Chief Counsel of the Department or agency taking the action appealed.

(3) In a third party appeal, the recipient of the action.

(g) The service upon the recipient of an action as required by this section, shall subject the recipient to the jurisdiction of the Board as a party.

(h) Upon order of the Board, the appellant shall provide satisfactory proof that service has been made as required by this section.

(i) Subsections (a)—(h) supersede 1 Pa. Code §§ 35.5—35.7 and §§ 35.9—35.11 (relating to informal complaints; and formal complaints).

§ 1021.52. Timeliness of appeal.

(a) Except as specifically provided in § 1021.53 (relating to appeal nunc pro tunc), jurisdiction of the Board will not attach to an appeal from an action of the Department unless the appeal is in writing and is filed with the Board in a timely manner, as follows, unless a different time is provided by statute:

(1) The person to whom the action of the Department is directed or issued shall file its appeal with the Board within 30 days after it has received written notice of the action.

(2) Any other person aggrieved by an action of the Department shall file its appeal with the Board within the following:

(i) Thirty days after the notice of the action has been published in the *Pennsylvania Bulletin*.

(ii) Thirty days after actual notice of the action if a notice of the action is not published in the *Pennsylvania Bulletin*.

(b) Subsection (a) supersedes 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

Comment: The language “person to whom the action of the Department is issued or directed” is intended to include, but not be limited to, the recipient of: an order, a permit or license issuance or denial, a civil penalty assessment, or certification. See section 4(a) and (c) of the act (35 P. S. § 7514(a) and (c)).

INTERVENTION

§ 1021.62. Intervention.

(a) A person may petition the Board to intervene in any pending matter prior to the initial presentation of evidence.

(b) A petition to intervene shall be verified, and shall contain sufficient factual averments and legal assertions to establish the following:

(1) The reasons the petitioner seeks to intervene.

(2) The basis for asserting that the identified interest is greater than that of the general public.

(3) The manner in which that interest will be affected by the Board’s adjudication.

(4) The specific issues upon which the petitioner will offer evidence or legal argument.

(c) A copy of the petition shall be served upon the parties to the proceedings.

(d) A party may file an answer to the petition. An answer shall be verified and filed within 15 days after service of the petition, unless a shorter time is ordered by the Board.

(e) The Board will deny the petition if it fails to include sufficient legal grounds or verified factual averments to establish the right to intervene.

(f) If the Board grants the petition, the order may specify the issues as to which intervention is allowed. An order granting intervention allows the intervenor to participate in the proceedings remaining at the time of the order granting intervention.

(g) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.27—35.32 and 35.36 (relating to intervention; and answers to petitions to intervene).

MOTIONS

§ 1021.73. Dispositive motions.

(a) This section applies to dispositive motions.

(b) Motions for summary judgment or partial summary judgment and responses shall conform to Pa.R.C.P. 1035.1—1035.5 (relating to motion for summary judgment) except for the provision of the 30-day period in which to file a response.

(c) Dispositive motions shall be accompanied by a supporting memorandum of law. The Board may deny a dispositive motion if a party fails to file a supporting memorandum of law.

(d) A response to a dispositive motion may be filed within 25 days of the date of service of the motion, and may be accompanied by a supporting memorandum of law.

(e) A reply to a response to a dispositive motion may be filed within 20 days of the date of service of the response, and may be accompanied by a supporting memorandum of law.

(f) An affidavit or other document relied upon in support of a dispositive motion, response or reply, that is not already a part of the record, shall be attached to the motion, response or reply or it will not be considered by the Board in ruling thereon.

(g) Subsection (c) supplements 1 Pa. Code § 35.177 (relating to the scope and content of motions). Subsection (d) supersedes 1 Pa. Code § 35.179 (relating to objections to motions).

Comment: Subsection (d) supersedes the filing of a response within 30 days set forth in Pa.R.C.P. No. 1035.3(a).

PREHEARING CONFERENCES AND PREHEARING PROCEDURES

§ 1021.81. Prehearing procedure.

(a) Upon the filing of an appeal, the Board will issue a prehearing order providing that:

(1) Discovery shall be concluded within 90 days of the date of the prehearing order.

(2) The party with the burden of proof shall serve its expert reports and answers to all expert interrogatories within 120 days of the date of the prehearing order. The opposing party shall serve its expert reports and answers to all expert interrogatories within 30 days after receipt of the expert reports and interrogatories from the party with the burden of proof.

(3) Dispositive motions in a case requiring expert testimony shall be filed within 180 days of the date of the prehearing order. If neither party plans to call an expert witness, dispositive motions shall be filed within 150 days after the filing of the appeal unless otherwise ordered by the Board.

(4) The parties may, within 45 days of the date of the prehearing order, submit a Joint Proposed Case Management Order to the Board.

(b) A Joint Proposed Case Management Order shall, inter alia, propose alternate dates for the conclusion of discovery, the service of expert or supplemental reports, and the filing of dispositive motions. The Board may issue subsequent prehearing orders incorporating the alternate dates proposed by the parties or other dates the Board deems appropriate.

(c) After the Board resolves all dispositive motions, it will establish a hearing date for the remaining issues. The Board may also direct that the parties meet prior to the hearing to stipulate to uncontested facts, the qualifications of experts and the admissibility of exhibits.

(d) The parties shall file their prehearing memoranda at least 20 days before the scheduled hearing date.

(e) Subsection (d) supplements 1 Pa. Code § 35.121 (relating to initiation of hearings).

BURDEN OF PROCEEDING AND BURDEN OF PROOF

§ 1021.101. Burden of proceeding and burden of proof.

(a) In proceedings before the Board, the burden of proceeding and the burden of proof shall be the same as at common law in that the burden shall normally rest with the party asserting the affirmative of an issue. It shall generally be the burden of the party asserting the affirmative of the issue to establish it by a preponderance of the evidence. In cases where a party has the burden of proof to establish the party's case by a preponderance of the evidence, the Board may nonetheless require the other party to assume the burden of proceeding with the evidence in whole or in part if that party is in possession of facts or should have knowledge of facts relevant to the issue.

(b) The Department has the burden of proof in the following cases:

(1) When it assesses or files a complaint for a civil penalty.

(2) When it files a complaint for any other purpose.

(3) When it revokes or suspends a license, permit, approval or certification.

(4) When it issues an order.

(c) A party appealing an action of the Department shall have the burden of proof in the following cases:

(1) When the Department denies a license, permit, approval or certification.

(2) When a party who is not the recipient of an action by the Department protests the action.

(3) When a party to whom a permit approval or certification is issued protests one or more aspects of its issuance or modification.

(4) When a party appeals or objects to a settlement of a matter between the Department and a private party.

OFFICIAL NOTICE

§ 1021.109. Official notice of facts.

(a) The Board may take official notice of the following:

(1) Matters which may be judicially noticed by the courts of the Commonwealth.

(2) Facts which are not in dispute.

(3) Record facts reflected in the official docket of the Board as referenced in § 1021.41(a) (relating to docket).

(b) Any party shall, on timely request, be afforded an opportunity to show why the Board should not take official notice of items listed in subsection (a).

(c) A party requesting the taking of official notice after the conclusion of the hearing shall do so in accordance with § 1021.122 (relating to reopening of record prior to adjudication).

TERMINATION OF PROCEEDINGS

§ 1021.120. Termination of proceedings.

(a) A proceeding before the Board may be terminated by one of the following:

(1) Withdrawal of the appeal prior to adjudication.

(2) Settlement agreement.

(3) Consent adjudication.

(b) When a proceeding is withdrawn prior to adjudication, withdrawal shall be with prejudice as to all matters which have preceded the action unless otherwise indicated by the Board.

(c) When a proceeding is sought to be terminated by the parties as a result of a settlement agreement, the form of the settlement agreement may be a consent order, a consent assessment of civil penalties, a permit modification, or any other basis for settling an action as permitted by law. If the settlement includes any action of the Department which would have to be published if taken independently of the settlement, that action shall be published by the Department as required by law. Appealable actions of the Department contained in the settlement may be appealed to the Board by an aggrieved person not a party to the settlement in the manner provided by law. A party to the settlement may appeal only to the extent permitted by the terms of the agreement. After the parties have agreed upon a settlement they may do one of the following:

- (1) Notify the Board that the case has been settled and request that the docket be marked settled.
- (2) Notify the Board that the case has been settled, provide the Board with a copy of the settlement agreement for inclusion in the record of the case, and request that the docket be marked settled.
- (3) Notify the Board that the case has been settled, provide the Board with a copy of the settlement agreement for inclusion in the record, request the notice of the settlement be published in the *Pennsylvania Bulletin* and request that the case be marked as settled.

The notice of publication shall be in substantially the following form:

RE: (Case and Docket Number)

The Commonwealth of Pennsylvania (Department of _____) and (parties) have agreed to a settlement of the above matter. The Commonwealth had ordered under date of _____, the party (party or parties) to:

(Summarize order or appeal describing other action of the Commonwealth from which appeal was taken).

The parties have agreed to a settlement, the major provisions of which include:

(Summarize major substantive provisions of settlement agreement.)

Copies of the full agreement are in the hands of:

(Names, addresses of counsel and telephone numbers) and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

(d) When a proceeding is sought to be terminated by the parties pursuant to a consent adjudication, all parties shall submit the proposed consent adjudication to the Board for approval. No proposed consent adjudication will be approved by the Board unless it contains the agreement of all parties to the action. The Board may refuse to approve a proposed consent adjudication if any of its provision are contrary to law or constitute, in the discretion of the Board, overreaching or bad faith by any party. Prior to approval, the Board will publish the major substantive provisions of the consent adjudication in the manner indicated in subsection (c)(3). In addition, the notice shall provide a comment period of at least 30 days for comments to be provided by the public. When comments are received from the public the parties to the

consent adjudication shall respond to the comments. The Board may schedule a hearing prior to taking action on the consent adjudication. Any appeal from a consent adjudication shall lie to the Commonwealth Court, and shall, when taken by an aggrieved person not a party to the action, be taken within 30 days of the date of the Board's action.

§ 1021.161. Composition of the certified record on appeal to Commonwealth Court.

(a) Unless the parties file a stipulation with the Board providing otherwise, within 20 days of the filing of the petition for review, the Board will certify the record in accordance with Pa.R.A.P. No. 1951 (relating to record below in proceedings on petition for review) and the record shall consist of:

- (1) A list of the docket entries.
- (2) The notice of appeal and the Department action appealed to the Board, or, if the proceedings before the Board were initiated with a complaint, the complaint.
- (b) In addition to items listed in subsection (a), for appeals of Board adjudications, the record shall also include:
 - (1) The Board's adjudication and order.
 - (2) The notes of testimony from the hearing, all exhibits admitted into evidence.
 - (3) The parties' posthearing memoranda, including requested findings of fact and conclusions of law.
 - (4) Petitions for reconsideration or to reopen the record, answers and accompanying exhibits.
 - (5) Other documents which formed the basis of the Board's adjudication.

(c) In addition to items listed in subsection (a), for appeals of Board opinions and orders, the record shall also include:

- (1) The Board's opinion and order.
- (2) The motion or petition which was the subject of the Board's opinion and order, together with responses, answers, and replies, and accompanying exhibits.
- (3) Petitions for reconsideration of the Board's opinion and order, responses, answers, and replies, and accompanying exhibits.
- (4) Other documents which formed the basis of the Board's opinion and order.

[Pa.B. Doc. No. 98-1519. Filed for public inspection September 18, 1998, 9:00 a.m.]

Title 37—LAW

DEPARTMENT OF CORRECTIONS

[37 PA. CODE CHS. 91 AND 93]

Administration and State Correctional Institutions and Facilities

The Department of Corrections (Department) acting under the authority conferred upon it by The Administrative Code of 1929 (71 P. S. §§ 51—720.13) and Executive Order 1996-1 (4 Pa. Code §§ 1.371—1.382) and as required by 45 P. S. § 1201, hereby deletes its media relations regulations contained in § 91.5 (relating to media relations) and amends its regulations in § 93.3 (relating to inmate visiting privileges).

Background and Need for the Deletion and Amendments

The Department's current media relations regulation establishes procedures that members of the news media must follow to interview inmates housed in State correctional institutions or community corrections centers. These procedures are more cumbersome than the procedures individual members of the public must follow to visit with inmates. For example, the current regulation requires members of the news media to explain the purpose of a proposed interview. Institutional superintendents then determine whether to permit the interview. The Department believes that review is inappropriate, unnecessary and potentially unconstitutional.

The Department has grown tremendously since the media relations regulation was promulgated. This growth has made it increasingly difficult to have the media relations regulation applied uniformly among institutions. This inconsistency makes it difficult for members of the media to know the standards the Department will apply in a particular situation. Conversely, the Department finds that its inmate visitation policies are applied consistently. Accordingly, the Department now deletes its media relations regulation and amends its inmate visiting privileges regulation to enable members of the news media to communicate and visit with inmates under the same visitation policies which govern inmate communications with other members of the public.

Amendment of the regulations is consistent with the provisions of Executive Order 1996-1. Specifically, the amendments are intended to improve the internal management of the Department in regard to inmate visitation and are not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the Commonwealth, its agencies, its officers or any person. See 4 Pa. Code § 1.380(b) (relating to applicability).

Fiscal Impact

Amendment of the media relations regulations is not expected to have any negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

Paperwork Requirements

Amendment of the media relations regulations is expected to reduce paperwork for the Commonwealth and the general public. The Department does not expect the amendment to have any effect on the paperwork requirements of the Commonwealth's political subdivisions.

Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. §§ 745.5a(a)), on September 10, 1997, the Department submitted a copy of notice of proposed rulemaking, published at 27 Pa.B. 4832 (September 20, 1997) to the Independent Regulatory Review Commission (IRRC) the Chairpersons of the House and Senate Judiciary Committees for review and comment.

The Department submitted a copy of the final-form regulations to IRRC and the Chairpersons of the Senate and House Judiciary Committees on June 22, 1998. In addition, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available upon request.

In preparing these final-form regulations, the Department has considered the comments received from IRRC. The Department did not receive any comments from the public or the Committees, except for comments from Senator Michael A. O'Pake. A Comment Response Document is available from the Department upon request.

The final-form regulations were deemed approved by the House and Senate Committees on July 13, 1998. IRRC met on July 30, 1998, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act (71 P. S. § 745.5a(e)). The Office of General Counsel and the Office of Attorney General approved the final-form regulations.

Statutory Authority

The Department's authority to delete and amend regulations is contained in section 506 of The Administrative Code of 1929 (71 P. S. § 186).

Effective Date

The deletion of the media relations regulation and the amendment of the inmate visiting privileges regulation shall be effective upon final publication in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written questions regarding the deletion and the amendment to Press Secretary Roger Baumgarten, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598.

Findings

The Department finds that:

(1) Notice of proposed rulemaking was published at 27 Pa.B. 4832, as required by 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) A public comment period was provided as required by law and no public comments were received by the Department for consideration.

(3) The adoption of this deletion and amendments in the manner provided by this order is necessary and appropriate for the administration of the Department.

Order

The Department orders that:

(a) The regulations of the Department, 37 Pa. Code Chapters 91 and 93, are amended by deleting § 91.5 and amending § 93.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

(c) The Secretary of Corrections shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

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

MARTIN F. HORN,
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 19-2 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart B. DEPARTMENT OF CORRECTIONS

CHAPTER 91. ADMINISTRATION

§ 91.5. (Reserved).

CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES

Subchapter A. RIGHTS AND PRIVILEGES

§ 93.3. Inmate visiting privileges.

* * * * *

(j) *Media representatives.* Media representatives will have the same visiting privileges as visitors on an inmate's approved list of visitors as described in Department of Corrections' (Department) policy concerning inmate visitation. A media representative will not be in addition to the names on the approved list and will be counted against the total of 20.

(1) Upon request, media representatives will be provided with a copy of the Department's policy regarding inmate visitation.

(2) Media representatives and inmates will abide by all applicable rules, regulations and policies of the Department while on State correctional institution property. Violations of any rules, regulations or policies of the Department may result in the visit being denied, termination of the visit, suspension of visiting privileges or revocation of visiting privileges.

(3) Visits with media representatives shall be subject to the frequency of visit limitations contained in subsection (h)(4).

(4) For inmates under a sentence of death and prior to the Governor's warrant being issued, media representatives will only be permitted to have noncontact visits with an inmate. After the Governor's warrant has been issued, noncontact visits will only be entertained if the media representative has obtained an order of court of competent jurisdiction granting the relief and has properly served the Department with the court documents seeking or requesting the relief prior to obtaining the order.

(5) Media representatives for the purpose of this section include representatives of general circulation newspapers, magazines of general circulation sold through newsstands or mail subscriptions to the general public; National/international news services or radio/television stations holding a Federal Communications Commission license.

[Pa.B. Doc. No. 98-1520. Filed for public inspection September 18, 1998, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 16]

Licensure, Certification, Examination and Registration Fees

The State Board of Medicine (Board) amends § 16.13 (relating to licensure, certification, examination and registration fees), by raising the renewal fees to read as set forth in Annex A.

A. Effective Date

The amendment will be effective upon publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

Section 6 of the Medical Practice Act (63 P. S. § 422.6), requires the Board to establish fees by regulation. The same provision requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

C. Background and Purpose

As fully described in the Board's proposed amendment, this fee increase is necessary for the Board to meet projected expenditures as required by the statute. Without the fee increase, it is projected that the Board's revenues will be significantly overtaken in Fiscal Year 1999-2000 (a nonrenewal year) with a resulting \$1.3 million deficit.

D. Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 28 Pa.B. 814 (February 14, 1998). The Board received no comments from the public in opposition to this rulemaking. The House Professional Licensure Committee noted a discrepancy in the Board's Annex and Preamble pertaining to drugless therapists. This discrepancy was also noted by the Independent Regulatory Review Commission (IRRC) in its comments. The discrepancy for the fee increase for drugless therapists was the result of a transcription error in the annex. As discussed in the Preamble to the proposed amendment, the fee for drugless therapists will increase to \$35. This \$35 fee is reflected in this final-form regulation. IRRC also suggested that the Board identify that graduate training licenses are issued annually. The Board has adopted this suggestion.

The House Committee also requested the Board provide an itemization of projected increases. The Board has provided that information as an attachment to the fee report form.

Lastly, IRRC questioned whether the increase is needed at this time. In its comments, IRRC stated that the figures provided by the Board do not substantiate the need to increase professional fees for the 1997-1999 renewal cycle. The Board notes, in fact, that neither the proposed amendment nor this final-form regulation increases fees for that biennium. Rather, the fee increase

applies to the 1999-2000 renewal cycle. Fees for the 1997-1999 period were paid by the licensee population by the December 31, 1996, renewal deadline.

IRRC's question pertaining to the need to increase fees at this time is based on a misapprehension of the timing of the renewal cycle. Renewal fees must be collected prospectively to meet budgeted expenditures, not after the fact, as IRRC incorrectly surmises. Fees which are due by the end of 1998, cover the costs of operating the Board for the period beginning January 1, 1999, through December 31, 2000. Without the fee increase at this time, the Board will sustain an operating deficit in FY 1999-2000. In fact, while questioning the import of fiscal data submitted by the Board, IRRC recommended that the Board delay increasing fees until the 1999-2000 renewal cycle. This increase is, in fact, accomplished by this final-form regulation. As IRRC noted, the increase would allow the Board to meet its statutory obligations. As proposed and as adopted in this final-form regulation, the fee increase will apply to the Board's operations in the 1999-2000 renewal cycle, as recommended by IRRC in its comments. Accordingly, to ensure that the services the Board renders to the public are not disrupted, the Board has determined to increase its fees to read as set forth in Annex A.

E. Fiscal Impact

The amendment will increase biennial renewal fees for licensees of the Board, but should have no other fiscal impact on the private sector, the general public or political subdivisions.

G. Paperwork Requirements

The amendment will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the amendment should not create additional paperwork for the private sector.

H. Regulatory Review

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on February 14, 1998, the Board submitted a copy of the notice of proposed rulemaking published at 28 Pa.B. 814, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment. In compliance with section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), the Board also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

This final-form regulation was approved by the House and Senate Committees on June 18, 1998. IRRC met on July 9, 1998, and approved the final-form regulation in accordance with section 5(e) of the Regulatory Review Act.

H. Public Information

Interested persons may obtain information regarding the amendments by writing to Cindy L. Warner, Board Administrator, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

I. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This amendment does not enlarge the purpose of the proposed rulemaking published at 28 Pa.B. 814.

(4) This amendment is necessary and appropriate for the administration and enforcement of the authorizing act identified in Part B of this Preamble.

J. Order

The Board acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 16, are amended by amending § 16.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board 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 on publication in the *Pennsylvania Bulletin*.

DANIEL B. KIMBALL, Jr., M.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3558 (July 25, 1998).)

Fiscal Note: Fiscal Note 16A-498 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(b) The fee for a license without restriction for a graduate of an accredited medical college is \$20. The fee for a license without restriction for a graduate of an unaccredited medical college is \$80. The biennial registration fee for a license without restriction is \$125.

* * * * *

(e) The fee for a graduate license for a graduate of an accredited medical college is \$15. The fee for a graduate license for a graduate of an unaccredited medical college is \$80. The annual fee to renew a graduate license is \$15.

* * * * *

(h) The fee for a midwife license is \$20. The biennial registration fee for a midwife license is \$40.

(i) The fee for a physician assistant certificate is \$15. The biennial registration fee for a physician assistant certificate is \$40.

* * * * *

(m) The fee for an acupuncturist registration is \$15. The biennial registration fee for an acupuncturist registration is \$40.

* * * * *

(o) The biennial registration fee for a drugless therapist license is \$35.

[Pa.B. Doc. No. 98-1521. Filed for public inspection September 18, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 57]

[Doc. No. L-980136]

Advance Notice of Proposed Rulemaking; Annual Resource Planning Report

Section 524(a) of the Public Utility Code (code), 66 Pa.C.S. § 524(a), requires electric utilities to submit to the Pennsylvania Public Utility Commission (Commission) information concerning plans and projections for meeting future customer demand. The Commission's regulations under 52 Pa. Code § 57.141(a), promulgated under section 524(c) of the code, require each jurisdictional electric utility to submit, on or before May 1, 1998, of each year, an Annual Resource Planning Report (ARPR) which contains information required under section 524(a).

In view of the enactment of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. Chapter 28, the Commission is considering amendments to its existing reporting requirements which are appropriate within a competitive generation market. To facilitate this effort, the Commission is issuing this advance notice to solicit comments from electric utilities, electric generation suppliers, power marketers and other parties of interest.

Comments are requested on the Commission's scope of authority with regard to the forbearance language in section 2809(e) of the code (relating to regulations for electric generator's suppliers), particularly as it may apply to section 524 of the code.

The Commission seeks comments concerning which portions of the ARPR are competitively sensitive and should be treated as proprietary and confidential, and

why. Also, we ask for comments on which portions of the ARPR, if any, are no longer necessary and should be eliminated from the reporting requirements.

Comments are requested on how the Commission should monitor the adequacy of electric supply of electric generation suppliers. We also ask for a discussion on what reporting requirements should be imposed upon electric generation suppliers and whether and to what extent the reporting requirements should differ from those imposed on jurisdictional electric distribution companies as suppliers of last resort.

Comments are requested on the appropriate time period for reporting future customer demands and generating resources.

Comments are sought on the potential impact of confidentiality of information and a reduction in reporting requirements on the Commission's ability to prepare its annual report to the Governor and General Assembly under section 524(b) of the code. We also ask for a discussion of ways in which the Commission's report could be modified to accommodate these concerns.

Written comments, an original and 15 copies, must be received 30 days after the date this notice is published in the *Pennsylvania Bulletin*. The contact persons are Blaine Loper, Bureau of Conservation, Economics and Energy Planning, (717) 787-3810 (technical) and Carl Hisiro, Law Bureau, (717) 783-2812 (legal).

This is an advance notice of proposed rulemaking and is in addition to the normal rulemaking procedures for publication and comment established under the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1522. Filed for public inspection September 18, 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 8, 1998.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-8-98	Susquehanna Bancshares, Inc., Lititz, to acquire 100% of the voting shares of Cardinal Bancorp, Inc., Everett	Lititz	Approved

Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-8-98	HomeTowne Heritage Bank Earl Township Lancaster County <i>Correspondent:</i> J. Lawrence Grim, Jr., Esq. Grim, Biehn & Thatcher Sixth & Chestnut Sts. P. O. Box 215 Perkasie, PA 18944	Earl Township	Filed

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
9-3-98	Bally Building and Loan Association Bally Berks County <i>To:</i> Bally Savings Bank Bally Berks County Represents conversion from a State-chartered mutual savings association to a State-chartered mutual savings bank.	Bally	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-8-98	Lafayette Bank, Easton, and Ambassador Bank of the Commonwealth, Allentown Surviving Institution— Lafayette Bank, Easton, with a change in corporate title to Lafayette Ambassador Bank	Easton	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-1-98	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 1758 Allentown Road Lansdale Montgomery County	Filed

NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-3-98	Farmers First Bank Lititz Lancaster County	Weis Market Route 30 and Fruitville Pike Manheim Township Lancaster County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-1-98	Reeves Bank Beaver Falls Beaver County	<i>To:</i> 1700 Beaver Road Baden Beaver County <i>From:</i> 280 Ohio River Blvd. Baden Beaver County	Effective
9-4-98	Jersey Shore State Bank Jersey Shore Lycoming County	<i>To:</i> WalMart Supercenter Hogan Boulevard and Country Club Lane Mill Hall Clinton County <i>From:</i> Millbrook Plaza Hogan Boulevard Mill Hall Clinton County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-2-98	The York Bank and Trust Company York York County Weis Market 4300 Linglestown Road Harrisburg Dauphin County Weis Market 5000 Jonestown Road Harrisburg Dauphin County Weis Market 3885 Union Deposit Road Harrisburg Dauphin County Weis Market 1651 East Cumberland Street Lebanon Lebanon County	Nine branch offices at the following locations: Weis Market 800 South 12th Street Lebanon Lebanon County Weis Market 2160 White Street York York County West Manchester Mall 1800 Loucks Road York York County 1425 North Sherman Street York York County 2220 South Queen Street York York County	Approved
9-4-98	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	118 North Wayne Ave. Wayne Delaware County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Lumber Heritage Region Management Action Plan Study; Request for Proposal

The North Central Pennsylvania Regional Planning and Development Commission, in conjunction with the Department of Conservation and Natural Resources and the Lumber Heritage Region Core Steering Committee Task Force, is soliciting responses from consultants to conduct a Management Action Plan Study as outlined in the Request for Proposal (RFP) available from the North Central Pennsylvania Regional Planning and Development Commission.

The purpose of the Management Action Plan is to expand upon the information and structure developed

during the Lumber Heritage Region Feasibility Study with the final goal to be designated as a Pennsylvania State Heritage Park with lumber as the theme.

Copies of the Request for Proposal will be available until 4 p.m., Friday, September 29, 1998, by contacting Bob Imhof, Project Coordinator of the North Central Pennsylvania Regional Planning and Development Commission at (814) 773-3162, by fax at (814) 772-7045 or by e-mail at bimhof@ncentral.com.

Responses to the Request for Proposal must be received not later than 3 p.m. on Friday, October 30, 1998, to be eligible for consideration.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 98-1524. Filed for public inspection September 18, 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 Administrator has waived the right to review or object to this proposed permit action under the waiver provision to 40 CFR 123.6E.

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid service or other 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 0052663. Sewage, **Knight's Bridge Corporation**, 112 Chesley Drive, Suite 200, Media, PA 19063-1762.

This application is for renewal of an NPDES permit to discharge treated sewage from Knight's Bridge Corporation sewage treatment plant in Chadds Ford Township, **Delaware County**. This is an existing discharge to Harvey Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.09 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	1.0	2.0
(11-1 to 4-30)	3.0	6.0
Nitrate and Nitrite (as N)	10	20
Total Residual Chlorine	0.6	1.5
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	

Other Conditions:

The EPA Waiver is in effect.

Conditions for future permit modification.

Effective disinfection.

PA 0026867. Sewage, **Abington Township**, 1176 Old York Road, Abington, PA 19001.

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

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

The proposed effluent limits for Outfall 001, based on an average flow of 3.91 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (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)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Phosphorus (as P)	monitor/report			
Total Residual Chlorine (years 1 and 2)	1.0			2.5
(years 3, 4 and 5)	0.02			0.08
Total Copper	0.024	0.048		0.060
Free Cyanide	0.006	0.012		0.015
Dichlorobromomethane	monitor/report			
Whole Effluent Toxicity Ceriodaphnia Dubia	monitor/report			
Whole Effluent Toxicity Fathead Minnow	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			

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0063029. Sewerage, **Jeff Snyder**, t/a Fountain Court, Route 611, Fountain Court, Suite 21, Bartonsville, PA 18321.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Cranberry Creek in Pocono Township, **Monroe County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃ fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.005 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N		
(5-1 to 10-31)	3.5	7.0
(11-1 to 4-30)	10.5	21.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
(Months 1—24)	monitor and report	
(Months 25—60)	1.2	2.8

The EPA waiver is in effect.

PA 0008885-A1. Industrial waste, SIC: 2621, **Procter and Gamble Paper Products Company**, P. O. Box 32, Route 87, Mehoopany, PA 18629.

This proposed action is for an amendment of an NPDES permit to discharge treated process wastewater into the Susquehanna River in Washington Township, **Wyoming County**.

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 a design flow of 7.71 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
CBOD ₅	156	292
Total Suspended Solids	153	292
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	0.90	1.80

Discharge shall not cause a rise in the stream temperature of more than 5°F. above the ambient or a maximum of 87°F., whichever is less; not to be changed by more than 2°F. during any 1 hour period.

Outfall 002: Stormwater only

There are no limitations for this discharge.

Outfall 003: Emergency spill basin overflow; process are stormwater.

<i>Parameter</i>	<i>Daily Maximum</i>
Color	75 PT-Co units
pH	6.0—9.0 standard units at all times

Outfalls 004, 006 and 007: Stormwater only

There are no limitations for these discharges.

The EPA waiver is not in effect.

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

PA 0087785. Sewage, SIC: 8361, **Charter Behavioral Health System at Cove Forge**, New Beginnings Road, Williamsburg, PA 16693.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Frankstown Branch, in Woodbury Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	XXX	50
Total Suspended Solids	30	XXX	60
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	minimum of 5.0 at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0—9.0 inclusive	
Fecal Coliforms (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

For an appointment to review the DEP files on this case call Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0083542. Industrial waste, SIC: Code 3625 and 3825, **Flight Systems, Inc.**, 505 Fishing Creek Road, Lewisberry, PA 17339-9517.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to a drainage swale to Hogestown Run, in Silver Spring Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .00018 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XXX	XXX	XXX
Trichloroethylene	.005	.010	.0125

For an appointment to review the DEP files on this case call Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager; Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.

PA 0009202, Amendment No. 1. SIC: 3351 and 3362, **Cerro Metal Products Company**, P. O. Box 388, Bellefonte, PA 16823.

This proposed action is to amend the existing permit because of planned additional production at the plant. Production at plant No. 5 is being moved to plant No. 1, making this amendment necessary. This is an existing discharge of process water, cooling and noncontact cooling water to Logan Branch of Spring Creek in Spring Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is City of Lock Haven located on Bald Eagle Creek.

The proposed effluent limits for Outfall 001 based on a design flow of 0.225 mgd, are:

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum²</i>
Oil and Grease	15	30	30
pH (Std. units)		within the range 6.0—9.0	
Total Chromium	0.33	0.81	.825
Total Copper	1.15	2.3	2.9
Total Lead	0.493	0.99	1.23
Total Nickel	2.34	3.55	5.8
Total Zinc	1.43	3.49	3.58
Total Molybdenum	monitor		
Total Suspended Solids			

Other Conditions:

- (1) Chemical Additives
- (2) Whole Effluent Toxicity Testing

The EPA waiver is not in effect.

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

PA 0221058. Sewage. **Kirk Hummer SRSTP**, R. D. 1, Box 21, Grand Valley, PA 16420.

This application is for renewal of an NPDES permit to discharge treated sewage to an unnamed tributary to Caldwell Creek in Eldred Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: HQ-cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company located at Emlenton Borough, approximately 90 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.000400 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	XX	XX
pH	6.0—9.0 at all times	

XX—Monitor and Report on AMRs.

The EPA waiver is/is not in effect.

PA 0004596. Industrial waste, SIC: 3011, Semi Pneumatic Tires; 3052, Wire Re-inforced EPDM Hose; 3053, Gaskets; and 3069 Seed Tubes. **Gleason Corporation/Penn Industrial Products, Inc.**, 1700 Orco Drive, Conneautville, PA 16406-0483.

This application is for an existing NPDES permit, to discharge stormwater, boiler blowdown, and rubber molding contact and noncontact (bearing) cooling water to Conneaut Creek in Conneautville Borough, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water and migratory fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Conneaut Creek on the Ohio-Pennsylvania border located at river mile 23.91 and 30.25 miles below the discharge.

The proposed discharge limits, based on a design flow of 0.040 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
TSS	8		20
Oil and Grease	2		5
TRC	0.5		1.2
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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This discharge shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

PA 0220981. Sewage, **Darrell L. Kysor**, P. O. Box 34, Corry, PA 16407.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to Beaver Run in Elgin Borough, **Erie County**. This is an existing discharge, which replaced two malfunctioning onlot systems.

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

The proposed effluent limits for Outfall 001 based on average design flow of 0.000525 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10	20
Total Suspended Solids	20	40
Total Residual Chlorine	1.4	4.3
Fecal Coliform	200/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0222674. Sewage, **McKean Township Sewer Authority**, P. O. Box 88, McKean, PA 16426-0088.

This application is for a new NPDES permit to discharge treated sanitary sewage to Elk Creek in McKean/Fairview Townships, **Erie County**. This is a proposed discharge.

The receiving water is classified for warm water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the City of Erie in Erie County, approximately 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on average design flow of 0.25 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 4.0 mg/l at all times	
Total Residual Chlorine	0.46	1.5
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	8,500/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0040517. Sewage, **Idyll Whyte Village Mobile Home Park**, 700 Skyline Drive, McKean, PA 16426.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to Elk Creek in Washington Township, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water and migratory fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the City of Erie in Erie County, approximately 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on average design flow of 0.013 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	12.5	25
(11-1 to 4-30)	37.5	xx
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5	1.12
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	5,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0103811, Amendment No. 2. Industrial waste, SIC: 4953, **Waste Management Disposal Services of PA, Inc./Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061.

This application is for an amended NPDES Permit to discharge treated industrial waste to the South Branch of Slippery Rock Creek in Clay Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Salvation Army Camp on Slippery Rock Creek located at Wayne Township, Lawrence County, approximately 35.5 miles below point of discharge.

The proposed discharge limits for Outfall No. 005 based on a design flow of .167 mgd, are:

<i>Parameters</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instant Maximum (mg/l)</i>
Flow (MGD)	XX		
CBOD ₅	32	64	80
TSS	100	200	250
NH ₃ -N			
(5-1 to 10-31)	2.5		6.3
(11-1 to 4-30)	7.5		18.5
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	
Oil and Grease	15		30
Antimony	.01	.02	.03
Aluminum	0.3	0.6	0.75
Barium	0.3	0.6	0.75
Boron	2.0	4.0	5.0
Cobalt	.024	.048	.06
Total Iron	1.6	3.2	4.0
Dissolved Iron	0.3	.6	.75
Manganese	1.0	2.0	2.5
Arsenic	0.05	0.1	0.125
Beryllium	0.005	0.01	0.0125
Cadmium	.001	.002	.003
Chromium (T)	0.125	0.25	0.312
Copper	.014	.028	.035
Lead	.004	.008	.01
Nickel	0.15	0.3	0.375
Selenium	.006	.012	.015
Silver	.003	.006	.008
Thallium	0.002	0.004	0.005
Vanadium	0.009	0.018	0.0225
Zinc	.09	.18	.237
Cyanide (Free)	.006	.012	.015
Benzene	.001	.002	.003
Methylene Chloride	.008	.016	.02
Toluene	0.05	0.1	0.125
Chlorobenzene	0.02	0.04	0.05
Chloroform	0.009	0.018	.023
Chloromethane	0.1	0.2	0.25
1,2 Trans-Dichloroethylene	0.03	0.06	0.075
1,1,1 Trichloroethane	0.1	0.2	0.25
Phenol	.025	.05	.06
Butylbenzyl Phthalate	0.01	0.02	0.03
Diethyl Phthalate	.025	0.05	0.063
Isophorone	0.05	0.1	0.125
Lindane	0.000032	0.000064	0.00008
4,4'-DDT	0.0000008	0.0000016	0.000002
1,2,3 Trichloropropane	0.1	0.2	0.25
Tetrahydrofuran	0.025	.05	0.063
Acetone	0.109	.22	0.272
2-Hexanone	0.015	.03	0.037
4-Methyl 2-Pentanone	0.015	.03	0.037
Xylene	0.01	.02	0.03
p-Cresol	0.05	.1	0.12
pH		within limits of 6.0—9.0 standard units at all times	

XX—Monitor and Report on Monthly DMRs

Samples taken at the following location(s): *Outfall 005 (Prior to mixing with any other waters).*

The EPA waiver is in effect.

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

PA 0090689. Sewage, **Maple Creek Mining, Inc.**, 981 Route 917, Bentleyville, PA 15314.

This application is for renewal of an NPDES permit to discharge treated sewage from Maple Creek Mine, Spinner STP in Fallowfield Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sawmill 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 Western Pennsylvania Water Authority.

Outfall 001: existing discharge, design flow of 0.02 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)	4			8
(11-1 to 4-30)	12			24
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0097667. Sewage, **Pittsburgh International Industrial Park**, 1001 International Drive, Imperial, PA 15126.

This application is for renewal of an NPDES permit to discharge treated sewage from Pittsburgh International Industrial Park in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Branch Robinson Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority.

Outfall 001: existing discharge, design flow of .006 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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217921. Sewage, **Keystone Coal Mining Corp.**, P. O. Box 729, Indiana, PA 15701.

This application is for issuance of an NPDES permit to discharge treated sewage from Urling Mine No. 3 Portal STP in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Walker 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 Buffalo Municipal Authority.

Outfall 005: existing discharge, design flow of .00625 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)	22			44
(11-1 to 4-30)	monitor and report			
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 ml as a geometric mean			

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

The EPA waiver is in effect.

NPDES Minor Renewals

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

NPDES No.	Facility Name and Address	County and Municipality	Tributary Stream	New Permit Requirements
PA 0084778	Granville Twp. Muni. Auth. 100 Helen St. Lewistown, PA 17044	Mifflin Oliver Twp.	Strodes Run	TRC
PA 0085740	Mill Creek Area Muni. Auth. P. O. Box 4 140 Mill St. Ext. Mill Creek, PA 17060	Huntingdon Mill Creek Boro	Juniata River	TRC
PA 0043443	Alexandria Boro-Porter Twp. Jt. Muni. Auth. P. O. Box 113 Alexandria, PA 16611-0113	Huntingdon Porter Twp.	Frankstown Branch of Juniata River	TRC
PA 0083429	W. Cocalico Twp. Auth. 156B W. Main St. Reinholds, PA 17569	Lancaster W. Cocalico Twp.	Little Cocalico Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

A. 4598404. Sewerage. **David Pierce**, P. O. Box 4, East Stroudsburg, PA 18301. Application to construct and maintain an onlot sewage disposal system to serve Pierce's Landing, located in Smithfield Township, **Monroe County**. Application received in the Regional Office August 27, 1998.

Southcentral Regional Office: Water Management Program Manager; 909 Elmerton Avenue, 2nd Floor; Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

A. 4487402, Amendment 98-1. Sewage submitted by **Burnham Borough Authority**, 200 First Avenue, Burnham, PA 17009 in Burnham Borough, **Mifflin County** to rerate their existing wastewater treatment plant was received in the Southcentral Regional Office on September 2, 1998.

A. 2198408. Sewage submitted by **Silver Spring Township Authority**, 6475 Carlisle Pike, Mechanicsburg, PA 17055 in Silver Spring Township, **Cumberland County** to construct the John Keener Subdivision Pumping Station on Texaco Road was received in the Southcentral Regional Office on August 25, 1998.

A. 0572401, Amendment 98-1. Sewage submitted by **Municipal Authority of the Borough of Bedford**, 244 West Penn Street, Bedford, PA 15522 in Bedford Borough, **Bedford County** to re-rate their existing wastewater treatment plant was received in the Southcentral Region on August 21, 1998.

A. 6798409. Sewage submitted by **West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331 in West Manheim and Penn Townships to construct the Colonial Hills—Phase 10 Sewer Extension was received in the Southcentral Regional Office on August 25, 1998.

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

WQM Permit No. 1069205. Industrial waste. **Witco Corporation**, 100 Witco Lane, Petrolia, PA 16050-0336. This project is for the addition of an ultraviolet disinfection unit in Fairview Township, **Butler County**.

WQM Permit No. 2598409. Sewage. **Union City Municipal Authority**, 12 South Main Street, Union City, PA 16438-1325. This project is for a proposed modification to the existing sewage treatment plant to add a new wastewater disinfection unit and control system in Union Township, **Erie County**.

WQM Permit No. 2598411. Sewage. **Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509. This project is for the construction of a new gravity collection sewer line and pumping station with force main adjacent to Route 99 near the Millcreek Township Boundary in Summit Township, **Erie County**.

WQM Permit No. 6298408. Sewage, **Howard P. Jones, SRSTP**, R. R. 1, Box 19, Bear Lake, PA 16402. This project is for the construction of a Single Residence Sewage Treatment Plant in Freehold Township, **Warren County**.

WQM Permit No. 6298409. Sewage, **Daniel and April M. Helmuth, SRSTP**, R. R. 2, Box 258, Corry, PA 16407. This project is for the construction of a Single Residence Sewage Treatment Plant in Columbus Township, **Warren County**.

WQM Permit No. 2598412. Sewage, **Timothy D. Klein, SRSTP**, 1201 Sirak Dr., Fairview, PA 16415-1407. This project is for the construction of a Single Residence Sewage Treatment Plant in LeBoeuf Township, **Erie 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. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 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 1 (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-G338. Stormwater. **Philadelphia Suburban Water Co.**, 762 West Lancaster Ave., Bryn Mawr, PA 19010, has applied to discharge stormwater from a construction activity located in Wallace Township, **Chester County**, to East Branch Brandywine Creek.

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

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

NPDES Permit PAS10Q162. Stormwater. **Pa. Department of Transportation**, Stephen MacLean, 1713 Lehigh Street, Allentown, PA 18103, has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

NPDES Permit PAS10Q149-1. Stormwater. **Millbrook Chase, L. P.**, J. B. Reilly, 4445 Harriet Lane, Bethlehem, PA 18017, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

SAFE DRINKING WATER

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

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

A. 1598513. Public water supply. **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn

Mawr, PA 19010. This proposal involves the construction of a 1.0 mgd conventional water treatment plant in Wallace Township, **Chester County**.

A. 0998507. Public water supply. **Meadow Farms Apartments**, P. O. Box 501, Quakertown, PA 18951. This proposal involves the permitting of an existing water supply system that serve: the Meadow Farms Apartments in East Rockhill Township, **Bucks County**.

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

A. 3198504. Public water supply. **Warriors Mark General Authority**, Warriors Mark Township, **Huntingdon County**. *Responsible Official:* Terry Ellenberger, Chairperson, Warriors Mark General Authority, P. O. Box 122, Warriors Mark, PA 16877. *Type of Facility:* Development of Cox Well No. 4 and the construction of a 227,000 gallon water storage tank. *Consulting Engineer:* Dana R. Boob, Dana R. Boob Surveying and Engineering, P. O. Box 699, Millheim, PA 16854.

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 below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. 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, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

D. L. Martin Company, Mercersburg Borough, **Franklin County**. D. L. Martin Company, 25 East Harbaugh Drive, Mercersburg, PA 17236 has submitted a Notice of Intent to Remediate site groundwater to meet the site-specific standard for antimony and cadmium. This amends a Notice of Intent to Remediate previously submitted. A summary of the Notice of Intent to Remediate was reported to have been published in the Chambersburg *Public Opinion* during the week of August 24, 1998.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications 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.

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

General Permit Application No. WMGM004. Waste Management of PA, Inc. was published August 8, 1998 with the incorrect application number WMGR004. An application for the processing (baling and transfer) of waste carpet prior to its beneficial use.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

The Williamsport Hospital, 777 Rural Avenue, Williamsport, PA 17701; Kenneth Jessick, Senior Manager; License No. **PA-HC 0186**; renewal application received on August 28, 1998.

Apex Waste Services, Inc., 13 Peggy Parkway, Dunmore, PA 18512; Patrick Gilroy, Safety/Compliance; License No. **PA-HC 0194**; renewal application received on August 26, 1998.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

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

Notice is hereby given that 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 through 143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

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

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

40-306-007C: Williams Generation Co. (Humboldt Industrial Park, Rural Route 1, Box 409D, Hazleton, PA 18201) for operation of a gas turbine in Hazle Township, **Luzerne County**.

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

06-1007L: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for operation of three hot box burner stations in Reading, **Berks County**.

06-3015: Construction Fasteners, Inc. (P. O. Box 6326, Wyomissing, PA 19610) for operation of a dip coating line and curing oven controlled by a venturi and bed scrubbers in Exeter Township, **Berks County**.

06-3024: Wolfe Dye & Bleach Works, Inc. (25 Ridge Road, Shoemakersville, PA 19555) for operation of two fabric dryers in Exeter Township, **Berks County**.

28-310-002D: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for a Limestone Crushing Plant in Guilford Township, **Franklin County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

31-310-025C: U. S. Silica (P. O. Box 187, Berkeley Springs, WV 25411) for Silica Sandstone Dry Screening Operation controlled by a fabric collector at their Keystone Plant located in Brady Township, **Huntingdon County**.

36-91914A: Texas Eastern Transmission Corp. (P. O. Box 1642, Houston TX 77251) for operation of a Mars Gas Turbine (Solar) and Emergency Generator (Caterpillar) at the Marietta Compressor Station in East Donegal Township, **Lancaster County**.

67-310-009B: Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231) for a Stone Crushing and Screening Operation in Manchester Township, **York County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

67-313-027: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) for Precipitated Calcium Carbonate Plant and PCC Lime Storage and Handling System controlled by a fabric collector in Spring Grove Borough, **York County**.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

18-313-018B: Avery Dennison Chemical Div. (R. D. 2, Box 70, Mill Hall, PA 17751) for operation of various chemical reactors and related equipment (T-201, T-202, T-301, T-302, T-601, R-700, T-701 and T-702) and associated air cleaning devices (two thermal oxidizers) in Bald Eagle Township, **Clinton County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

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 below. 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 any 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.

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

42-00011: Allied Signal Astor Wax Mfg., McKean Plant (P. O. Box 3367, Smethport, PA 16749) located in Keating Township, **McKean County**. The facility's major emission sources include the several boilers, heaters, compressors and storage tanks. The facility is a major facility due to its potential to emit of volatile organic compounds, nitrogen oxides, carbon monoxide, sulfur oxides and particulate matter less than 10 microns in diameter.

43-00196: General Electric Transportation Systems, Grove City (2901 East Lake Road, Erie, PA 16531) located in Pine Township, **Mercer County**. The facility's major emission sources include boilers, paint booths and diesel engine test cells. The facility is a major facility due to its potential to emit of volatile organic compounds, nitrogen oxides and carbon monoxide.

10-00266: Resolite, A United Dominion Co. (P. O. Box 338, 100 Perry Highway, Zelenople, PA 16063) located in Zelenople Borough, **Butler County**. The facility's major emission sources include resin application and lamination lines. The facility is a major facility due to its potential to emit of volatile organic compounds and styrene.

42-00009: Pittsburgh Corning Corp. (P. O. Box 39, Port Allegany, PA 16743) located in Port Allegany Borough, **McKean County**. The facility's major emission sources include edge coaters, material handling equipment and glass melting furnaces. The facility is a major facility due to its potential to emit of nitrogen oxides, sulfur oxides and particulate matter less than 10 microns in diameter.

10-00027: Penreco (138 Petrolia Street, Karns City, PA 16041) located in Karns City Borough, **Butler County**. The facility's major emission sources include several boilers, furnaces, the oleum process equipment and flares. The facility is a major facility due to its potential to emit of volatile organic compounds, nitrogen oxides, carbon monoxide, sulfur oxides and particulate matter less than 10 microns in diameter.

33-00002: Owens Brockway Glass Containers, Inc. (One Seagate, 30-LGC, Toledo, OH 43666) located in Snyder Township, **Jefferson County**. The facility's major emission sources include material handling equipment, glass melting furnaces, and miscellaneous natural gas fired process heaters. The facility is a major facility due to its potential to emit of nitrogen oxides and sulfur oxides.

10-00285: Waste Management of PA, Northwest Sanitary Landfill (1436 West Sunbury Road, West Sunbury, PA 16061) located in Clay Township, **Butler County**. The facility's major emission sources include the landfill, flare and wastewater treatment plant. The facility is a major facility due to its potential to emit of volatile organic compounds, nitrogen oxides and carbon monoxide.

43-00142: Salem Tube, Inc. (951 4th Street, Reynolds Industrial Park, Greenville, PA 16125) located in Pymatuning Township, **Mercer County**. The facility's major emission sources include annealing furnaces and a halogenated solvent degreaser. The facility is a major facility due to its potential to emit of volatile organic compounds and trichloroethylene.

Notice of Intent to Issue

Operating Permit Application No. 65-307-076

Notice is hereby given under 25 Pa. Code § 127.424 that the Department of Environmental Protection (Department) intends to issue an operating permit for the operation of the No. 91 anneal and pickle line at **Allegheny Ludlum's Vandergrift Plant in Westmoreland County, PA**. The No. 91 anneal and pickle line is composed of the following:

- a) An annealing furnace equipped with low NOx burners.
- b) A HNO₃/H₂SO₄ pickle system equipped with a Tri-Mer Corporation 4 stage scrubber.
- c) A H₂SO₄/Na₂SO₄ pickle system equipped with a Tri-Mer Corporation single stage packed bed scrubber.
- d) Two gas fired dryers.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address noted. Operation of the No. 91 anneal and pickle line may result in increases up to: 82.3 tons/year of NOx; .3 lb/hour of HNO₃; .1 lb/hr of HF; .2 lb/hr of H₂SO₄; and .2 lb/hr Na₂SO₄.

In order to assure compliance with all applicable standards, conditions in the operating permit will prescribe emission limits, monitoring requirements, record-keeping requirements, work practice standards and testing requirements.

The Department has also included conditions requiring Allegheny Ludlum to obtain and secure emission reductions to offset the allowable increases of NOx emissions.

Any person wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Operating Permit, may submit the information to the Department at the address shown. A 30 day comment period, from the date of the publication, will exist for the submission of comments. Each written comment must contain the following: the name, address and telephone number of the person submitting the comments; identification of the proposed operating permit; and, concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

A public hearing may be held if the Department in its discretion decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, whereas the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to: Joseph P. Pezze, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact Brian J. Hammer, Environmental Protection Compliance Specialist, Air Quality Control, at the same address.

Any person may oppose the proposed Operating Permit by filing a written protest with the Regional Air Program Manager, at the address noted. The protest shall include the following: name, address and telephone of the person filing the protest; identification of the proposed Operating Permit issuance being opposed; and, concise statements of the objections to the Operating Permit issuance and relevant facts upon which the objections are based.

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.

09-0012: Klearfold, Inc. (364 Valley Road, Warrington, PA 18976) for installation of a Non-Heatset Printing Press in Warrington Township, **Bucks County**.

46-0081A: Markel Corp. (416 School Lane, Norristown, PA 19404) for eight Extrusion Vapor Ovens in Plymouth Township, **Montgomery County**.

46-0005F: Merck & Company, Inc. (770 Sumneytown Pike, West Point, PA 19486) for installation of a Low NOx Burner Gas/Oil Boiler in Upper Gwynedd Township, **Montgomery County**.

46-0005G: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) for installation of a NOx Control Device Gas/Oil Turbine in Upper Gwynedd Township, **Montgomery County**.

46-0005H: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) for construction of a Gas Fired Combustion Turbine in Upper Gwynedd Township, **Montgomery County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-320-002: PA Hutchison Co. (721 Dresher Road, Suite 1200, Horsham, PA 19044) for construction of two Lithographic print lines at 400 Penn Avenue in Mayfield Borough, **Lackawanna County**.

39-313-042: Filmtech Corp. (P. O. Box 2005, Easton, PA 18044) for modification of a polyethylene extrusion system at 2121 31st Street Southwest in Allentown, **Lehigh County**.

39-317-025: Windy Hill Pet Food Co., Inc. (6821 Ruppssville Road, Allentown, PA 18106) for construction of a pet food manufacturing process in Upper Macungie Township, **Lehigh County**.

40-302-139: Rad Woodwork Co., Inc. (19 East Broad Street, Hazleton, PA 18201) for construction of a wood fired boiler at Maple Street in Nescopeck Township, **Luzerne County**.

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

06-1007N: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for modification of an annealing furnace in Reading, **Berks County**.

22-03017: Hoover Funeral Homes of Linglestown Inc. (6011 Linglestown Rd., Harrisburg, PA 17112) for installation of a new human crematorium located at their funeral home in Lower Paxton Township, **Dauphin County**.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

49-399-013B: Hoeganaes Corp. (1001 Taylors Lane, Cinnaminson, NJ 08077) for construction of an iron powder bonding operation and associated air cleaning devices (cartridge collectors) in Delaware Township, **Northumberland County**.

55-303-003: Meckley's Limestone Products, Inc. (R. D. 1, Box 950, Herndon, PA 17830) for construction of a batch asphalt concrete plant and associated air cleaning device (a fabric collector) in Franklin Township, **Snyder County**. This plant will be subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

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:

56823033. Permit Renewal, Croner, Inc. (P. O. Box 157, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 126.6 acres, receiving stream unnamed tributary to Blue Lick Creek and Swamp Creek, Swamp Creek, Blue Lick Creek, application received August 28, 1998.

56930107. Permit Renewal, Future Industries, Inc. (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 78.5 acres, receiving stream unnamed tributaries to Buffalo Creek and Buffalo Creek, application received August 31, 1998.

56763036. Permit Renewal, Shade Landfill, Inc. (R. D. 1, Box 305, Cairnbrook, PA 15924), commencement, operation and restoration of bituminous strip mine, for reclamation, only in Shade Township, **Somerset County**,

affecting 84.2 acres, receiving stream Miller Run, application received September 3, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17980118. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 193.3 acres, receiving streams: unnamed tributaries 1 and 2 to the West Branch of the Susquehanna River; unnamed tributary 3 to Montgomery Creek to West Branch of the Susquehanna River, application received August 27, 1998.

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

54930102R. Harriman Coal Corporation (P. O. Box 127, Valley View, PA 17983), renewal of an existing anthracite mine operation in Porter Township, **Schuylkill County** affecting 460.0 acres, receiving stream—none. Application received August 19, 1998.

40810108R3. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), renewal of an anthracite surface mine operation in Plains Township, **Luzerne County** affecting 82.0 acres, receiving stream—none. Application received August 24, 1998.

40840203R3. Rossi Excavating Company (9 West Fifteenth Street, Hazleton, PA 18201), renewal of an existing anthracite reprocessing operation in Hazle Township, **Luzerne County**, affecting 101.0 acres, receiving stream—Lackawanna River. Application received August 20, 1998.

54860206R2. Westwood Energy Properties LTD. (1177 West Loop South, Suite 900, Houston, TX 77027-9007), renewal of an existing anthracite reprocessing operation in Frailey and Porter Townships, **Schuylkill County**, affecting 441.4 acres, receiving stream—Rausch Creek. Application received August 20, 1998.

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

Noncoal Permits Received

7273SM8C2. Huss Contracting Company (P. O. Box 549, Tamaqua, PA 18250), renewal of NPDES Permit No. PA0613185 in West Penn Township, **Schuylkill County**, receiving stream—Unnamed Tributary to Lizard Creek. Application received August 19, 1998.

5777SM4C. Barletta Materials & Construction, Inc. (P. O. Box 10, Hazleton, PA 18201), renewal of NPDES Permit No. PA0034690 in Nescopeck Township, **Luzerne County**, receiving stream—unnamed tributary to Susquehanna River. Application received August 19, 1998.

58910301C. F. S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732), renewal of NPDES Permit No. PA0595454 in Forest Lake Township, **Susquehanna County**, receiving stream—unnamed tributary to Middle Branch Wyalusing Creek. Application received August 24, 1998.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have

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

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

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

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

E39-356. Encroachment. **K&M Associates, Inc.**, P. O. Box 332, Trexlertown, PA 18087. To construct and maintain a stormwater outfall channel having a bottom width of 24 feet with 3 H:1V side slopes and R5 rock riprap channel lining along the right bank of Little Lehigh Creek (HQ-CWF). The project is associated with Brandywine Village, is located on the north side of T-475 approximately 1.5 miles west of S. R. 3003 (Allentown West, PA Quadrangle N: 6.3 inches; W: 9.4 inches), in Lower Macungie Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E48-273. Encroachment. **North American Equities Corporation**, P. O. Box 7, Pen Argyl, PA 18072. To construct and maintain six road crossings across Tributaries of Little Bushkill Creek (HQ-CWF) and 0.16 acre of adjacent wetland for the purpose of constructing the Oakwood Apartment Complex. The project is located between S. R. 0033 and S. R. 0512, just north of S. R. 1026 (Wind Gap, PA Quadrangle N: 18.4 inches; W: 6.4 inches) in Wind Gap Borough, **Northampton County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-197. Encroachment. **Robert J. and Alberta B. Robbins**, HC-62, Box 622, Honesdale, PA 18431-9336. To excavate in 0.34 acre of PEM wetlands for the purpose of creating a 0.37 acre pond for agriculture and fire protection and to construct and maintain a 6-inch dry hydrant intake structure from the created pond. The project is located along a Tributary to Carley Brook (HQ-CWF), approximately 3,500 feet southwest of Upper Wilcox Pond, near the terminus of T-558 (Beardsley Road) (Galilee, PA Quadrangle N: 0.4 inch; W: 13.0 inches), in Oregon Township, **Wayne County** (Philadelphia District, U.S. Army Corps of Engineers).

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

E15-591. Encroachment. **Church Farm School**, P. O. Box 5, Paoli, PA 19301. To construct, operate and main-

tain 83.3 linear feet of poured in place concrete box culvert having triple 4.25 feet high by 12 feet wide cells placed in and along an unnamed tributary to West Valley Creek (CWF) and place fill in 0.10 acre of adjacent wetlands (PEM). The structure is associated with the construction of a connector road from Lincoln Highway (S. R. 0030) and Swedesford Road (Malvern, PA Quadrangle N: 6.8 inches; W: 13.15 inches) in West Whiteland Township, **Chester County**.

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

E07-297. Encroachment. **Raymond Black**, 108 Himes Ln., Duncansville, PA 16635. To authorize previously placed unpermitted fill in the floodway of Poplar Run and 0.02 acre (de minimis) of associated wetlands for the purpose of providing a vehicular parking area for a private residence located along the north side of SR 3003 about 0.6 mile east of Puzzletown (Hollidaysburg, PA Quadrangle N: 1.2 inches; W: 14.6 inches) in Freedom Township, **Blair County**.

E07-300. Encroachment. **Westvaco Corporation**, Paul Budris, 1600 Pennsylvania Avenue, Tyrone, PA 16686. To remove an existing stone masonry retaining wall and to construct and maintain a 13.0-foot high, 75-foot long steel reinforced concrete retaining wall and to underpin with concrete another 120 feet of existing stone masonry wall along the south side of Bald Eagle Creek located at the Westvaco manufacturing facility in Tyrone, PA (Tyrone, PA Quadrangle N: 10.0 inches; W: 15.0 inches) in Snyder Township, **Blair County**.

E28-259. Encroachment. **Letterkenny Army Depot**, Building 618, Chambersburg, PA 17201. To (1) replace and maintain Floodgate Numbers 5 to 9 in the channel of an unnamed tributary to Rocky Spring Branch; and, (2) remove vegetated sedimentary deposits in order to widen and realign the channel, and to repair and maintain Bridge Numbers 1 to 5, 13, 14, 21, 22, 34, 37, 38 and 42 over an unnamed tributary to Rocky Spring Branch on Louisiana and Georgia Avenues (Chambersburg, PA Quadrangle N: 19.1 inches; W: 10.58 inches; to N: 22.25 inches; W: 12.4 inches) in Letterkenny Township, **Franklin County**.

E28-260. Encroachment. **Letterkenny Army Depot**, Building 618, Chambersburg, PA 17201. To remove vegetated sedimentary deposits in order to widen and realign the channel of an unnamed tributary to Keasey Run and to rehabilitate Bridge No. 29 (Roxburg, PA Quadrangle N: 9.0 inches; W: 7.2 inches) in Letterkenny Township, **Franklin County**.

E28-261. Encroachment. **Letterkenny Army Depot**, Building 618, Chambersburg, PA 17201. To remove vegetated sedimentary deposits in order to widen and realign the channel; and, to repair and maintain Bridge Numbers 8, 10, 12, 25, 28, 35, 39, 40 and 41 over Muddy Run and its tributaries on Virginia, Pennsylvania and Florida Avenues (Roxbury, PA Quadrangle N: 5.1 inches; W: 5.08 inches to N: 5.4 inches; W: 10.5 inches) in Letterkenny Township, **Franklin County**.

E28-262. Encroachment. **Letterkenny Army Depot**, Building 618, Chambersburg, PA 17201. To remove the existing Bridge 47 structure and to construct and maintain a 9-foot × 6-foot box culvert in the channel of Dennis Creek on Dud (Fannettsburg, PA Quadrangle N: 1.5 inches; W: 0.3 inch) in Letterkenny Township, **Franklin County**.

E36-659. Encroachment. **City of Lancaster**, 120 N. Duke Street, Lancaster, PA 17608. To remove the existing pump station structure and construct and maintain a new Susquehanna (Sewage) Pump Station with a valve vault and wet well to be located within the 100-year floodplain of the Conestoga River. The purpose of the project is to increase the station capacity which conveys flows to the Lancaster City WWTP. The facility is located at the northeast corner of Chesapeake and Strawberry Streets (Lancaster, PA Quadrangle N: 5.25 inches; W: 6.5 inches) in the City of Lancaster, **Lancaster County**.

E67-636. Encroachment. **Pennex Aluminum Company**, Douglas Hart, P. O. Box 100, Wellsville, PA 17365. To place fill in a de minimis area of wetlands equal to 0.03 acre for the purpose of building expansion located on the northwest corner of Community and Carroll Streets (Wellsville, PA Quadrangle N: 9.5 inches; W: 9.1 inches) in Wellsville Borough, **York County**.

E67-637. Encroachment. **York County Board of Commissioners**, One West Marketway, 4th Floor, York, PA 17401. To maintain the existing York County Rail/Trail Bridge at M. P. 44.84 over the south Branch of the Codorus Creek located south of Seitzville Road just east of SR 0616, 1 mile south of Seven Valleys (Seven Valleys, PA Quadrangle N: 14.4 inches; W: 1.7 inches) in Codorus and Springfield Townships, **York County**.

E67-638. Encroachment. **Cornerstone Development Group, Inc.** (P. O. Box 179, Felton, PA 17322). To construct and maintain a 13-foot by 6-foot, 9-inch steel arch having a length of 70 feet in an unnamed tributary to Kreutz Creek for the proposed access road into the Buttonwood Farms Development located adjacent to Clayton Ely Emig Memorial Park off of South Park Street (Columbia West, PA Quadrangle N: 0.4 inch; W: 14.4 inches) in Hellam Borough, **York County**.

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

E08-337. Encroachment. **Pike Township Supervisors**, R. R. 1, Box 71, Leraysville, PA 18829. To remove the existing structure and to construct and maintain a 15 foot 1 inch wide by 5 foot 9 inch high corrugated aluminum box culvert in Southwick Creek with the associated 60 foot long by 3 foot high right overflow channel block located 0.25 mile north on T-790 from its intersection with SR 1026 (Little Meadows, PA Quadrangle N: 0.3 inch; W: 1.8 inches) in Pike Township, **Bradford County**. Estimated stream disturbance is 30 linear feet; stream classification is Cold Water Fishery.

E14-330. Encroachment. **Millheim Borough**, P. O. Box 421, Millheim, PA 16854-0421. To remove the existing structure and to construct and maintain an 84 inch by 32 foot long corrugated pipe arch culvert in an unnamed tributary to Elk Creek on Long Lane Road approximately 0.5 mile south of the intersection of Long Lane Road with Rt. 45 (Millheim, PA Quadrangle N: 1.5 inches; W: 14.7 inches) in Millheim Borough, **Centre County**. The project will impact on less than 0.02 acre of wetlands while impacting approximately 40 feet of waterway; stream classification is Exception Value.

E18-263. Encroachment. **Ernest Renninger**, R. R. 1, Box 95E, Mill Hall, PA 17751. To construct and maintain a 76 foot 9 inch timber slope stabilization wall and private 36 foot x 20 foot boat slip on the West Branch of Susquehanna River located 1 mile west on SR 1001 from the intersection of Jay St. (Lock Haven, PA Quadrangle N: 3.9 inches; W: 11.6 inches) in Woodward Township,

Clinton County. This proposed project will require a cofferdam during construction which will temporarily impact 80 feet of east shore of West Branch of Susquehanna River which is designated Warm Water Fishery and will not impact wetlands.

E41-433. Encroachment. **Michael Flock**, Dunwoody Big Bear Club, R. R. 3, Box 426, Middleburg, PA 17842. To replace and maintain a water intake structure with 50 feet of 14 inch diameter perforated steel pipe under the channel floor of Bear Creek located 3.5 miles east on SR 1007 (Big Bear Creek Road) from the intersection of SR 87 (Picture Rocks, PA Quadrangle N: 21.9 inches; W: 16.0 inches) in Plunketts Creek Township, **Lycoming County**. Estimated stream disturbance is 10 linear feet; during construction a pump will divert the stream and will not impact wetlands, stream classification is Cold Water Fishery.

E41-434. Encroachment. **Lycoming Creek Realty Co., Inc.**, R. R. 2, Box 330, Williamsport, PA 17701. To remove the existing culvert and to construct and maintain a 6.25 foot steel pipe and a 6 foot corrugated metal pipe joined together with a reinforced concrete endwalls in Bottle Run located adjacent to the intersection of Zuni Lane and Sechler Circle Lane (Cogan Station, PA Quadrangle N: 2.4 inches; W: 7.6 inches) in Old Lycoming Township, **Lycoming County**. Estimated stream disturbance is 214 linear feet; stream classification is Warm Water Fishery.

E59-375. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To maintain a twin cell 10 foot by 12 foot concrete culvert and to maintain a clear and stable channel for 600 linear feet upstream and 150 linear feet downstream of the culvert in Elkhorn Creek located 300 feet west on SR 287 from its intersection with SR 4024 (Tioga, PA Quadrangle N: 5.7 inches; W: 4.8 inches) in Tioga Township, **Tioga County**. Estimated stream disturbance is 1,150 linear feet of Elkhorn Creek; stream classification is Warm Water Fishery.

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

E02-1248. Encroachment. **Bear Run Apartments, L. P.**, 650 Washington Road, Pittsburgh, PA 15228. To construct and maintain a 60-inch RCP culvert depressed 1 foot, in a tributary to Bear Run for the purpose of stabilizing the left bank hill side. The project is located on the east side of Arndt Road and Lowries Run Road (Emsworth, PA Quadrangle N: 9.3 inches; W: 11.5 inches) in Ohio Township, **Allegheny County**.

E11-264. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing bridge and to construct and maintain a reinforced concrete box culvert having a normal span of 19.7 feet and an underclearance of 4.0 feet in Howells Run (CWF). The invert of the culvert will be depressed 1.0 foot and contain a notched baffle. Also to construct and maintain an elevated floodplain within the floodway of Howells Run for a distance of 212.0 feet downstream from the bridge and to construct and maintain a temporary stream crossing consisting of a 71-inch x 47-inch CMP arch culvert in an unnamed tributary to Howells Run (CWF) and a temporary stream crossing consisting of a 77-inch CMP arch culvert in Howells Run (CWF). The project is located along S. R. 1001 approximately 500 feet northeast of its intersection with S. R. 0422 (Ebensburg, PA Quadrangle N: 19.7 inches; W: 12.4 inches) in Ebensburg Borough, **Cambria County**.

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

E10-286. Encroachment. **Mine Safety Appliance Company**, P. O. Box 426, Pittsburgh, PA 15230-0426. To place fill in 0.187 acre of an isolated wetland as part of roadway construction and corporate office building construction on Lot H within the Cranberry Woods Office Park being developed by Mine Safety Appliance Company and Trammell Crow Company. This project is located approximately 3,600 feet southwest of the I-79 and S. R. 0228 overpass at Exit 25 on I-79. This project will include the creation of at least 0.187 acre of replacement wetlands within the Cranberry Woods Office Park (Mars, PA Quadrangle N: 10.0 inches; W: 13.0 inches) located in Cranberry Township, **Butler County**.

E20-458. Encroachment. **Hamilton Wentworth Limited**, Hungry Hollow Road, Great Valley, NY 14741. To place fill in 0.15 acre of an isolated wetland as part of a commercial retail development. This project is adjacent to the Meadville Wal-Mart on S. R. 0006/0322 approximately 2,000 feet southwest of the intersection of S. R. 0006/0322, S. R. 0098, and S. R. 0019. This project will include contribution to the Wetland Replacement Fund for replacing the impacts to 0.15 acre of wetlands (Geneva, PA Quadrangle N: 22.25 inches; W: 11.75 inches) located in Vernon Township, **Crawford County**.

E25-573. Encroachment. **PA Department of Transportation**, 1140 Liberty Street, Franklin, PA 16323-1289. To remove the existing structure and to construct and maintain a pre-cast reinforced concrete channel beam bridge with a single clear span of 33 feet 6 inches and an underclearance of 5 feet 10 inches on SR 3012 across the West Branch of Cussewago Creek (WWF). The project is located on S. R. 3012 across the West Branch of Cussewago Creek approximately 1,100 feet southeast of the intersection of S. R. 3012 and S. R. 3010 near the village of Pageville (Conneautville, PA Quadrangle N: 19.5 inches; W: 2.4 inches) located in Elk Township, **Erie County**.

E37-122. Encroachment. **Lawrence County Commissioners**, Lawrence County Government Center, 430 Court Street, New Castle, PA 16101-3593. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge with a single span of 70.0 feet and a maximum underclearance of 11.87 feet on Russell Road (T-340) across the North Fork of Little Beaver Creek (HQ-CWF, Trout Stocked). This project is located approximately 1,300 feet north of the intersection of Russell Road (T-340) and SR 0351 in the Borough of Enon Valley. This project will also include sediment removal along a 283-foot-long reach of the North Fork of Little Beaver Creek from 140 feet above to 23 feet below the existing bridge (New Galilee, PA Quadrangle N: 19.9 inches; W: 11.0 inches) located in Borough of Enon Valley and Little Beaver Township, **Lawrence County**.

E62-339. Encroachment. **Brokenstraw Township**, 707 Rouse Avenue, Youngsville, PA 16371. To remove the existing Irvine Run Bridge No. 1 on Irvine Run Road (T-444) to rehabilitate the existing bridge abutments, and to place and maintain new steel support beams and a wooden bridge deck across Irvine Run (CWF). The rehabilitated bridge will have a single clear span of 15 feet, 7 inches and an underclearance of 6 feet, 11 inches. The project is located on Irvine Run Road (T-444) across Irvine Run approximately 5,400 feet northwest of the intersection of Irvine Run Road and the S. R. 0006/S. R.

0062 interchange near Buckaloons Recreation Area located in Brokenstraw Township, **Warren County**.

WATER ALLOCATIONS

Applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 67-1008. Water Allocation. **Stewartstown Borough Authority, York County**. The applicant is requesting the right to withdraw up to 604,800 gallons per day (gpd) from Ebaughs Creek.

ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

Permits Issued

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

NPDES Permit No. PA0051586. Sewage. **Gerald F. Deegan, Clover D. Inc./ta Tohickon Family Camp-ground**, 2145 Worthington Avenue, Bethlehem, PA 18015 is authorized to discharge from a facility located in East Rockhill Township, **Bucks County** into Tohickon Creek.

NPDES Permit No. PA0020575. Sewage. **Rose Valley Borough**, P. O. Box 198, Rose Valley, PA 19065 is authorized to discharge from a facility located in Rose Valley Borough, **Delaware County** into Ridley Creek.

NPDES Permit No. PA0051322. Sewage. **Lee J. Barthold**, 35 Valley Green Drive, Doylestown, PA 18901 is authorized to discharge from a facility located in Doylestown Township, **Bucks County** into an unnamed tributary to Neshaminy Creek.

WQM Permit No. 1598414. Sewerage. **East Vincent Township Municipal Authority**, 262 Ridge Road, Spring City, PA 19475, construction and operation of a sanitary sewer extension to serve Centre Creek Estates East and West subdivisions located in East Vincent Township, **Chester County**.

WQM Permit No. 4697418. Sewerage. **Worcester Township**, P. O. Box 767, 1721 Valley Forge Road, Worcester, PA 19490-0767, construction and operation of a pump station to serve the Sunnybrooke Estates subdivision located in Worcester Township, **Montgomery County**.

WQM Permit No. 4698420. Sewage. **Mr. and Mrs. William Sellers**, 1378 Clearview Drive, Denver, PA 17517, construction of a single residence STP to replace an existing malfunctioning onlot sewage disposal system located in Upper Salford Township, **Montgomery County**.

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

NPDES Permit No. PA-0032999. Sewerage. **Hickory Run State Park**, R. R. Box 81, White Haven, PA 18661-9712 is authorized to discharge from a facility located in Kidder Township, **Carbon County**, to Hickory Run.

NPDES Permit No. PA-0028576. Sewerage. **Clarks Summit—South Abington Joint Sewer Authority**, P. O. Box 199, Chinchilla, PA 18410 is authorized to discharge from a facility located in South Abington Township, **Lackawanna County**.

Permit No. 4898201. Industrial waste. **Tirenergy Corporation**, P. O. Box 116, Wind Gap, PA 18091. Permit to discharge noncontact cooling water to an existing quarry, located in Plainfield Township, **Northampton County**.

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

NPDES Permit No. PA0087874. Sewerage. **Robert H. and Lucille A. Kreiser**, 1429 Elm Road, Elizabethtown, PA 17022 is authorized to discharge from a facility located in Conewago Township, **Dauphin County** to the receiving waters of an unnamed tributary of Brills Run.

NPDES Permit No. PA0087548. Sewerage. **Artillery Ridge Camping Resort**, 610 Taneytown Road, Gettysburg, PA 17325 is authorized to discharge from a

facility located in Cumberland Township, **Adams County** to the receiving waters of an unnamed tributary of Rock Creek.

NPDES Permit No. PA0087751. Industrial waste. **Alumax Mill Products, Inc.**, 1480 Manheim Pike, Lancaster, PA 17604-1167 is authorized to discharge from a facility located in Manheim Township, **Lancaster County** to the receiving waters of an unnamed tributary of the Little Conestoga Creek.

NPDES Permit No. PA0087777. Industrial waste. **Wernersville State Hospital**, P. O. Box 300, Wernersville, PA 19565 is authorized to discharge from a facility located in South Heidelberg Township, **Berks County** to the receiving waters named Hospital Creek.

Permit No. 2298404. Sewerage. **Robert H. and Lucille A. Kreiser**, 1429 Elm Road, Elizabethtown, PA 17022. This permit approves the construction of sewage treatment facilities in Conewago Township, **Dauphin County**.

Permit No. 0198404. Sewage. **Artillery Ridge Camping Resort**, 610 Taneytown Road, Gettysburg, PA 17325. This permit approves the construction of sewage treatment facilities and pump station in Cumberland Township, **Adams County**.

Permit No. 3698405. Sewage. **West Earl Sewer Authority**, 157 West Metzler Road, Brownstown, PA 17508. This permit approves the construction of a pump station in West Earl Township, **Lancaster County**.

Permit No. 2898401. Sewage. **Metal Township Municipal Authority**, P. O. Box 216, Willow Hill, PA 17271. This permit approves the construction of sewage treatment facilities for Metal Township, **Franklin County**.

Permit No. 3698406. Sewage. **East Earl Sewer Authority**, P. O. Box 339, Blue Ball, PA 17506. This permit approves the construction of sewers and appurtenances and pump station in East Earl Township, **Lancaster County**.

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

WQM Permit No. 1998404. Sewerage. **Columbia Investment Corporation**, Frank Baker, 6009 New Berwick Highway, Bloomsburg, PA 17815. Granted permission to replace the onlot septic systems at County Terrace MHP sewage collection system. Facility located at Main Township, **Columbia County**.

WQM Permit No. 4998403. Sewerage. **Riverside Borough**, P. O. Box 307, Riverside, PA 17868. Applicant granted permission to construct and maintain gravity sanitary sewer line and force main pump station serving Sunny Acres and Blue development in Riverside Borough, **Northumberland County**.

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

WQM Permit No. 4398416. Sewage. **South Pymatuning Township Municipal Authority**, Kathy Lane Sanitary Sewer, 3483 Tamarack Drive, Sharpsville, PA 16150. This project is for the construction of sanitary sewer lines and manholes in South Pymatuning Township, **Mercer County**.

WQM Permit No. 2598408. Sewerage. **Greater Erie Industrial Development Corporation**, Knowledge Park, 2103 East 33rd Street, Erie, PA 16510. This project is for the construction of a sewage lift station with force main and gravity flow sewers to serve an industrial development in Harborcreek Township, **Erie County**.

WQM Permit No. 6298405. Sewerage, **Suzanne C. Swanson, SRSTP**, P. O. Box 124, Russell, PA 16345. Construction of Suzanne C. Swanson SRSTP located in Elk Township, **Warren County**.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-D006-R	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Bucks County Lower Makefield Township	Core Creek
PAS10-G317	Paoli Shopping Center, LP 1301 Lancaster Avenue Berwyn, PA 19312-1290	Chester County Tredyffrin Township	Unnamed tributary to Crum Creek
PAS10-T078	Meadowview Homes, Inc. 1120 North Bethlehem Pike P. O. Box 210 Springhouse, PA 19477	Montgomery County Worcester Township	Stoney 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>
PAS10S065	Stroudsburg Municipal Authority P. O. Box 237 E. Stroudsburg, PA 18301	Monroe County Stroud Township	Tributaries to Pocono Creek and Brodhead Creek

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

PAS-10-4503. Individual NPDES. **PA Dept. of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. To implement an Erosion and Sedimentation Control Plan for the widening of about 4.0 miles of S. R. 022/0522 on 41.32 acres in Granville and Oliver Townships, **Mifflin County**. The project is located on S. R. 022/0522 for 2.0 miles east and 2.0 miles west of Strodes Mills (Bellville, PA Quadrangle N: 9.2 inches; W: 6.8 inches). Drainage will be to Strodes Run, Wakefield Run and UNT to the Juniata River.

PAS-10-H002-R. Individual NPDES. **George Ebener**, Eickinson Estates Partnership, 139 West High Street, Carlisle, PA 17013. To implement an Erosion and Sedimentation Control Plan for the development of a single family housing development called Indian Hills on 100.49 acres in South Middleton Township, **Cumberland County**. The project is located about 1,200 feet west of PA Route 34 and about a mile northeast of Boiling Springs (Carlisle, PA Quadrangle N: 6.1 inches; W: 3.0 inches). Drainage will be to Yellow Breeches Creek.

PAS-10-M100. Individual NPDES. **Moss Spring Estates Phase II**, Frank Plessinger, P. O. Box 172, McConnellsburg, PA 17233. To implement an Erosion and Sedimentation Control Plan for construction of a housing development called Moss Spring Estates Phase II on 41.35 acres in Antrim Township and Greencastle Borough, **Franklin County**. The project is located about

INDIVIDUAL PERMITS (PAS)

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

3,000 feet northwest of Interchange #3 of I-81 (Greencastle, PA Quadrangle N: 8.6 inches; W: 13.3 inches). Drainage will be to UNT to Muddy Run.

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
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Lackawanna County Fell Township City of Carbondale	PAR10N061	Todd B. Schmidt K.B.A. Engineering, P.C. 25 S. Washington Ave. Jermyn, PA 18433	Lackawanna River	(717) 281-9495
Schuylkill County Frailey Township	PAR105768	Bureau of Abandoned Mine Reclamation O.S.M. 54 (4214) 101.1 Middle Creek South Re-establishing stream channel 2 Public Square 5th Floor Wilkes-Barre, PA 18711-0790	Middle Creek to Swatara Creek	(717) 622-3742
Schuylkill County E. Brunswick Township	PAR105769	Emerich Minor Subdivision Lots 1 & 2 Kevin A. & Daryl A. Emerich R. R. 3, Box 210 New Ringgold, PA 17760	Koenigs Creek to Little Schuylkill River	(717) 622-3742
Wayne County Clinton Township	PAR107400	Forest View Estates Development Corp. 314 Summit Avenue Clarks Summit, PA 18411	UNT to Lackawanna River	(717) 253-0930
Taylor Township Blair County	PAR-10-0669	Philip W. Keith R. D. 1, Box 82 Roaring Spring, PA 16673	Halter Creek	Blair County CD 1407 Blair St. Hollidaysburg, PA 16648 (814) 696-0877
Blair Township Blair County	PAR-10-0676	Edward Faice Hollidaysburg Soc. Asn. 811 Peachdale Lane Duncansville, PA 16635	Frankstown Branch Juniata River	Blair County CD 1407 Blair St. Hollidaysburg, PA 16648 (814) 696-0877
Hamilton Township Franklin County	PAR-10-M159	Memphis Equipment Company 821 Lincoln Way West Chambersburg, PA 17201	UNT Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074

<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>
Guilford Township Chambersburg Borough Franklin County	PAR-10-M161	Olympic Steel 5096 Richmond Road Bedford, OH 44146	UNT to Conococheague Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Manchester Township York County	PAR-10-Y337	James D. & Nancy J. Kohr Hepplewhite Estates Phase IV 971 Church Road York, PA 17404	Little Conewago Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hanover Borough York County	PAR-10-Y053-R	Foxwood Manor LTD Iron Baquol 2641 Shepperd Road Monkton, MD 21111	UNT West Branch of Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bensalem Township Bucks County	PAR-10-D381	Vornado Realty Trust Park Plaza II Saddlebrook, NJ 07662	Poquessing Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Milford Township Bucks County	PAR-10-D389	Milford Township P. O. Box 86 Spinnerstown, PA 18968	Molasses Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Doylestown Township Bucks County	PAR-10-D366	Charles Muchnick 700 York Rd. Assoc. 306 Parsons Avenue Bala Cynwyd, PA 19004	Watsons Creek and Unnamed Tributary to Neshaminy Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Buckingham Township Bucks County	PAR-10-D384	ManorCare 11555 Darnestown Rd. Gaithersburg, MD 20878	Blair Mill Run	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Buckingham Township Bucks County	PAR-10-D393	Chris Pisani 424 Bella Circle Doylestown, PA 18901	Unnamed tributary to Neshaminy Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Falls Township Bucks County	PAR-10-D398	Ashland Chemical Co. 5200 Blazer Parkway Dublin, OH 43017	Delaware River	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Bedminster Township Bucks County	PAR-10-D387	James Neill 413 Hill Road Perkasie, PA 18944	Unnamed tributary to East Branch of the Perkiomen Creek	Bucks County CD 924 Town Center New Britain, PA 18901 (215) 345-7577
Centre County Ferguson & Patton Townships	PAR10F064	Melrose Apartments Intergroup Inc. 7077 Bonneval Rd., Suite 600 Jacksonville, FL 32216	Big Hollow Tributary to Spring Creek	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Spring, Boggs Townships & Bellefonte & Milesburg Borough	PAR10F070	AquaPenn Spring Water Co. P. O. Box 938 Milesburg, PA 16853-0938	Spring Creek, Buffalo Run, Bald Eagle Creek Unt. to Bald Eagle Creek	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Spring Township	PAR10F076	The Oaks Lutheran Retirement Community—Allegheny Lutheran Social Ministries Jean Klinger, Director 200 Rachael Dr. Pleasant Gap, PA 16823	Logan Branch	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817

<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>
Clearfield County Bradford Township	PAR101747	Bradford Heights Steve Petuck 35 Connecticut Ave. Greenwich, CT 06830	Alpes Run, Unt. West Br. Susquehanna River	Clearfield County CD 650 Leonard St. Clearfield, PA 16830
Clarion County Monroe Township	PAR101518	G G Clarion 1998 Limited Partnership One Mellon Bank Center 500 Grant Street Ste. 2000 Pittsburgh, PA 15219	Courtley's Run	DEP, Northwest Region Water Mgt. Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG 3

<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>
Luzerne County Pittston Township	PAR802235	Roadway Express, Inc. (T 131) 70 Freeport Rd. Pittston Township, PA 18640	Lidy Creek	Northeast Region Water Management 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2553
Zelienople Borough Butler County	PAR208358	The ALTA Group, Inc. 195 Hartzell School Road Fombell, PA 16123-9518	Connoquenessing Creek	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG 4

<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>
Lehigh County Heidelberg Township	PAG042202	Dean and Marybeth Ritter 7694 Bake Oven Road Germansville, PA 18053	Jordan Creek	Northeast Regional Office Water Management Program 2 Public Square Wilkes-Barre, PA 18711 (717) 826-2553
Tioga County Union Township	PAG045028	Harold L. Landon R. R. 1, Box 187A Roaring Branch, PA 17765	Unnamed Tributary to Towanda Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Clearfield County Bradford Township	PAG044964	Thomas and Andrea Hertlein R. R. 1, Box 82-3 Woodland, PA 16881	Forcey Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Elk Township Warren County	PAG048532	Suzanne C. Swanson P. O. Box 124 Russell, PA 16345	Tributary to Reynoldsville Run	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Washington County Peters Township	PAG046155	Douglas Danforth 272 Justabout Road Venetia, PA 15367	UNT of Brush Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG 8**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Washington Township Berks County	PAG-08-3517	Borough of Bally STP P. O. Box 217 Bally, PA 19503-0217		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200

*General Permit Type—PAG 9**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>
East St. Clair Township Bedford County	PAG-09-3516	Smith Septic Tank Service R. D. 2, Box 564 Bedford, PA 15522		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200
Young Township Jefferson County	PAG098303	Neal's Septic Tank Service R. R. 6, Box 192 Punxsutawney, PA 15767		Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

SEWAGE FACILITIES ACT**PLAN APPROVAL**

The Department of Environmental Protection has taken actions on municipal requests for Act 537 Plan Approval.

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

Actions under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20.

Southeast Regional Office: Sewage Planning Specialist Supervisor; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Plan Approval is granted for a revision to the **Official Sewage Facilities Plan of Middletown Township, Delaware County** to provide for:

1. The transfer of all ownership, operation, and maintenance duties of the Fair Acres Pump Station, from Delaware County, to the Middletown Township Sewer Authority.
2. The expansion of the Fair Acres Pump Station to 600 GPM (current peak flow is 205 GPM).
3. The by-pass and elimination of the Pennell Place Pump Station.

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

Bethel Township, Berks County, P. O. Box 24, Bethel, PA 19507. The Bethel Township Act 537 Plan submission was disapproved because Bethel Township failed to address the remaining five deficiencies identified in the Department's letter dated April 18, 1996. The original deficiencies are listed.

1. Your sewage disposal needs identification is radically different from your first submission. Please provide additional details concerning the sanitary survey conducted to document these needs. Survey methods, personnel employed and their qualifications, numbers of sample points obtained, field procedures, and survey forms are all appropriate items to include in your plan. I am enclosing a copy of the Department's "Sewage Disposal Needs Identification Guidance" document to give you an idea of the type of information required.

2. Your selected alternative, i.e. an "OLDS Management Ordinance" is not sufficiently defined. Various parts of your plan discuss what "could" be in an ordinance (III-13) and you provide a reprint of a sample ordinance obtained from the Department many years ago (App. IV) but no draft of your proposed ordinance is included. Since your plan's principal selected alternative is to use OLDS management in your primary needs areas, deferring the development of such an ordinance until after plan approval is inappropriate. Please provide a draft of the OLDS Management Ordinance you intend to adopt as your selected alternative. Include the specifics of your program. Please include the criteria that you will use to conduct your proposed yearly evaluation of your OLDS program.

3. Please resolve the conflicts found in the selected alternatives that apply to new land development procedures. Your plan recommends amending your Subdivision and Land development Ordinance to require Act 537 planning for new land development, and to not permit the use of Component 1 (mini-modules) in areas of elevated nitrate groundwater (II-3) normally requiring a preliminary hydrogeologic study (PHS). It also recommends

amending your Zoning Ordinance to require replacement area testing and protection (II-4). The final plan recommendations (I-1 & I-2) however, propose specific new ordinances. These new ordinances are to require a PHS for all new land development in the entire Township and also replacement area testing but make no mention of protecting the replacement site or requiring Act 537 planning.

4. A commendable effort was made identifying unplanned subdivisions in your Township (App. VI). This plan does not follow this initial information to its logical conclusion by evaluating those subdivisions created without environmental planning, for the adequacy of their sewage disposal methods. After reviewing the data in Appendix VI, we feel many small subdivisions may be eliminated to make your follow up list more manageable. The subdivisions of concern are numbered 3, 11, 32, 50, 55, 61, 76, 78, 79, 102, 116, 127, 121, 143, 152, 154, and 164. Outstanding issues are specifically addressed in the Reconstructive Planning Guidance, steps 2 through 6, and in the event the previously furnished guidance was mislaid, I am including an additional copy with this letter for your convenience.

5. Your plan's implementation schedule is presently inaccurate and must be revised to include all appropriate milestones and dates.

Armagh Township, Mifflin County, 234 College Ave., Milroy, PA 17063. Approved plan provides for in-filling the current public sewer service area and adoption of an OLDS management program for the non-sewer service areas of the Township. The sewage management program is to be phased into the Township over the next several years. The most needy areas of the municipality (Siglerville, Knobtown and Locke Mills) are scheduled for the first three implementation phases.

Freedom Township, Blair County, P. O. Box 156, East Freedom, PA 16637. The approved plan provided for expansion of the existing Freedom Township sewage treatment plant from its present .4 mgd capacity to .6 mgd. The additional flows will be used by Blair Township to serve existing sewage disposal needs areas. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Gregg Township, Union County. A revision to the Act 537 Official Sewage Facilities Plan of Gregg Township has been approved which will provide sewerage facilities to a 670 acre tract north of the village of Allenwood. The Union County Industrial Development Corporation plans business/light industry/residential-development on this parcel which will generate up to 300,000 gallons per day of wastewater. An extension of the existing Gregg Township Municipal Authority's wastewater collection system will be constructed to serve the new development. A 300,000 gallon per day expansion of the existing Gregg Township Municipal Authority treatment facility will be constructed.

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

SAFE DRINKING WATER

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

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

Permit No. 1598503. Public water supply. **Coventry Garden Apartments**, 629 Meadowlark Road, Audubon, PA 19403-1911. Permitting of Coventry Garden Apartments existing Water Supply System in North Coventry Township, **Chester County**. *Type of Facility: Public Water Supply System. Consulting Engineer: Entech Engineering, Inc., 4 South Fourth Street, Reading, PA 19603. Permit to Construct Issued: August 24, 1998.*

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

Application No. M.A. The Department issued an operation permit application for **PA American Water Company** (800 West Hersheypark Drive, Hershey, PA 17033; Graham Township, **Clearfield County**) for operation of recently rehabilitated Prince Street finished water storage tank.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Prompt Interim Response

East Bangor Borough Northampton County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) initiated a prompt interim response (response) at the American Fuel Harvesters Site (site). This response has been undertaken under section 505(b) of HSCA (35 P. S. § 6020.505(b)). The AFH site is an abandoned demolition waste processing facility located at 460 North Broad Street, East Bangor Borough, Northampton County, PA.

The AFH facility operated from 1988 to 1997. During that time large stockpiles of the unprocessed waste, the processed wood chips and the processed fines were accumulated at the site. The unprocessed waste and processed wood chip piles have generated subsurface fires that have been an ongoing problem since 1990. The subsurface fires persistently smolder, causing chronic air pollution problems. The fires occasionally flare up, creating more serious air pollution and fire control problems.

After determining that conditions at the site constituted a substantial threat to public health, safety and the environment, the Department initiated a response at the site on or about September 8, 1998. The prompt interim response chosen by the Department involves excavating and extinguishing the burning material, placing the waste material with fire breaks in the onsite quarry, and grading, capping, and revegetating. The Department considered taking no action at the site. Due to the threat to human health and safety and the environment, the Department rejected this option. The Department also considered removing and hauling the wastes to an offsite disposal facility. Because of the large volume of material, this alternative has high costs and would involve a long duration of heavy truck traffic to and from the site. This alternative was therefore rejected.

The Department will extinguish the fire and place the waste material in the quarry with firebreaks to prevent reoccurrence of the fires. A leachate collection system and a gas venting system will be constructed in the quarry. Surface water management controls will be constructed and a cap will be constructed over the waste materials placed in the quarry for containment and to prevent infiltration of water. A portion of the old fines pile will be graded and held in place by vegetation.

The administrative record contains information that was used as the basis for the decision to conduct the response at the site. The administrative record will be available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, from September 19, 1998 until December 17, 1998 at the Department's Bethlehem District Office located at 4530 Bath Pike, Bethlehem, PA 18017.

Written comments concerning the response or information in the administrative record will be accepted in person if delivered, or by mail if postmarked on or before December 17, 1998, to the attention of Ronald Schock, Project Officer—Hazardous Sites Cleanup Section, at the Bethlehem District Office address.

Additionally, the public will have an opportunity to present oral comments at a public hearing. The public hearing has been scheduled for November 5, 1998 at 7 p.m. at the East Bangor Fire Company. Persons wishing to present oral comments must register on or before October 27, 1998 by calling Ronald Schock at (610) 861-2070 or through the PA AT&T Relay Service at (800) 654-5984 (TDD). If no person registers to present oral comments by October 27, 1998, the hearing will not be held. Persons interested in finding out if anyone has registered, or if the hearing will be held, or the location of the hearing should contact Ronald Schock.

The Department is providing this notice under section 506(b) of the Hazardous Sites Cleanup Act. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90 day public comment period on the Administrative Record, as provided under HSCA. Questions concerning the site may be directed to Ronald Schock at (610) 861-2070.

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, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final report:

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

The Korman Company, West Norriton Township and Norristown Borough, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards.

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:

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

ARCO/SAP America Property, Newtown Township, **Delaware County**. Donald W. Blackert, P.G., Key Environmental, Inc., Rosslyn Farms Industrial Park, 1200 Arch Street, Carnegie, PA 15106, has submitted a Final Report concerning the remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on August 17, 1998.

Dodge Steel Castings, City of Philadelphia, **Philadelphia County**. Jeffrey E. Sobel, American Realty Corp., Second Floor, 30800 Northwestern Highway, Farmington Hills, MI 48334, has submitted a Final Report concerning the remediation of site soil contaminated with lead and BTEX. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 1998.

National Label Co., Whitemarsh Township, **Montgomery County**. Thomas R. Marks, P.G., Tetrahedron Consultants, Inc., 422 W. First St., Parkesburg, PA 19365, has submitted a Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard and was approved by the Department on September 1, 1998.

West Chester Laundry, West Chester Borough, **Chester County**. Gloria G. Hunsberger, P.G., Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard for soil and site specific standards for groundwater and was approved by the Department on September 1, 1998.

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

Former Olivetti Supplies, Inc., Solvents Coating Area, Susquehanna Township, **Dauphin County**. R. E. Wright Environmental, Inc., 3240 Schoolhouse Road, Middletown, PA 17057 submitted a final report concerning the remediation of site soils contaminated with solvents. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on September 2, 1998.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Atlantic Coast Environmental Services, Inc., P. O. Box 8608, New Haven, CT 06531; License No. **PA-AH 0601**; license issued August 27, 1998.

D.G.D. Environmental Services, Inc., 112 Pennsylvania Avenue, West, Warren, PA 16365; License No. **PA-AH 0603**; license issued September 3, 1998.

Nighthawk Transport Incorporated, 6135 Kellogg Avenue South, Suite 223, Minneapolis, MN 55424; License No. **PA-AH 0602**; license issued August 31, 1998.

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Chemical Solvents, Inc., 3751 Jennings Road, Cleveland, OH 44109; License No. **PA-AH 0049**; renewal license issued August 28, 1998.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380; License No. **PA-AH 0056**; renewal license issued September 1, 1998.

Inland Waters Pollution Control, Inc., 2021 South Schaefer Highway, Detroit, MI 48217; 14205, License No. **PA-AH 0292**; renewal license issued August 31, 1998.

Kindrick Trucking Company, Inc., 2818 Roane State Highway, Harriman, TN 37748; License No. **PA-AH 0379**, renewal license issued August 27, 1998.

Tri-State Motor Transit Co., P. O. Box 113, Joplin, MO 65802; License No. **PA-AH 0346**; renewal license issued September 2, 1998.

Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Laidlaw Environmental Services (FS), Inc. 1301 Gervais Street, Suite 300, Columbia, SC 29201; License No. **PA-AH 0423**; license terminated August 18, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and regulations to operate solid waste processing or disposal area or site.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300809, Mitchell FGD Site, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601. Operation of a residual waste landfill in Union Township, **Washington County**. Permit issued in the Regional Office on August 28, 1998.

**PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE
INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Apex Waste Services, Inc., 13 Peggy Parkway, Dunmore, PA 18512; License No. **PA-HC 0194**; license issued August 31, 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.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

41-305-004E: Keystone Filler and Mfg. Co. (214 Railroad Street, Muncy, PA 17756) issued August 4, 1998, for operation of various pieces of carbon product processing equipment and associated air cleaning devices (fabric and cartridge collectors) in Muncy Creek Township, **Lycoming County**.

14-310-021: Glenn O. Hawbaker, Inc. (450 East College Avenue, Bellefonte, PA 16823) issued August 20, 1998, for operation of a stone crushing and screening plant and associated air cleaning devices (a water spray dust suppression system and a fabric collector) at the Sandy Ridge Quarry in Rush Township, **Centre County**. Most of the equipment incorporated in this plant is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

08-323-003: Ingersoll Rand Co. (101 North Main Avenue, Athens, PA 18810) issued August 26, 1998, for operation of three heat-treat furnaces in Athens Borough, **Bradford County**.

60-303-001B: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889-0177) issued August 26, 1998, for operation of a batch asphalt plant and associated air cleaning device (a fabric collector) at the Winfield Quarry in Union Township, **Union County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

12-399-015A: Motor Coils Mfg. Co. (P. O. Box 311, Emporium, PA 15834) issued August 27, 1998, for operation of armature stripping, banding and brazing operations and associated air cleaning devices (cartridge collectors) in Emporium Borough, **Cameron County**.

59-302-015: Dietrich's Milk Products, LLC (P. O. Box 102, Middlebury Center, PA 16935-0102) issued August 19, 1998, for operation of a natural gas/No. 2 fuel oil-fired boiler previously owned and operated by Dietrich's Milk Products, Inc. in Middlebury Township, **Tioga County**.

59-317-003: Dietrich's Milk Products, LLC (P. O. Box 102, Middlebury Center, PA 16935-0102) issued August 19, 1998, for operation of a powdered milk spray dryer and associated air cleaning devices (two fabric collectors) previously owned and operated by Dietrich's Milk Products, Inc. in Middlebury Township, **Tioga County**.

59-317-004: Dietrich's Milk Products, LLC (P. O. Box 102, Middlebury Center, PA 16935-0102) issued August 19, 1998, for operation of a lactose spray drying system and associated air cleaning devices (two fabric collectors) previously owned and operated by Dietrich's Milk Products, Inc. in Middlebury Township, **Tioga County**.

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

65-309-061B: Norton Pakco Industrial Ceramics (55 Hillview Avenue, Latrobe, PA 15650) issued August 31, 1998, for operation of ceramic mixing and firing at Derry Plant in Derry Township, **Westmoreland County**.

11-332A: Cambria CoGen Co. (7201 Hamilton Blvd., Allentown, PA 18195) issued August 31, 1998, for operation of boilers at CoGen Company in Cambria Township, **Cambria County**.

Operating Permits Minor Modification 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.

49-307-003: Susquehanna Steel Corp. (P. O. Box 337, Milton, PA 17847) on September 1, 1998, for a minor operating permit modification which prohibits three 20 ton electric arc furnaces from operating for any reason in Milton Borough, **Northumberland County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

46-0078: Lucas Control Systems MMI (421 Feheley Drive, King of Prussia, PA 19046) issued August 31, 1998, for operation of a 2 screen printing press/2 coating in Upper Merion Township, **Montgomery County**.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-310-014: Coplay Aggregates, Inc. (5101 West Coplay Road, P. O. Box 58, Northampton, PA 18067) issued August 25, 1998, for construction of a stone crushing operation in Whitehall Township, **Lehigh County**.

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

06-03041: Delaware County Solid Waste Authority, (583 Longview Road, Boyertown, PA 19512) issued Sep-

tember 2, 1998, for construction of a municipal waste landfill controlled by enclosed ground fare and turbine at the Rolling Hills Landfill in Earl Township, **Berks County**. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

06-5026A: NAFCO, Inc. (P. O. Box 704, Leesport, PA 19533) issued September 1, 1998, for modification of a teflon crumb manufacturing refrigerated condenser in Ontelaunee Township, **Berks County**.

38-309-049: Carmeuse Pennsylvania, Inc. (P. O. Box 160, Annville, PA 17003) issued August 31, 1998, for modification of the No. 5 rotary lime kiln controlled by a fabric filter in North Londonderry Township, **Lebanon County**.

67-317-033B: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) issued September 2, 1998, for installation of a coffee roaster controlled by a cyclone and catalytic afterburner in East Manchester Township, **York County**.

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

58-181A: Southern Alleghenies Disposal Service (Pk W 2, Suite 420, 2000 Cliff Mine Road, Pittsburgh, PA 15275) issued August 19, 1998, for operation of leachate evaporation system at Southern Alleghenies Landfill in Conemaugh Township, **Somerset County**.

32-266A: Sanifill of Pennsylvania, Inc. (P. O. Box 195, Coral, PA 15731) issued August 31, 1998, for installation of municipal waste landfill in Center Township, **Indiana County**.

63-624A: Golden Eagle Construction Co., Inc. (P. O. Box 157, Eighty Four, PA 15330) issued August 31, 1998, for operation of crusher and screening deck at Eighty Four Plant in North Strabane Township, **Washington County**.

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

61-004A: Electralloy, a G. O. Carlson, Inc. Co. (175 Main Street, Oil City, PA 16301) issued August 28, 1998, for installation of three furnaces in Oil City, **Venango County**.

37-234A: Praxair Surface Technologies, Inc. (3225 Honeybee Lane, New Castle, PA 16105) issued September 4, 1998, for construction of a detonation coating deposition unit in Wilmington Township, **Lawrence County**.

61-011A: Merisol Antioxidants LLC (Route 8, Rouseville Road, Oil City, PA 16301) issued September 3, 1998, for modification of process dryer system in Cornplanter Township, **Venango 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.

36-308-027I: C & D Technologies, Inc. (82 East Main Street, Leola, PA 17540) issued August 30, 1998, to authorize temporary operation of the paste mixing facility, covered under this Plan Approval until December 28,

1998, located on Route 23, Upper Leacock Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

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.

09-0013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA 19067) issued August 31, 1998, for Facility VOC in Falls Township, **Bucks County**.

23-0004: American Ref-Fuel Co. of DV, L.P. (10 Highland Avenue, Chester, PA 19013) issued August 31, 1998, for Facility VOC RACT in City of Chester, **Delaware 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 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).

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

Coal Applications Issued

11960107, Permit Revision. T. J. Mining, Inc. (P. O. Box 370, Carrolltown, PA 15722) for the purpose of adding augering in Cresson Township, **Cambria County**, affecting 62.0 acres, receiving stream unnamed tributary to Burgoon Run. Application received June 30, 1998. Issued August 31, 1998.

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

Noncoal Permits Issued

66740302A1C2. American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708), correction to an existing quarry operation in Exeter Township, **Wyoming County**, affecting 153.77 acres, receiving stream—Mill Creek. Correction issued August 31, 1998.

7775SM2A2C2. E. J. Breneman, Inc. (1117 Snyder Road, West Lawn, PA 19609-1110), renewal of NPDES Permit No. PA0612006 in Spring Township, **Berks County**, receiving stream—Cacoosing Creek. Renewal issued September 2, 1998.

5376SM16C2. American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708), renewal and correction of NPDES Permit No. PA0593915 in Jackson Township, **Luzerne County**, receiving stream—Brown's Creek. Renewal/Correction issued September 2, 1998.

28980301. Robert D. McCulloh Excavating & Paving, Inc. (5006 Buchanan Trail West, Greencastle, PA 17225), commencement, operation and restoration of a quarry operation in Montgomery Township, **Franklin County** affecting 22.03 acres, receiving stream—none. Permit issued September 4, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Small Industrial Mineral Authorizations Granted:

08980808. Dale E. Vanderpool (R. R. 2, Box 103A, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Terry Township, **Bradford County** affecting 1 acre, receiving streams: Susquehanna River, application received June 25, 1998, authorization granted August 26, 1998.

08980812. Duane Chapman Stone Company (R. R. 2, Box 101B, Laceyville, PA 18623), commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Tuscarora Township, **Bradford County** affecting 1 acre, receiving streams: Fargo Creek, application received July 27, 1998, authorization granted August 26, 1998.

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

General Small Noncoal Authorizations Granted

58980827. Vernon Lee Smith (R. R. 1, Box 1306, Hop Bottom, PA 18224), commencement, operation and restoration of a small bluestone quarry operation in Great Bend Township, **Susquehanna County** affecting 1.0 acre, receiving stream—none. Authorization granted September 2, 1998.

64980803. Robert A. Coleman (P. O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation in Scott Township, **Wayne County** affecting 3.0 acres, receiving stream—none. Authorization granted September 3, 1998.

58980815. Robert A. Coleman (P. O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a small quarry operation in Oakland Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Authorization granted September 3, 1998.

66970808. Randy M. Wiernusz (165 Shaffer Lane, Tunkhannock, PA 18657), commencement, operation and restoration of a small quarry operation in Eaton Township, **Wyoming County** affecting 1.0 acre, receiving stream—none. Authorization granted September 4, 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, 1 (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.)

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

E09-730. Encroachment Permit. **Northampton, Bucks County, Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. To construct and maintain approximately 197 linear feet of stream bank stabilization using bioengineering techniques along northeast bank of Ironworks Creek (WWF), to control severe stream bank erosion and also to protect an existing sanitary sewer line. Work also includes the installation of a low flow stream crossing, consisting of twin 12-inch D. I. Pipe culverts, in and along a pond intake channel which will provide a pathway for maintenance vehicles. The project site is located approximately 800 feet southeast from the intersection of the Bustleton Pike (S. R. 532) and Lower Holland Road (Hatboro, PA Quadrangle N: 13.1 inches; W: 1.4 inches) in Northampton Township, **Bucks County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-785. Encroachment Permit. **Meadowview Homes, Inc.**, 1120 North Bethlehem Pike, Springhouse, PA 19477. To construct and maintain the proposed Crestline Drive (a.k.a. Road "A") crossing consisting of 85.5 linear feet of 15-foot by 5.67-foot plate arch bridge, reinforced concrete footings and roadway approach fill across an unnamed tributary of the Stony Creek (TSF), and 0.18 acre of wetland associated with the construction of the Sunny Brooke Estates Residential Subdivision. The site is located just north of the intersection Skippack Pike (S. R. 0073) and North Wales Road (T-377) (Lansdale, PA USGS Quadrangle N: 10.5 inches, W: 8.1 inches), in Worcester Township, **Montgomery County**. The permittee has agreed to construct 0.18 acre of replacement wetlands at this site for the bridge construction.

E46-794. Encroachment Permit. **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road,

King of Prussia, PA 19406. To construct and maintain a discharge structure in the Schuylkill River from the Trout Run Water Pollution Control Center. (Valley Forge, PA Quadrangle N: 20.1 inches; W: 4.6 inches in Upper Merion Township, **Montgomery County**. Work includes: 1. Construction of a 6-foot diameter precast discharge structure. Surrounded by rip-rap protection in the Schuylkill River. 2. Installation of a 36-inch diameter reinforced concrete treatment plant discharge pipe beneath the 100 year floodplain, the river bed of the Schuylkill River, and adjacent wetland. This work is located approximately 50 feet into the River from the shore line at a point approximately 120 feet upstream of the existing Catfish Dam lock structure, and along the southern bank of the River. This structure will replace a sanitary sewer plant outfall structure located in Trout Run. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-806. Encroachment Permit. **Towamencin Township**, P. O. Box 303, Kulpsville, PA 19443. To construct and maintain two stream crossings of unnamed tributaries to Skippack Creek (TSF) associated with the construction of the proposed Towamencin Avenue. The proposed road will connect Summeytown Pike (SR 0063) and Forty Foot Road to alleviate increased traffic congestion in the Village of Kulpsville. One stream crossing will utilize 78 linear feet of 36-inch RCP and 29 linear feet of 42-inch RCP for a combined 107 foot long stream enclosure with concrete endwall attached at the downstream end. The other crossing will consist of a 162-foot long, 6-foot wide by 4-foot high R. C. box culvert stream enclosure with concrete endwalls. Invert of the culvert will be depressed 1 foot below the stream bed to allow for fish passage. The work also requires modification of a non-scope dam. The project is located near the intersection of Summeytown Pike (SR 0063) and Forty Foot Road, immediately east of the Lansdale exit on PA Turnpike (Lansdale, PA Quadrangle N: 22.3 inches; W: 12.5 inches) in Towamencin Township, **Montgomery County**. This permit also constitutes an environmental assessment approval to modify a non-scope dam adjacent to southeast side of Forty Foot Road.

E46-633A. Encroachment Permit. **225 Washington Club, Inc.**, 225 Washington Street, Conshohocken, PA 19428. To reissue and amend Permit No. E46-633 to include the construction of a 14,000 square foot wooden deck patio, which will be situated in the 100 year floodway of Schuylkill River and will span a remanent section of the abandoned Schuylkill Canal. The site is located on the landward side of a floating barge restaurant, and is located approximately 1,200 feet downstream of the confluence of Arrowmink Creek with the Schuylkill River (Norristown, PA Quadrangle N: 12.5 inches; W: 7.40 inches) in Conshohocken Borough, **Montgomery County**.

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

E01-194. Encroachment. **PA Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove an existing structure and to construct and maintain a 20-foot by 5-foot by 35 feet long reinforced concrete box culvert in a tributary to Marsh Creek on SR 3004, Section 001, Segment 0040, Offset 0740 Station 73+68 just east of SR 0015 (Emmitsburg, PA Quadrangle N: 21.8 inches; W: 2.7 inches)

in Cumberland Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E06-509. Encroachment. **Gerard & Rhoda Nissley**, 313 Steeplechase Drive, Elverson, PA 19520. To construct and maintain a driveway crossing consisting of twin 96-inch culverts in the channel of the east branch to the Conestoga River at a point approximately 400 feet downstream of Route 23 (Morgantown, PA Quadrangle N: 5.6 inches; W: 0.6 inch) in Caernarvon Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E36-627. Encroachment. **Frederick Steudler**, 7335 River Road, Conestoga, PA 17516. To construct and maintain a 15-inch sanitary sewer line across wetlands adjacent to a tributary of Stony Run to service the Heather Woods subdivision. A de minimis area of wetlands less than or equal to .05 acre will be filled for construction of Firethorn Drive within the development. A 5-foot wide pile supported boardwalk will be constructed across wetlands for recreational access in the development, located along the west side of Hill Road (T-846) north of its intersection of SR 272 (Terre Hill, PA Quadrangle N: 19.0 inches; W: 14.0 inches) in East Cocalico Township, **Lancaster County**. This permit also includes 401 Water Quality Certification.

E67-628. Encroachment. **York County Commissioners**, One West Marketway, 4th Fl., York, PA 17401. To construct and maintain a pedestrian bridge consisting of a 5-foot wide wooden deck supported by 2-foot I-beams and having a 37-foot clear span with a 7-foot average underclearance across a tributary to Rambo Run. The bridge is for access from a parking lot to the restored Cross Mill Historical Site, located immediately downstream of Cross Mill Road (T-562) (Stewartstown, PA Quadrangle N: 8.9 inches; W: 5.8 inches) in East Hopewell Township, **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.

E14-324. Encroachment. **Edward J. Lauth**, Aquapenn Spring Water Co., One Aquapenn Drive, Milesburg, PA 16853. To install, operate and maintain 25,000 feet utility line to supply potable water for municipal supply and commercial bottling that will require the crossing of Spring Creek, Buffalo Run, Bald Eagle Creek and an unnamed tributary to Bald Eagle Creek. The crossings shall be constructed with a 16-inch diameter ductile iron pipe that will be encased in concrete and installed a minimum of 3 feet beneath the stream bed. The project is located along the eastern right-of-way of SR 0220 approximately 4,000 feet east of the intersection of SR 0144 and SR 0220 (Bellefonte, PA Quadrangle N: 11.2 inches; W: 5.5 inches) in Bellefonte Borough, Boggs Township, Milesburg Borough, and Spring Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-430. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. To construct and maintain fill in the floodway of Mud Run to widen the shoulders to Route 973 approximately 3,000 feet west of the intersection of Route 973 with Route 287 (Salladasburg, PA Quadrangle N: 3.3 inches; W: 16.2

inches) in Mifflin Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

E57-081. Encroachment. Pa. Dept. of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a single span steel beam bridge with a clear span of 9 meters and underclearance of 1.7 meters across Middle Branch of Mill Creek and to relocate 297 meters of West Branch of Mill Creek, removing three existing road crossings and to construct a permanent ford across Mill Creek located on Mill Creek Road approximately 4 miles north of Route 87 (Barbours, PA Quadrangle N: 19.5 inches; W: 0.55 inch) in Fox Township, **Sullivan County**.

E59-367. Encroachment. Deerfield Township Supervisors, R. R. 1, Box 990, Knoxville, PA 16928. To realign and maintain the channel of Troups Creek to protect private and public property from flooding. The realignment work shall consist of the periodic removal of gravel deposition areas that shall not exceed the depth of normal, historic streambed elevation or a maximum of 4 feet. The first deposition area for periodic removal is upstream of the bridge that carries T-404 across Troups Creek and its removal shall not exceed a maximum area of 600 feet long \times 100 feet wide. The second deposition area is downstream of the bridge that carries T-404 across Troups Creek and its removal shall not exceed a maximum area of 800 feet long \times 40 feet wide that is located along the eastern right-of-way of SR 0249 approximately 750 feet northeast of the T-404 and SR 0249 intersection (Knoxville, PA Quadrangle N: 19.9 inches; W: 13.0 inches) in Deerfield Township, **Tioga County**. This permit shall be void 5 years from the date of issuance. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-368. Encroachment. Deerfield Township Supervisors, R. R. 1, Box 990, Knoxville, PA 16928. To realign and maintain the channel of Troups Creek to protect private and public property from flooding. The realignment work shall consist of the periodic removal of a gravel deposition area that shall not exceed the depth of normal, historic streambed elevation or a maximum of 4 feet. The deposition area for periodic removal is downstream of the confluence of Abbot Hollow Run along the eastern streambank of Troups Creek and its removal shall not exceed a maximum area of 400 feet long \times 50 feet wide. The project is located along the eastern right-of-way of SR 0249 approximately 1.5 miles northwest of the SR 0049 and SR 0249 intersection (Knoxville, PA Quadrangle N: 17.9 inches; W: 11.4 inches) in Deerfield Township, **Tioga County**. This permit shall be void 5 years from the date of issuance. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-369. Encroachment. Deerfield Township Supervisors, R. R. 1, Box 990, Knoxville, PA 16928. To realign and maintain the channel of Cowanesque River to protect private and public property from flooding. The realignment work shall consist of the periodic removal of five gravel deposition areas that shall not exceed the depth of normal, historic streambed elevation or a maximum of 4 feet. The first three deposition areas for periodic removal are upstream of the bridge that carries T-889 across the Cowanesque River and their removal shall not exceed a maximum area of 400 feet long \times 60 feet wide along the southern streambank; a maximum area of 600 feet long \times

70 feet wide along the northern streambank; a maximum area of 70 feet long \times 40 feet wide immediately below the confluence of Troups Creek. The second two deposition areas are downstream of the bridge that carries T-889 across the Cowanesque River and their removal shall not exceed a maximum area of 300 feet long \times 40 feet wide center stream; a maximum area of 300 feet long \times 25 feet wide along the southern streambank. The project is located along the southern right-of-way of SR 0049 approximately 1,800 feet south of the intersection of T-889 and SR 0049 (Knoxville, PA Quadrangle N: 14.0 inches; W: 8.9 inches) in Deerfield Township, **Tioga County**. This permit shall be void 5 years from the date of issuance. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-370. Encroachment. Deerfield Township Supervisors, R. R. 1, Box 990, Knoxville, PA 16928. To realign and maintain the channel of Cowanesque River to protect private and public property from flooding. The realignment work shall consist of the periodic removal of five gravel deposition areas that shall not exceed the depth of normal, historic streambed elevation or a maximum of 4 feet. The first two deposition areas for periodic removal are upstream of the bridge that carries T-402 across the Cowanesque River and their removal shall not exceed a maximum area of 800 feet long \times 40 feet wide along the northern streambank; a maximum area of 600 feet long \times 80 feet wide along the southern streambank. The remaining deposition area is downstream of the bridge that carries T-889 across the Cowanesque River and its removal shall not exceed a maximum area of 400 feet long \times 60 feet wide along the southern streambank. The project is located along the southern right-of-way of SR 0049 approximately 2,000 feet south of the T-402 and SR 0049 intersection (Knoxville, PA Quadrangle N: 13.4 inches; W: 11.5 inches) in Deerfield Township, **Tioga County**. This permit shall be void 5 years from the date of issuance. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-371. Encroachment. Deerfield Township Supervisors, R. R. 1, Box 990, Knoxville, PA 16928. To realign and maintain the channel of Cowanesque River to protect private and public property from flooding. The realignment work shall consist of the periodic removal of two gravel deposition areas that shall not exceed the depth of normal, historic streambed elevation or a maximum of 4 feet. The first deposition area for periodic removal are upstream of the bridge that carries T-824 across the Cowanesque River and their removal shall not exceed a maximum area of 1,400 long \times 40 feet wide. The second deposition area is downstream of the bridge that carries T-824 across the Cowanesque River and its removal shall not exceed a maximum area of 600 feet long \times 40 feet wide. The project is located along the southern right-of-way of SR 0049 approximately 400 feet south of the T-824 and SR 0049 intersection (Knoxville, PA Quadrangle N: 14.4 inches; W: 6.0 inches) in Deerfield Township, **Tioga County**. This permit shall be void 5 years from the date of issuance. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-372. Encroachment. Corey Creek Golf Club, P. O. Box 444, Mansfield, PA 16901. To excavate and place fill in a 0.8 acre Palustrine emergent wetland for the purpose of constructing an irrigation pond. To compensate for impact, the applicant proposes to construct 0.8 acre of onsite replacement wetlands. The project site is located

north of SR 006, approximately 1.5 miles east of the SR 549 and SR 006 intersection (Mansfield, PA N: 8.25 inches; W: 2.95 inches) in Sullivan Township, **Tioga County**.

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

E02-1235. Encroachment. **McKnight Development Company**, 249 North Craig Street, Pittsburgh, PA 15213-1593. To construct and maintain a stream enclosure approximately 120 feet in length having a span of 16.5 feet with an underclearance of 7.0 feet (1.0 foot depressed) in the channel of West Branch Deer Creek (CWF), to construct and maintain a gabion wall approximately 55.0 feet in length downstream of proposed culvert on the left bank and 8.0 feet in length upstream of the proposed culvert on the left and right banks of said stream and to construct and maintain an outfall structure on the left bank of said stream for the purpose of providing access to the proposed Eckerd Drug Store. The project is located just west of the intersection of S. R. 910 and S. R. 008 (Valencia, PA Quadrangle N: 1.75 inches; W: 9.0 inches) in Richland Township, **Allegheny County**.

E56-282. Encroachment. **Stonycreek Valley Development Corporation**, 305 Stonycreek Street, Boswell, PA 15531. To construct and maintain three ford crossings 6 crossings 6 inches below normal pool level in and across the backwater areas of Lake Stonycreek for the purpose of sediment retention and removal. The project is located approximately 0.5 mile west of the intersection of S. R. 160, T-535 and T-567 (Central City, PA Quadrangle N: 1.7 inches; W: 16.1 inches) in Stonycreek Township, **Somerset County**. This permit was issued under to section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E63-424. Encroachment. **Monongahela Iron and Metal Company, Inc.**, P. O. Box 250, Monongahela, PA 15063-1401. To expand and maintain the existing 350 foot long barge loading facility in the channel and along the left bank of the Monongahela River (WWF) located at River Mile 32.8. The new total length of the facility will now be 525 feet (Monongahela, PA Quadrangle N: 12.8 inches; W: 4.8 inches) in the City of Monongahela, **Washington County**.

E02-1233. Encroachment. **Caste Real Estate Company**, P. O. Box 10360, Pittsburgh, PA 15234. To place and maintain fill in approximately 0.19 acre of wetlands (PSS) associated with an unnamed tributary to Sawmill Run for the purpose of expanding the Steeplechase Development. The project is located on the south side of McRoberts Road, approximately 1,000 feet south from the intersection of Weyman Road and McRoberts Road (Glassport, PA Quadrangle N: 21.3 inches; W: 17.3 inches) in Whitehall Borough, **Allegheny County**. The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. The Environmental Assessment of a non-jurisdictional dam is included.

E65-699. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a dual 4-span bridge having spans of 86.5 feet, 86.5 feet, 87.5 feet and 87.5 feet and an underclearance of 30.0 feet across Speers Run (WWF) located on S. R. 70, Section 18M, Station 84 + 93 (Donora, PA Quadrangle N: 2.7 inches; W: 14.5 inches) in Rostraver Township, **Westmoreland County**. The project

includes construction and maintenance of two outfall structures and 130 L. F. of bank protection. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D09-163EA. Environmental Assessment. **Richard S. Lennox** (31 Low Bridge Lane, Malvern, PA 19355). To breach and remove a jurisdictional dam across a tributary to Tincum Creek (EV) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 300 feet south of the intersection of Headquarters Road and Hollow Horn Road, Lumberville, PA-NJ Quadrangle N: 20.9 inches; W: 11.6 inches) in Tincum Township, **Bucks County**.

EA15-023CO. Environmental Assessment. **Cedarville United Methodist Church** (1092 Laurelwood Road, Pottstown, PA 19465). To modify and maintain an existing driveway culvert into a non-jurisdictional dam across a tributary to the Schuylkill River (HQ-TSF) for stormwater management at the Cedarville United Methodist Church located approximately 600 feet south of the intersection of S. R. 724 and Laurelwood Road (Pottstown, PA Quadrangle N: 19.35 inches; W: 6.00 inches) in North Coventry Township, **Chester County**.

EA36-011CO. Environmental Assessment. **East Petersburg Borough Authority** (6040 Main Street, East Petersburg, PA 17520). To breach and remove a jurisdictional dam across Little Conestoga Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 100 feet upstream of the S. R. 722 bridge crossing Little Conestoga Creek (Lancaster, PA Quadrangle N: 19.55 inches; W: 12.35 inches) in East Petersburg Borough, **Lancaster County**.

EA36-012CO. Environmental Assessment. **Earl N. Martin** (540 Adamstown Road, Reinholds, PA 17569). To construct and maintain a non-jurisdictional dam across a tributary to Muddy Creek (TSF) for the purpose of recreation located off Maple Grove Road (S. R. 1046) approximately 1,000 feet southwest of the Lancaster-Berks County Line (Morgantown, PA Quadrangle N: 15.0 inches; W: 15.6 inches) in Brecknock Township, **Lancaster County**.

D36-024EA. Environmental Assessment. **F. Philip Hellberg** (423 West Farmersville Road, Leola, PA 17540). To breach and remove the Wenger Mill Dam across Conestoga Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,000 feet northeast of the intersection S. R. 1010 and T. R. 779 (Turtle Hill Road) (Ephrata, PA Quadrangle N: 0.80 inch; W: 10.05 inches) in West Earl Township, **Lancaster County**.

SPECIAL NOTICES

102/NPDES/Stormwater Construction Activities

The Department of Environmental Protection (Department) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit application:

Prime Hospitality Corp., Amerisuites Hotel/Restaurant, PAS10-G337

The hearing is scheduled for October 13, 1998 at 1:30 p.m. at Chester County Conservation District Office, Government Services Center, Conference Room 240, 610 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to Little Valley Creek. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is:

Prime Hospitality Corp., 700 Route 46 East, Fairfield, NJ 07007

Comments received will be considered by the Department in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of the project and a brief statement about your presentation. Comments should be kept brief and, depending on the

number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 1998 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Perry Ecksel	804 Second Street Pike Southampton, PA 18966	Testing
Michael Ferraro Radon Detection Systems, Inc.	2450 Central Avenue, Suite A-1 Boulder, CO 80301	Laboratory
James Forshey	1635-A East Pleasant Valley Blvd. Altoona, PA 16602	Testing
Jeffrey Nicholls	P. O. Box 400 Henryville, PA 18332	Testing
Roger Olson, P.E.	450 Pawnee Drive Mechanicsburg, PA 17055	Testing
Kevin Radziul	15 Union Hill Road West Conshohocken, PA 19428	Mitigation
John Staz, III	1738 North 3rd Street, Suite A Harrisburg, PA 17102	Testing
Richard Tarnowski	263 Main Street Binghamton, NY 13905	Testing
Harry Wanner, Jr.	155 Reservoir Road Strasburg, PA 17579	Testing

[Pa.B. Doc. No. 98-1525. Filed for public inspection September 18, 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 Nonregulatory 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 Guid-

ance" 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.

Final Technical Guidance—New Guidance

DEP ID: 563-2111-112 Title: Highwall Stability in Long-Term, Multiple Bench Quarries Description: The purpose of this guidance is to describe the criteria the Department uses to evaluate highwall stability at long-term, multiple bench quarries to ensure the health and safety of the public and quarry personnel. Anticipated Effective Date: July 22, 1998 Deadline for Submittal of Comments: October 20, 1998 Contact: Evan Shuster at (717) 787-5103

Final Technical Guidance—Substantive Revision

DEP ID: 563-2000-208 Title: Right of Entry Description: The purpose of this guidance is to describe the criteria the Department will apply for review of right of entry for mining activities. Anticipated Effective Date: June 18, 1998 Deadline for Submittal of Comments: October 20, 1998 Contact: Evan Shuster at (717) 787-5103

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1526. Filed for public inspection September 18, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Western Pennsylvania Hospital for Exception to 28 Pa. Code § 153.1(c)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(c), referencing the National Fire Protection Association's Life Safety Code, NFPA 101, which requires under section 1-4.6 that any alterations or any installations of new equipment must be accomplished as nearly as practical in conformance with the requirements for new construction. Under the provisions of the Code, alterations should not diminish the level of life safety below that which exists prior to the alteration. Section 31-1.2.2.1 of the Life Safety Code also prohibits furnishings, decorations or other objects placed to obstruct exits or the visibility of exits.

Western Pennsylvania Hospital is requesting an exception/waiver for the installation of patient chart racks which are surface-mounted on the exit corridor walls, and encroach upon the minimum exit width of 8'0" approximately 3 1/2 inches in the closed position. The hospital contends that the chart rack doors are self-closing and are not used as work stations. Thus, the hospital argues that any encroachment is minimized.

The request is on file with the Department. Persons may receive a copy of request for exception by requesting a copy from: Division of Safety Inspection, Room 922 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1911, fax: (717) 787-1491, e-mail address: PPETRESK@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Peter P. Petresky at (717) 787-1911, V\TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984[TT].

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1527. Filed for public inspection September 18, 1998, 9:00 a.m.]

Availability for Public Comment of the Department of Health's Plan Required by Section 1932 of the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) Reorganization Act of 1992

The Bureau of Drug and Alcohol Programs of the Department of Health is making available for public review and comment, under section 1941 of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) Reorganization Act of 1992, 42 U.S.C.A. § 290aa *et seq.* the Department's draft Plan required by section 1932 of the act. All comments will be considered in development of the Department's Final Plan that will be part of the Commonwealth's application for Substance Abuse Prevention and Treatment Block Grant funding for the 1998-1999 Federal fiscal year.

The draft Plan includes provisions for complying with the funding agreements set out in the act, which are prerequisites for receiving block grant funds, and a description of the manner in which the Department intends to expend the grant.

The grant amount will total approximately \$55 million for the period of October 1, 1998 to September 30, 1999.

A copy of the Department's Plan may be obtained by contacting: C. Thomas Brown, Program Analyst, Policy and Evaluation Unit, Bureau of Drug and Alcohol Programs, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-8200. Persons with a disability who require an alternative format of this document (for example, large print, audio tape or braille) may contact the Bureau of Drug and Alcohol Programs so that it can make the necessary arrangements.

Written comments on the Department's draft Plan must be received within 30 days of the date of publication of this Notice.

Persons with a disability may submit inquiries to the Bureau in alternative formats, such as audio tape, braille, or using TDD: (717) 783-6514.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1528. Filed for public inspection September 18, 1998, 9:00 a.m.]

Emergency Medical Services Office; Notice of Funding Priorities

Under 28 Pa. Code § 1001.23(b) (relating to allocation of funds), the Department of Health (Department) hereby gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 1998 and ending June 30, 1999.

The purpose of the EMSOF is to maintain and improve the quality of the Commonwealth EMS system. The EMSOF is not sufficient to fully fund the EMS system. Consequently, as a general guideline rural ambulance and quick response services (QRSs) will be required to contribute 40% of the funds and non-rural services will be required to contribute 50% of the funds for essential equipment.

The Department may increase the amount of the initial payment or reimbursement from EMSOF funds based upon the financial hardship of an ambulance service or QRS. An ambulance service or QRS that seeks additional EMSOF funds because of financial hardship, to replace or recharter a vehicle, shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

The Department's recommendation for payment or maximum reimbursement to ambulance services and QRSs eligible for EMSOF will be provided to the regional EMS councils by category, for example, vehicle replacement, communication equipment and essential equipment. The essential equipment lists for mobile intensive care unit (MICU), advanced life support (ALS) squad and basic life support (BLS) ambulances and QRSs that are eligible will also be included.

An ambulance service or QRS applying for EMSOF funding must be in compliance with all requests for information from the regional EMS council having responsibility for the EMS region in which the service operates.

Regional EMS Activities Eligible for Funding through EMSOF (nonprioritized):

- *Quality Assurance Initiatives.*
- *Regional EMS Special Needs.*

These items are eligible based on individual needs of each regional EMS system.

- *Recruitment/Retention Programs*

For ambulance services and QRSs for their activities in recruiting community volunteers to staff the services.

- *Essential Equipment for ALS/BLS/QRS Services*

New or replacement.

- *Data Collection*

Alternate methods of data collection for use by medical command facilities, Pennsylvania receiving facilities and licensed ambulance services and recognized QRSs in this Commonwealth. These alternate data collection methods must be recommended and endorsed by the regional EMS council and approved by the Department.

- *Training Programs for Prehospital Personnel*

EMSOF funds may be provided to cover up to 100% of the cost to procure essential equipment for training programs, but EMSOF funds shall not be used to pay the cost for course coordinators and primary and secondary instructors, without the approval of the Department.

- *EMS Management Development Training Programs*

Training programs that promote local ambulance service knowledge and skills for the efficient management of an ambulance service and QRS. Programs must be coordinated with the regional EMS council in the service's area for maximum program effect. Programs in which multiple ambulance services participate will receive first consideration for funding.

- *Equipment for the Establishment of New Quick Response Services (QRSs)*

Purchase of equipment needed to establish new QRSs outside of areas in which ambulance services are responding to emergencies within 10 minutes after being dispatched, and identified as needed by regional planning.

- *Equipment for Providing Basic Life Support (BLS) Services to Areas in Need*

Purchase of equipment needed to establish BLS ambulance service operations to serve areas not currently served by BLS ambulances within 10 minutes of dispatch, and identified as needed by regional planning.

- *Equipment for Providing Advanced Life Support (ALS) to Areas in Need*

Purchase of equipment needed to establish ALS ambulance service operations to serve areas not currently served by ALS ambulances within 20 minutes of dispatch, and identified as needed by regional planning.

- *Vehicle Replacement*

The following categories will be funded and may be prioritized by each regional EMS council based on the needs determined within its region:

1. Vehicle Replacement—ambulance is eligible to be replaced or rechartered based on the following criteria and priorities (one vehicle per service per 5-year period):

First Priority:

a. Ambulances that are 10 years old or older in the following order of decreasing priority:

- 1) Single vehicle service (1st priority)
- 2) Two vehicle service (2nd priority)
- 3) Three vehicle service (3rd priority)
- 4) Greater than three vehicle service (4th priority)

Second Priority:

b. Ambulances that are 5 years old or have at least 100,000 miles in the following order of decreasing priority:

- 1) Single vehicle service (1st priority)
- 2) Two vehicle service (2nd priority)
- 3) Three vehicle service (3rd priority)

- 4) Greater than three vehicle service (4th priority)
- 2. To be eligible to receive EMSOF funding for the purchase of vehicles, an ambulance service must meet the following criteria:
 - a. The service must be licensed to operate in this Commonwealth.
 - b. The service must have an assigned primary response area for emergencies.
 - c. The service must have responded to a minimum of 50 emergency calls per year within its primary response area.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1529. Filed for public inspection September 18, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Property No Longer Needed for Transportation Purposes

The Department of Transportation under 71 P. S. § 513(e)(7) intends to sell certain property by the Department.

The property is a row home located at 875 Foulkrod Street in the City of Philadelphia. The property was formerly owned by the Estate of Harry J. Connelly. The improvement is a row home having 1176 square feet containing 3 bedrooms; 1 bath; L/R; D/R; kitchen; basement and garage. The lot contains approximately 1767 square feet.

The Parcel is further identified as Parcel 52 on the Commonwealth Highway Plans of L. R. 1080-1. The Department has determined that this land is no longer needed for present and future transportation needs. The appraised value is \$27,000.00.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1530. Filed for public inspection September 18, 1998, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings for September: Wednesday, September 23, Data Systems Committee at 10 a.m.; Mandated Benefits Review Committee at 1 p.m.; Education Committee at 2:30 p.m. Thursday, September 24, 1998, Council Meeting at 10 a.m. The meetings will be held in the Council's conference room at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is

invited to attend. Persons who need accommodation due to a disability and want to attend the meetings, should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, or call (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1531. Filed for public inspection September 18, 1998, 9:00 a.m.]

HUMAN RESOURCES INVESTMENT COUNCIL

Meeting Notice

The Human Resources Investment Council, established by Executive Order 1997-7, will hold a regular meeting on Thursday, October 8, 1998. The meeting will be held at the Pennsylvania College of Technology, One College Avenue, Williamsport, PA beginning at 9 a.m.

For additional meeting information, contact Martha Harris, Chief Operating Officer, Human Resources Investment Council at (717) 772-4966.

MARTHA HARRIS,
Chief Operating Officer

[Pa.B. Doc. No. 98-1532. Filed for public inspection September 18, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. 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>
43-7	Public School Employees' Retirement System General Revisions; Contributions; Credited Service	9/2/98
15-380	Department of Revenue Return of Information as to Payment in Excess of \$10.	9/3/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1533. Filed for public inspection September 18, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Correction to the Notice of Application for Conversion of a Domestic Mutual Life Insurance Corporation

Educators Mutual Life Insurance Company filed an application for approval of an Agreement and Plan of Conversion, which will result in the formation of a new stock life insurance corporation owned by a stock holding corporation. The stock holding company was incorrectly identified as a Mutual Holding Company in the September 6, 1998, *Pennsylvania Bulletin*. The filing was made under the Mutual-to-Stock Conversion Act (40 P.S. § 911-A et seq.). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from September 6, 1998. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Michael Graeff, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; email <http://www.mgraeff@ins.state.pa.us>.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1534. Filed for public inspection September 18, 1998, 9:00 a.m.]

Highmark, Inc.; Filing No. 98160000; Requesting Authority to Increase Community-Rated Group Dental Programs

Highmark, Inc. requests approval of an increase to its Pennsylvania Blue Shield and Highmark Blue Cross Blue Shield Community-rated Group Dental product rates. The filing requests an aggregate increase of 11.39%, varying by Blue Cross Plan Service Area. An effective date of October 1, 1998 is requested. This increase represents an annual increase to premium income of approximately \$3.5 million and will affect 107,000 policyholders.

The proposed increases by area are: Capital—14.0%, Northeastern Pennsylvania—8.0%, Western Pennsylvania—11.7%, and Independence—9.7%.

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 Carol E. Slack, Actuarial Supervisor, 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. 98-1535. Filed for public inspection September 18, 1998, 9:00 a.m.]

Keystone Health Plan Central, Inc.; 1999 Base Rate Filing

Keystone Health Plan Central, Inc. has requested to increase the 1999 year base plan rates. The proposed blended rate increase over the three service areas is 7.22%. The rate increase for each service area is as follows:

Harrisburg—4.52% and affects approximately 48,000 contracts

Lehigh Valley—11.83% and affects approximately 18,000 contracts

Northern Tier—11.96% and affects approximately 6,000 contracts.

This rate increase will produce an estimated additional annual income of \$1.5 million. 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.

All interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1536. Filed for public inspection September 18, 1998, 9:00 a.m.]

Pennsylvania National Mutual Casualty Insurance Company; Homeowners Program Rate Revision

On September 1, 1998, the Insurance Department received from Pennsylvania National Mutual Casualty Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 2.0% increase amounting to +\$230,261 annually, to be effective January 24, 1999, for new and renewal business.

Unless formal administrative action is taken prior to October 31, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

All interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at romberc@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1537. Filed for public inspection September 18, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with his 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 Renalder Scott; file no. 98-267-33715; American Independent Insurance Co.; doc. no. PH98-09-002; October 8, 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. 98-1538. Filed for public inspection September 18, 1998, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Executive Board

Resolution #CB-98-196, Dated August 3, 1998. An action of this Board #CB-97-149, Dated June 23, 1997, approved the Memorandum of Understanding between the Commonwealth of agreement with the Pennsylvania Nurses Association which covers the Nursing and Supportive Medical Services First Level Supervisory Unit (P5) effective July 1, 1997 through June 30, 2000; further action of this Board, CB-97-183, Dated July 14, 1997, approved the letter of intent which notified the Pennsylvania Nurses Association that the Commonwealth would not implement Recommendation 16, Salaries and Wages, Section 15, of the Memorandum of Understanding; and effective beginning the first full pay period in July 1998, the Commonwealth of Pennsylvania has decided to implement this provision of Recommendation 16, Salaries and Wages, Section 15, of the Memorandum of Understanding.

Resolution #CB-98-205, Dated August 18, 1998. The Commonwealth of Pennsylvania entered into a side letter of agreement with the American Federation of State, County, and Municipal Employees, AFL-CIO, concerning inclusion of Game Conservation Officer Managers 1 and Wildlife Conservation Officer Managers 2 in the Pennsylvania Game Commission Act 111 Unit. This agreement encompasses approximately nine employees in the bargaining unit certified by the Pennsylvania Labor Relations Board, PF-R-92-122-E.

Resolution #CB-98-208, Dated August 18, 1998, a letter of agreement has been signed between the Commonwealth of Pennsylvania and the Pennsylvania Social Services Union to amend the Article and Recommendation of the Military Leave specified in the Collective Bargaining Agreement and the Memorandum of Understanding, in #CB-96-227, dated August 29, 1996 and #CB-96-285 dated October 23, 1996.

Resolution #CB-98-218, Dated August 28, 1998, The Commonwealth of Pennsylvania entered into a Collective Bargaining Agreement with the District 1199P, Service Employees International Union, AFL-CIO, CLC; the agreement encompasses approximately 1,900 professional employees in the District 1199P, Service Employees International Union, certified by Pennsylvania Labor Relations Board on October 23, 1997, referred to as PERA-R-97-233-E.

Governor's Office

Manual M110.1—Budget Instructions 1999-00, August 1998.

Manual M315.1—Municipal Tax Rate Schedules—Revision No. 7, August 7, 1998.

Management Directive No. 310.3—Encumbering and Lapsing of Appropriations—Revision No. 1, Dated August 7, 1998.

Administrative Circular No. 98-23—Revised Revenue Estimates, 1998-99 Fiscal Year—Dated July 23, 1998.

Administrative Circular No. 98-24—Appropriation, Authorization, and Expenditure of Federal Funds—Dated August 4, 1998.

Administrative Circular No. 98-25—Preaudit Requirements—Invitation to Qualify (ITQ) Contracts—Dated August 7, 1998.

Administrative Circular No. 98-26—Revenue Estimates, 1999-2000 Fiscal Year—Dated August 13, 1998.

Administrative Circular No. 98-27—1999-00 Budget Instructions—Dated August 14, 1998.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 98-1539. Filed for public inspection September 18, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 13, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00115255. Angie C. Moshier, t/d/b/a Angie Moshier Tours (11 South First Street, Bradford, McKean County, PA 16701)—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania.

Application of the following for the approval of the transfer of stock as described under each application.

A-00101803, F. 5000. Central Cab Company (155 Industry Road, Waynesburg, Greene County, PA 15370), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock (2,442 shares) from John L. McNelly to Coach USA, Inc. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00115254. Majesty Company, Inc. (200 Greentree Road, Munhall, Allegheny County, PA 15120), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, from points in the counties of Armstrong, Beaver, Butler, Indiana, Washington and Westmoreland, to the Pittsburgh International Airport in the county of Allegheny.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00115270. Robert P. Kawtoski and Stephen R. Romanowicz, t/d/b/a VIP Limousine Service Altoona (511 East Penn Avenue, Altoona, Blair County, PA 16602)—persons in limousine service, between points in the county of Blair, and from points in said county, to points in Pennsylvania, and return; which is to be a transfer of the right issued to William J. Smith and Robert P. Kawtoski, copartners, under the certificate issued at A-00111202, subject to the same limitations and conditions. *Attorney:* Shawn P. Sullivan, 1701 Fifth Avenue, Altoona, PA 16602.

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 October 5, 1998.

- | | |
|------------|---|
| A-00115271 | Paramount Transportation Systems
200 Narrows Road, Lebanon, PA
17042; Michael C. Murry, P. O. Box
271, Gillam Road, Wilmington, OH
45177-0271 |
| A-00115273 | Action Air Delivery, Inc.
919 Route I88 Highway, Hughesville,
PA 17737 |
| A-00115272 | William W. Hall
Route 100, Box 141, Uwchland, PA
19480 |
| A-00115274 | Nevin R. Hurst
R. D. 4, Box 238, Kutztown, PA 19530 |
| A-00115275 | R.E.C. Charter Service, Inc.
897 School Street, Houston, DE
19954 |
| A-00115276 | Ralph A. Rossi, Jr., t/a Clearwater
Express/Yukon Transport
5 Williams Drive, West Middlesex, PA
16159 |
| A-00115277 | P.B., Inc.
36 Coleman Road, McDonald, PA
15057 |

- A-00115278 Network Logistics, Inc., t/a Network Messenger Systems
P. O. Box 359, Solebury, PA 18963:
Kathleen A. Kerrigan, P. O. Box 70,
Newtown, PA 18940
- A-00115280 John F. Cope Co., Inc., t/a John Cope's Food Products, Inc.
P. O. Box 419, Rheems, PA 17570-0419: John Miller, 24 North Lime Street, Lancaster, PA 17504
- A-00115283 Daniel D. Hartzler
1867 Mastersonville Road, Manheim, PA 17545
- A-00115285 Wyoming Quality Trucking, Inc.
635 South Main Street, Pittston, PA 18640: Alex Nobile, Gruen Office Building, Wilkes-Barre, PA 18704
- A-00115284 Century Plastics & Analytics, Inc.
P. O. Box 629, East Stroudsburg, PA 18301: Brett Riegel, 717 Sarah Street, Stroudsburg, PA 18360
- A-00115286 Triple W, Inc.
R. D. 1, Box 330-2, Polk, PA 16342:
Michael D. Snyder, 314 West Park Street, Franklin, PA 16323-1390
- A-00115287 Ronald W. Heller, t/a CHC Motors
R. D. 1, Box 1310, Stroudsburg, PA 18360: Robert C. Lear, 818 Ann Street, Stroudsburg, PA 18360
- A-00109027 F.2 Vernon N. Lohr, t/a Lohr Trucking
636 Beaver Dam Road, Friends, PA 15541
- A-00115288 Barbara G. Reid
105 Mellott Lane, Coatesville, PA 19083
- A-00115289 Thomas M. Verzulli, t/a Verzulli Trucking
P. O. Box 194, Cochranville, PA 19330
- A-00115290 Citywide Produce, Inc.
3301 South Galloway St., Rm. 274, Philadelphia, PA 19148-5409: Edward Fox, Six Neshaminy Interples, Suite 105, Trevese, PA 19153
- A-00115291 Burke Motor Transport, Ltd.
R. D. 2, Box 26A, Cresco, PA 18326:
W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512-2614
- A-00115292 Redwood Systems, Inc.
P. O. Box 6046, Portland, OR 97208
- A-00115268 Guy H. Wagner, t/a Wagner's Excavation
856 Exchange Road, Muncy, PA 17756
- A-00115267 Roy E. Buch
20 Buch Road, Ephrata, PA 17522
- A-00114867 F.2 Tickbird, Inc.
734 Nicktown Hill Road, Spangler, PA 15775: Kenneth R. Sottile, P. O. Box 728, Spangler, PA 15775
- A-00115266 Randall E. Frazer, t/a Randall E. Frazer Trucking
18 Main Street, Stouchsburg, PA 19567
- A-00115282 Porter Transport, Inc.
21293 Center Street Extension, Cambridge Springs, PA 16403: Harry White, 966 South Main Street, Meadville, PA 16335
- A-00115279 Michael J. Harkins, III, t/a Michael J. Harkins, III Trucking
R. D. 5, Box 9905, Lake Ariel, PA 18436
- A-00115281 New-Tranz
Nichol Avenue, Building 161, McKees Rocks, PA 15136
JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1540. Filed for public inspection September 18, 1998, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Proj. #9824.1—General Construction; #9824.2—HVAC; #9824.3—Plumbing; and, #9824.4—Electrical for Renovations to Office Space at Pier 82 South until 2 p.m. on Thursday, October 8, 1998. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., 13th Flr., Philadelphia, PA 19106, (215) 928-9100 and will be available September 22, 1998. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is non-refundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held October 1, 1998, 10 a.m. at Jackson St. & Columbus Blvd.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-1541. Filed for public inspection September 18, 1998, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 7, 1998 Phyllis M. Strawn 1 p.m.
(Disability Eligibility)

Persons with a disability who wish to attend the above-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Arthur J. Granito, Assistant Executive Director, at (717) 783-5613 to discuss how the Public School Employees' Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES A. PERRY,
Secretary

[Pa.B. Doc. No. 98-1542. Filed for public inspection September 18, 1998, 9:00 a.m.]

STATE BOARD OF PODIATRY

Commonwealth of Pennsylvania v. Barbara Lynn Block, DPM, before the State Board of Podiatry; Doc. No. 0041-44-98; File No. 97-44-03029

By order of the State Board of Podiatry, pursuant to 1 Pa. Code § 33.31, 231 Pa. Code § 43, and Rule 430, Pa.R.C.P., Barbara Lynn Block, DPM, is hereby given notice as follows:

On January 22, 1998, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, instituted against you, with respect to your license to practice podiatry, a formal administrative disciplinary action before the State Board of Podiatry upon the filing and issuance of an order to show cause alleging that you have violated certain provisions of the Podiatry Practice Act. A copy of the order to show cause at Docket No. 0041-44-98 is on file with and available through the prothonotary at the address indicated below. Read this document carefully. *You may lose licenses, certificates, registrations or permits which may be important to your practice of your profession, trade or occupation. Also you may be subject to the levying of civil penalties of up to \$1,000.00 per violation.*

If you wish to defend against the allegations in this order to show cause, or to present evidence on your behalf

in mitigation of any penalties which may be imposed upon you or your license, certification, registration, permit or other authorization to practice your profession, the procedures for doing so are set forth in the order to show cause. All proceedings are conducted in accordance with the Administrative Agency Law and the General Rules of Administrative Practice and Procedure. You have the right to be represented by an attorney in this matter. Although you may represent yourself, you are advised to seek the advice of an attorney. If you do not have an attorney or cannot afford one, contact the office set forth below to find out where you can get legal help.

Lawyer Referral Service
2 Liberty Avenue
Carlisle, PA 17013

You are directed to respond by filing an answer in writing within thirty (30) days of the date of the publication of this notice. An original and two copies must be submitted. *Also, you must send a separate copy of the answer, and any other pleadings or documents, to the prosecuting attorney named in this document.* If you do not file an answer, disciplinary action may be taken against you without a hearing.

Answers and any other pleadings should be filed with and questions and any other inquiries should be directed to:

Deanna S. Walton, Prothonotary
Bureau of Professional and Occupational Affairs
124 Pine Street, Suite 200
Harrisburg, PA 17101

STANLEY E. BOC, D.P.M.,
Chairperson

[Pa.B. Doc. No. 98-1543. Filed for public inspection September 18, 1998, 9:00 a.m.]

TREASURY DEPARTMENT

Request for Proposals

The Commonwealth of Pennsylvania, Treasury Department is accepting proposals from interested bidders for jewelry and coin auctioneer services in relation to the Bureau of Unclaimed Property.

Interested vendors may obtain a copy of the Request for Proposals by contacting Laura Yeiser, Office of the Treasurer, Room 127, Finance Building, Harrisburg, PA 17120, (717) 787-9802. Proposals in response to this request will be accepted no later than noon, Wednesday, October 14, 1998.

BARBARA HAFER,
State Treasurer

[Pa.B. Doc. No. 98-1544. Filed for public inspection September 18, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

- 1219388** Agricultural machinery and supplies—1 each seed drill.
Department: Evansburg State Park
Location: Collegeville, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5850-02** Annual Contract—Highway inlet boxes, grates and frames (DOT).
Department: Transportation
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5810-03** Annual Contract—Microcomputer software packages.
Department: All Using
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5810-05** Annual Contract—FTP software site license (DGS/WH).
Department: General Services
Location: Warehouse, Dauphin County, PA
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5850-01** Annual Contract—Microcomputers and peripheral hardware.
Department: All Using
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5850-02** Annual Contract—Lan services.
Department: All Using
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 6675-02** Annual Contract—Surveying and specialty engineering instruments.
Department: All Using
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 6840-02** Annual Contract—Pesticides.
Department: All Using
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 8925-02** Annual Contract—Sugar.
Department: All Using
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- PSU 4592-g** Computer and related equipment—1 each ATM analyzer, boards, cables and fast Lans.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, Fax (814) 865-3028 or call (814) 865-1402
- PSU 4593-g** Computer and related equipment—1 each NT console—50 and NT console—50 services.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, Fax (814) 865-3028 or call (814) 865-1402
- PSU 4594-g** Computer and related equipment—1 each Interwatch 95000 chassis and ATM and ethernet module.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, Fax (814) 865-3028 or call (814) 865-1402
- PSU 4595-g** Computer and related equipment—2 each router base.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, Fax (814) 865-3028 or call (814) 865-1402
- PSU 4596-g** Computer and related equipment—1 300 mhz G3 processor.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer, Fax (814) 865-3028 or call (814) 865-1402
- 8249660** Construction, mining, excavating and highway maintenance equipment—134 each cutter, pavement, walk behind.
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
- 7314090** Containers, packaging and packing supplies—Various quantities and locations film, shrink wrap, polyethylene, single wound color clear, low slip, 3 mil. thick 24" wide, yield 1,950' to 2,250' per roll.
Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 8209110** Containers, packaging and packing supplies—1 each tank system for liquid chloride for Tioga County stocking area No. 14; 1 each tank system for liquid chloride for Lycoming County stocking area No. 01.
Department: Transportation
Location: Wellsboro, Tioga County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 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

1182358 Laboratory instruments and equipment—19 each sampling line 5 ft. coiled No. 710465; 14 each leather carrying case for use with pump No. 711119; 19 each carrying case No. 710884; 48 each regulator Model RP .25 1 PM Part No. 467895; 48 each calibration gas 60 PPM Co 1.45% Ch4 15% O2, balance nitrogen Part No. 478191; 1 each jet-Eye data logger w/Windows 95 software No. 710946 ; all must be compatible with MSA Passport Five Star Personal Alarms Probes, 1 Ft Water Stop No. 800332.

Department: Environmental Protection

Location: Uniontown, Fayette County, PA

Duration: FY 98—99

Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1208218 Materials handling equipment—1 system 36" Dia Nuveyor Air Washer with 8" inlet and 48" exhaust head to include one 2 inch two-way solenoid-operated water supply valve and one 3/4 inch two way solenoid-operated drain valve.

Department: Public Welfare

Location: Torrance State Hospital, Torrance, Westmoreland County, PA

Duration: FY 98—99

Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

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

1247388 Special industry machinery and supplies—12,000 tons clay (CL by the Unified Classification System).

Department: Delaware Canal State Park

Location: Upper Black Eddy, Bucks County, PA

Duration: FY 98—99

Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Audio/Video—04

FD-3140 To provide and install two TVRO C/KU band satellite receiver systems on top of a nonpenetrating roof at the following two locations: PA Emergency Management Agency, Eastern Area Office, Hamburg Center, Hamburg, PA 19526 and PA Emergency Management Agency, Central Area Office, North Avenue, Selinsgrove, PA 17870.

Department: PA Emergency Management Agency

Location: Hamburg and Selinsgrove, PA

Duration: Not to exceed 60 days following award

Contact: Christopher Nolan, (717) 651-2191

Computer Related Services—08

97-07-18IFB The Department of Health's, Division of Data Processing (Harrisburg) and the Division of Vital Records (New Castle) is notifying potential vendors of its plan to issue an Invitation For Bid (IFB), within 30 days from the date of this notice, for data entry and verification services. Data contained on manually prepared forms will be transcribed by the vendor onto magnetic tape using EBCDIC coding and 6250 BPI density. Daily pick-up and delivery service will be provided by the vendor during the Department of Health's regularly scheduled work days.

Department: Health

Location: Division of Data Processing, 5 Technology Park, Room 103, Harrisburg, PA 17110 and Division of Vital Records, 101 South Mercer Street, 4th Floor, Central Building, New Castle, PA 16101

Duration: July 1, 1999—June 30, 2004

Contact: Joseph Gryboski, (717) 787-5388

Barber/Cosmetology Services—05

SPC-385353 Contractor shall provide barber services for adjudicated male youth and shall be qualified to cut and style hair for Hispanic, African-American and white males. Haircutting shall be performed on-grounds of the Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020 and shall be provided to approximately 35 youth per week. Contract period shall be July 1, 1999 through June 30, 2002.

Department: Public Welfare

Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020

Duration: July 1, 1999 through June 30, 2002

Contact: Mary Jo Scanlon, (215) 953-6405

Construction—09

Project No. 9937 685' of 6' high chain link fence with barb wire plus one 24' gate.

Department: Military and Veterans Affairs

Location: PAARNG Armory, 1195 Roosevelt Avenue, York, York County, PA

Duration: November 1, 1998—July 30, 1999

Contact: Emma Schroff, (717) 861-8518

DGS A 212-15 Project title: Remove Underground Gasoline Storage Tank. Brief description: Remove one existing 10,000 gallon underground gasoline storage tank, concrete pads, fuel dispenser, piping and electrical conduit. Perform site assessment, sampling and testing and restore excavation site. UST/AST Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 30, 1998, at 1 p.m., (717) 787-3923.

Department: General Services

Location: Pennsylvania State Police, Troop "M" Headquarters, Perkaspie, Bucks County, PA

Duration: 100 calendar days from date of initial job conference

Contact: Contract Bidding Unit, (717) 787-6556

DGS A 218-3 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: Remove two underground gasoline storage tanks (one 10,000 gallon and one 3,000 gallon), concrete pads, dispenser and piping and replace with one new 10,000 gallon below ground vaulted gasoline storage system with dispenser, card reader, software, a new fuel management system, related piping and electrical work, site assessment, sampling and testing. Electrical and UST/AST Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 30, 1998, at 11 a.m., (717) 787-3923.

Department: General Services
Location: Pennsylvania State Police, Troop "E" Headquarters, Erie, Erie County, PA
Duration: 150 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-450 (Rebid) Project title: Roof Replacement. Brief description: Remove all existing EPDM roofing, insulation, built-up roof system and fiberboard. Install new insulation, recovery board and new single-ply thermoplastic roofing system and provide a 15 year warranty. General Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 30, 1998, at 1 p.m.

Department: General Services
Location: PennDOT, Maintenance Building, West Chester, Chester County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 961-9 Project title: Conversion of Oxygen Bottle System. Brief description: Remove existing oxygen manifolds, piping and valves and furnish and install new manifolds, piping and valves. Remove existing macadam paving and sub-base and provide new concrete spill pads. Mechanical Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 30, 1998, at 1 p.m.

Department: General Services
Location: Northeastern Veteran's Center, Scranton, Lackawanna County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 970-148 Project title: Roof Replacement. Brief description: Replace the corrugated asbestos roof on the OMS Building and Military Storage Building to include new standing seam steel, galvanized steel gutters, downspouts, snow and ice guards and insulation. General Construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, September 30, 1998, at 2 p.m.

Department: General Services
Location: Lancaster National Armory Building, Lancaster, Lancaster County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Demolition—11

0068-016 The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of two residential dwellings located along Midland Beaver Road in the Borough of Industry, Beaver County. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. The contractor will also be required to comply with FHWA and State regulations. For bid forms, specifications and further information, contact Michael Sudar, District Property Manager at (412) 429-4830.

Department: Transportation
Location: Borough of Industry
Duration: 30 days
Contact: Michael Sudar, (412) 429-4830

Elevator Maintenance—13

339380 Provide full maintenance service to elevators at the Norristown State Hospital. Elevators include the following makes: Security, Otis, General, Westinghouse, Haughton. Provider to give regular and emergency service.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: January 1, 1999 through December 31, 2001 with two 1-year renewals
Contact: Gary Raisner, F.M.M., (610) 313-5465

Environmental Maintenance Services—15

BOGM 98-9 Clean out and plug one abandoned gas well estimated to be 3,600 feet deep, Mr. and Mrs. George H. Benz, Jr. property.

Department: Environmental Protection
Location: Murrysville Borough, Westmoreland County, PA
Duration: 45 days after Notice to Proceed
Contact: Construction Contracts Section, (717) 783-7994

Extermination Services—16

022 The contractor shall provide extermination (pest control) service to the State Correctional Institution at Greene.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: July 1, 1999—June 30, 2002
Contact: Carol A. Teegarden, (724) 852-5515

Food—19

HUN 322 Fresh milk—homogenized, pasteurized milk, packaged in 1/2 pint, 5 or 6 gallon containers, whole, skim and 2%. Monthly bids—weekly deliveries, group bid award. Bid proposal on file within the agency.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike Street, Huntingdon, PA 16654
Duration: October 1, 1998 to June 30, 1999
Contact: Robert Jessell, Purchasing Agent, (814) 643-2400

M-872 Meat and meat products; poultry and poultry products; fish; cheeses. Quantities may be obtained from the facility upon request. Deliveries to be made only at request of facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, PA 15905
Duration: January, February, March, 1999
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

HVAC—22

250-0228A Contractor shall provide all parts and labor necessary to provide preventive maintenance of facility HVAC equipment. Interested vendors may contact facility for contract specifications.

Department: Military and Veteran Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206
Duration: January 01, 1999 through December 31, 2001
Contact: Ken Wilson, Purchasing Agent III, (412) 665-6727

Janitorial Services—23

JC-19-98 Janitorial services: to be provided on a daily basis, Monday through Friday, except State holidays, after 5 p.m.

Department: Labor and Industry
Location: Pittsburgh East Job Center, 6206 Broad Street, Pittsburgh, Allegheny County, PA 15206-4987
Duration: December 1, 1998 through September 20, 1999
Contact: Beverly Fenton, (717) 787-2560

Medical Services—29

Inquiry No. 121-0168B Contractor to provide the services of Licensed Practical Nurses, LPNs, and Nursing Assistants, currently enrolled on the PA Nurse Aide Registry, fill-in during absences of Facility employees due to illness or any other unforeseen circumstances. This is a supplemental staffing contract.

Department: Military and Veteran Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206
Duration: January 01, 1999 through December 31, 2001
Contact: Ken Wilson, Purchasing Agent III, (412) 665-6727

SP 402536 Contractor to provide monthly drug price changes for drug products on the DPW Drug Reference File. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Office of Medical Assistance, Room 215, Cherry Wood Building No. 33, Harrisburg State Hospital, Harrisburg, PA 17105-2675
Duration: July 01, 1999 through June 30, 2004
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

Property Maintenance—33

Project No. 912 Install 3/4" rigid insulation, aluminum coil stock fascia, gutters, door casings, and vinyl cladding system to Building 7-20. Approximately 30 squares. Work shall include new wood doors and exterior concrete stairway with aluminum handrails.

Department: Military and Veterans Affairs
Location: Building 7-20, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

MR 0800-68 Mowing and landscape maintenance at Rest Area Site J located along I-83 Northbound, 2 miles north of the Pennsylvania-Maryland State Line within York County, Shrewsbury Township.

Department: Transportation
Location: Rest Area Site J, I-83 Northbound, Shrewsbury Township, York County, PA
Duration: April 1, 1999 to March 31, 2000, 2 years with one 2-year renewal
Contact: William Tyson, (717) 787-7600

Real Estate Services—35

82A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA State Police with 6,715 useable square feet of new or existing office space, with parking for 54 vehicles, in Erie/Crawford County, PA, within the following boundaries: 1. along or near US Route 6 between Tarbell Road, (Union Township) and PA Route 426 (City of Corry), 2. along or near PA Route 89, North of US Route 6 between US Route 6 and Proctor Road, 3. along or near PA Route 77, from Elgin Road, City of Corry, South to the Northern Boro line of Spartensburg. Proposals due: November 9, 1998. Solicitation No.: 92722.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998-99
Contact: John A. Hocker, (717) 787-4394, Ext. 3107

83A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Office of Attorney General with 3,444 useable square feet of new or existing office space with parking for 15 vehicles in Allentown, Lehigh County, PA within 2 blocks of the center square of downtown Allentown. Proposals due: September 28, 1998. Solicitation No.: 92725.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998-99
Contact: Cynthia T. Lentz, (717) 787-4394, Ext. 3108

Sanitation—36

Service Purchase Contract No. 331075 Solid waste collection and disposal and recycling—Marsh Creek State Park requests services for the collection and disposal of solid waste and recycling. A prebid conference will be held on September 22, 1998, at 10 a.m. at Marsh Creek State Park, 675 Park Road, Downingtown, PA 19335, (610) 458-5119. Sealed bids will be received at Marsh Creek State Park, 675 Park Road, Downingtown, PA 19335. Documents containing all pertinent information must be obtained from the office of the park manager.

Department: Conservation and Natural Resources
Location: State Parks, Marsh Creek State Park, 675 Park Road, Downingtown, Chester County, PA 19335
Duration: January 1, 1999 through December 31, 2003
Contact: Park Office, (610) 458-5119

SP 398343 Removal of solid waste from Mt. Pisgah State Park, Bradford County. Bids will be opened at Bureau of State Parks, Regional Office 1, R. R. 4, Box 212, Emporium, PA 15834 on October 2, 1998, at 2 p.m. Bid documents may be obtained from Mt. Pisgah State Park or Regional Office 1.

Department: Conservation and Natural Resources
Location: Mt. Pisgah State Park, R. R. 3, Box 362, Troy, PA 16947
Duration: January 1, 1999 to December 31, 2004
Contact: Robert Deffner, Park Manager, (717) 297-2734

SPC-385351 Removal of accumulated waste and sludge from two pump stations (sewage pits). Contractor shall also be responsible to jet wash bar screen chamber wet well and 8-inch drain line 300 feet back from bar chamber.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1999 through June 30, 2002
Contact: Mary Jo Scanlon, (215) 953-6405

Miscellaneous—39

038 Woven wire fence installation. Site preparation, installation and materials for woven wire fencing around a portion of a timber sale along Spruce Mountain State Forest Road in Brown Township, Mifflin County, on Rothrock State Forest. Perimeter is approximately 9,100 linear feet. There are two fences, 4,300 linear feet and 4,800 linear feet.

Department: Conservation and Natural Resources
Location: Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652
Duration: Upon final execution/approval through January 15, 1999
Contact: James S. Smith, Forester, (814) 643-2340

038-A Woven wire fence installation. Site preparation, installation and materials for woven wire fencing around a future timber sale along Brady State Forest Road in Franklin Township, Huntingdon County, on Rothrock State Forest. Perimeter is approximately 6,700 linear feet.

Department: Conservation and Natural Resources
Location: Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652
Duration: Upon final execution/approval through June 30, 1999
Contact: Randall D. White, Forester, (814) 643-2340

346 Our advertisement that was published on August 22, 1998, No. 346 for Advocacy Services for individuals living at State operated mental retardation facilities in the Commonwealth of Pennsylvania should have had the contract period from January 1, 1999 to December 31, 2001. The date of January 1, 1998 was in error.

Department: Public Welfare
Location: Polk Center, Polk, PA
Duration: January 1, 1999 to December 31, 2001
Contact: Brian Leftwes, (814) 432-0351

IFB 98-07-04 This is a reissuance of IFB 97-07-08. The contractor shall provide fiscal and administrative oversight of funds and subcontract services for the Statewide 1999 AIDS conference in the form of: facilitating a Statewide conference planning committee for assisting in the conference logistics, training for participants, participant verification of courses and scholarship awards, providing logistics support at the training event, scheduling courses and presenters, preparation of a billing system, contracting for both trainers and sites; summary reports on training evaluations, developing, printing and mailing training notices and program booklets, providing publicity for the conference, establishing and updating an automated system to manage the Statewide training system coordination which includes mailing lists and other conference logistics.

Department: Health
Location: Within a 70 mile radius of downtown Harrisburg, PA
Duration: November 1, 1998—June 30, 1999
Contact: Darlene Moore, (717) 783-0572

339381 Subscriptions, professional journals and magazine service to Norristown State Hospital's professional and patient libraries.

Department: Public Welfare
Location: Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401
Duration: January 1, 1999 through December 31, 1999
Contact: Sue Brown, Purchasing Agent, (610) 313-1026

SPC-385354 Contractor shall supply all labor and parts required to perform repair service to Stanley gate operators and surrounding perimeter fences. Operators and fences are located on the grounds of the Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020. Contract period for repair service shall be July 1, 1999 through June 30, 2002.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1999 through June 30, 2002
Contact: Mary Jo Scanlon, (215) 953-6405

AA-2000 The Pennsylvania Department of Education, Bureau of Special Education, is issuing a Request for Proposal (RFP) for the development of an instrument for Statewide alternate assessment of students with severe disabilities for whom participation in the Pennsylvania State Assessment System is inappropriate. The project will also require a pilot study of the instrument which is developed, statistical analysis of the pilot results, and training for State identified trainers. A preproposal conference will be held on October 1, 1998 at 1 p.m. in the 7th Floor Conference Room, 333 Market Street, Harrisburg. All interested bidders are invited to send no more than three representatives. Registration to attend the preproposal conference should be made by contacting Beth Runkle at (717) 772-3260. All other questions regarding this RFP should be directed to Laura Davis at the following address.

Department: Education
Location: Bureau of Special Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333
Duration: 2 years
Contact: Laura Davis, (717) 783-6137

[Pa.B. Doc. No. 98-1545. Filed for public inspection September 18, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACT INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
9120-03	09/08/98	AGF Direct Gas Sales and Servicing	2,865,860.49
9120-03	09/08/98	Columbia Energy Services	199,556.68
9120-03	09/08/98	National Fuel Resources, Inc.	70,773.60
9120-03	09/08/98	UGI Energy Services, Inc.	49,062.41

Requisition or Contract #	Awarded On	To	In the Amount Of
1113078-01	09/09/98	Moore USA, Inc.	18,116.00
2089387-01	09/09/98	Lebanon Valley Cycle Sales, Inc.	11,408.00
8205910-01	09/09/98	Magnetic Attractions, Inc.	14,745.00
1085128-01	09/09/98	Print-O-Stat, Inc.	36,000.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-1546. Filed for public inspection September 18, 1998, 9:00 a.m.]