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PENNSYLVANIA BULLETIN

Volume 27
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Number 46
Pages 5945—6062

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Environmental Quality Board's
Postmining Discharges;
Licensing and Bonding

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Pennsylvania Public Utility Commission
Turnpike Commission

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

No. 276, November 1997

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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Part II

This part contains the
Environmental Quality Board's
Postmining Discharges; Licensing and Bonding

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Number 45

Part III

This part contains the
Environmental Quality Board's
Administration of Sewage Facilities,
Planning Program and Standards for
Sewage Disposal Facilities (Act 149)

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THE GENERAL ASSEMBLY

Recent Actions During the 1997 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1997 Regular Session.

1997 ACTS—Acts 48 through 51 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-48	Oct. 31	SB1136	PN1352	Jan. 1, 1998	Counties—district election officers compensation
1997-49	Oct. 31	SB55	PN953	60 days	Fish and Boat Code (30 Pa.C.S.)—watercraft operation under influence of alcohol or controlled substance, chemical testing and classification of offenses and penalties
1997-50	Oct. 31	HB41	PN846	60 days	Crimes Code (18 Pa.C.S.)—facsimile bombs
1997-51	Nov. 4	SB176	PN1442	Immediately*	Insurance Company Law of 1921, The—omnibus amendments

* with exceptions

line item veto

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their office for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

Legislative Bills and Documents

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 97-1819. Filed for public inspection November 14, 1997, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 100, 200, 400 AND 1000]

Proposed Amendments Providing for Filing Copies of Legal Papers and Service of Legal Papers by Facsimile Transmission; Proposed Recommendation No. 146

The Civil Procedural Rules Committee proposes to amend the rules of civil procedure to provide for the filing of copies of legal papers and the service of legal papers by facsimile transmission. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than January 9, 1998 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055; or E-Mail to civil.rules@court.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 100 RULES OF CONSTRUCTION

Rule 76. Definitions.

The following words and phrases when used in any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly, shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

* * * * *

Facsimile copy—A copy of a document transmitted and received by facsimile equipment;

* * * * *

CHAPTER 200. BUSINESS OF COURTS

[This is a new rule.]

Rule 205.3. Filing Copies of Legal Papers with the Prothonotary; facsimile copies.

(a) A copy, including a facsimile copy, of a pleading or other legal paper may be filed with the prothonotary provided that the copy shows that the pleading or other legal paper was properly signed and, where applicable, verified. Except as otherwise provided by law, the copy shall be deemed the equivalent of the original document.

Official Note: See Rule 76 for the definition of facsimile copy.

The facsimile copy must be on paper of good quality. See Pa.R.A.P. 124(a)(1).

This rule is not intended to alter the requirement of Rule 2951(c)(2) that a judgment by confession be entered pursuant to complaint if the original cannot be produced for filing.

This rule does not authorize the filing of legal papers by facsimile transmission.

(b) A party may require the filing of an original document by filing with the prothonotary and serving upon the party who filed the copy a notice to file the original document with the prothonotary within fourteen days of the filing of the notice.

CHAPTER 400. SERVICE OF ORIGINAL PROCESS SERVICE OF LEGAL PAPERS OTHER THAN ORIGINAL PROCESS

Rule 440. Service of Legal Papers other than Original Process.

(a)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action shall be served upon every other party to the action. Service shall be made

(i) by handing or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, [**but if**] or at such other address as a party may agree, or

Official Note: Such other address as a party may agree might include a mailbox in the prothonotary's office or an e-mail address.

(ii) by transmitting a copy by facsimile to the party's attorney of record as provided by subdivision (d).

(2)(i) If there is no attorney of record, [**then (1)**] service shall be made by handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of the party, [**but if**] or by transmitting a copy by facsimile as provided by subdivision (d).

(ii) If such service cannot be made, [**then (2)**] service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.

Official Note:

* * * * *

(3) Legal papers served after 5:00 p.m. shall be deemed served on the following business day.

* * * * *

(d)(1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is endorsed on an appearance or prior legal paper.

(2) The copy served shall begin with a cover sheet containing (i) the name, firm, address, telephone number, of both the party making service and the party served, (ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was

transmitted, (iii) the title of the legal paper served and (iv) the number of pages transmitted.

(3) Service is complete when transmission is complete.

CHAPTER 1000. ACTIONS AT LAW PLEADINGS

Rule 1025. Endorsement.

(a) Every pleading or other legal paper of a party represented by an attorney shall be endorsed with the name of the attorney, and every pleading or other legal paper of a party not represented by an attorney shall be endorsed with the name of the party, together in each case with an address within the Commonwealth.

(b) The endorsement by a party willing to accept service of pleadings or other legal papers by facsimile transmission shall include the facsimile telephone number at which documents may be received.

Official Note: See Rule 440(d) governing service by facsimile transmission.

Explanatory Comment

It is proposed that the rules of civil procedure be amended to allow the filing of a copy of a document, including a "faxed" document, and service by "fax" of a document other than original process.

The term "facsimile" is defined by Black's Law Dictionary, (Sixth Edition 1990) as "an exact copy, preserving all the marks of the original." Narrowing this definition, a proposed amendment to Rule 76 limits the term to copies transmitted and received by facsimile equipment, that is, copies which are faxed.

New Rule 205.3 proposes that a copy of a document, including a faxed document, may be filed with the prothonotary and treated as an original "provided that the copy shows that the pleading or other legal paper was properly signed and, where applicable, verified." A note emphasizes that the proposed rule does not provide for the filing of a document by means of facsimile transmission.

Proposed Rule 205.3(a) expressly states a copy of a document is deemed to be the equivalent of an original except as otherwise provided by law. An example of that exception is Rule 2951(c)(2) which requires that a judgment by confession be entered pursuant to complaint if the original cannot be produced for filing. A note to the proposed rule states that the rule is not intended to alter this requirement.

Subdivision (b) of proposed Rule 205.3 also provides that, if a copy of a document is filed of record, another party may require that the original document be filed. However, unless the genuineness of a document or signature is in question, it is not anticipated that this provision would be much used.

Amendments to Rules 440 and 1025 provide for service of documents upon parties by facsimile transmission. A party agrees to be served by this method by endorsing the party's fax telephone number on a prior pleading or other legal paper.

Subdivision (a) of Rule 440 is restyled, breaking the subdivision into three numbered paragraphs. New subdivision (a)(3) provides that a document other than original process must be served by 5:00 p.m. or it is deemed to be served the following business day. This provision extends

to all legal papers whether served by fax or other means.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 97-1820. Filed for public inspection November 14, 1997, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 3000 AND 4000]

Proposed Amendments to Rule 3101 et seq. Governing the Enforcement of Judgments for the Payment of Money; Proposed Amendment of the Note to Rule 4009.22 Governing Discovery; Proposed Recommendation No. 145

The Civil Procedural Rules Committee proposes to recommend the amendment of Rule 3101 et seq. governing the enforcement of judgments for the payment of money and the amendment of the note to Rule 4009.22 governing discovery. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than January 9, 1998 to: Harold K. Don, Jr., Esquire, Counsel, Civil Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055; or E-Mail to civil.rules@court.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3101. Definitions; garnishee.

The note following Rule 3101(b)(5) is rescinded and a new note is substituted to read as follows:

* * * * *

Official Note: Judgments against the Commonwealth, political subdivisions and public authorities constituting bodies corporate and politic, shall be enforced in accord with the appropriate Acts of Assembly which remain unsuspended.

As to first class townships, see The First Class Township Code of June 24, 1931, P. L. 1206, § 1711, as amended, 53 P. S. § 56711.

As to second class townships, see Second Class Township Code of May 1, 1933, P. L. 103, No. 69, § 3205, as amended, 53 P. S. § 68205.

As to boroughs, see the Borough Code of February 1, 1966, P. L. (1965) _____, No. 581, § 1303, as amended, 53 P. S. § 46303.

As to school districts, see the Act of March 10, 1949, P. L. 30, § 611, as amended, 24 P. S. § 6-611.

As to municipal authorities, state highway authorities, bridge authorities, parking authorities, public housing authorities, General State Authority and other like public corporations, see the various applicable acts creating them, limiting the remedies of both bondholders and creditors.

The following Acts of Assembly were repealed by the Judiciary Act Repealer Act (JARA). Pursuant to Section (3)(b) of that Act, 42 Pa.C.S. § 20003(b), these statutes remain part of the common law of the Commonwealth. For an example of the application of Section 3(b) of the act, see *Ricci V. Cuisine Management Services*, 423 Pa. Super Ct. 371, 621 A.2d 163, 165 (1993).

The County Code of August 9, 1955, P. L. 323, § 2804, 16 P. S. § 2804, as amended.

The Act of July 28, 1953, P. L. 723, § 3204, 16 P. S. § 6204 pertaining to second class counties.

Rule 3102. Writ of execution.

* * * * *

Official Note: Civil Arrest has been abolished except as provided [in Rules 3250 and 1481.] by Section 5108(b) of the Judicial Code, 42 Pa.C.S. § 5108(b).

Writs of [fi. fa.] fieri facias, attachment execution, vendex, liberari facias and all other forms of execution writs on money judgments against property of the defendant are [suspended by these rules and] supplanted by the writ of execution provided by these rules.

Exemption and immunity of property from execution remain as heretofore. For limitations as to execution against partners or association members on judgments against partnerships or unincorporated associations, see Rules 2132 and 2155.

The notes to Rule 3103(a) and (b) are rescinded and new notes are substituted, and subdivision (e) is amended to read as follows:

Rule 3103. Commencement; issuance.

* * * * *

Official Note: The following Acts of Assembly contain special procedures in connection with the issuance of the writ:

Section 428 of the Act approved June 2, 1915, P. L. 736, as amended, 77 P. S. § 951, providing for filing with the prothonotary an affidavit of default in payments before execution may issue on workmen's compensation judgments.

Section 712 of the Act approved May 15, 1933, P. L. 565, as amended, 71 P. S. § 733-712 requiring leave of court for execution against a financial institution of which the Secretary of Banking is in possession as receiver.

Section 3377 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3377, providing that execution may not issue on judgments against decedents other than on mortgages, ground rents or conditional sales of real or personal property without agreement in writing of the personal representative or approval of the Orphans' Court.

The Soldier's and Sailor's Civil Relief Act, 50 U.S.C.A. Appendix 520.

* * * * *

Official Note: Rule 2959(a)(1) authorizes the defendant in a confessed judgment to move to open judgment either in the county of entry or of execution.

* * * * *

(e) Upon issuance of the writ the prothonotary shall transmit it directly to the sheriff to whom it is directed or upon plaintiff's request deliver it to the plaintiff or [his] the plaintiff's representative for transmittal.

Rule 3108. Service of [writ]Writ[;]. [notice] Notice of [execution]Execution.

(a) Service of the writ shall be made by the sheriff in the case of

(1) tangible personal property, by levy thereon or, if the property is in possession of a third person who prevents a levy or fails to make the property of the defendant [in his possession] available to the sheriff for levy, by serving [him] the third person as garnishee;

Official Note: The following Acts of Assembly remain unsuspended:

The Uniform Commercial Code, 13 Pa.C.S. § 7602, requiring seizure, surrender or injunction against negotiation of negotiable documents of title covering goods in the possession of a bailee.

The Uniform Commercial Code, 13 Pa.C.S. § [8317] 8112, [requiring seizure or surrender or attachment at the source of investment securities] providing for the legal process by a creditor to reach a certificated security, an uncertificated security and a security entitlement.

The Pawn Brokerage Act of April 6, 1937, P. L. 200, § 21, 63 P. S. § 281-21, providing that pawnbrokers shall not be required by legal process to [redeem] deliver a pledge without [seizure,] surrender[, or injunction against the negotiation] of the pawn ticket unless the pawn ticket has been impounded or its negotiation enjoined.

For special provisions relating to access to safe deposit boxes see Rule 3110.

* * * * *

Official Note: Only personal service upon the mortgagor or judgment debtor in the same manner as a writ of summons in a civil action will attach the personal liability of the mortgagor on [his] the bond or the personal liability of the judgment debtor on [his] the judgment.

* * * * *

(6) all other real property in the county, by noting upon the writ a brief description of the real property levied upon and a statement that [he] the sheriff has levied upon the defendant's interest therein.

(b) Upon levy or attachment, the sheriff shall mail a copy of the writ to the execution defendant at [his] the last known address. The plaintiff shall provide the sheriff with copies of the writ and envelopes for mailing properly stamped and addressed. The sheriff shall note in [his] the return the mailing of the writ and the date thereof.

Rule 3112. Service of the writ upon garnishee; real property of defendant in name of third party.

* * * * *

Official Note: Registered mail includes certified mail. See Definition Rule 76.

The remedies available under the [**Fraudulent Conveyance Act of May 21, 1921, P.L. 1045, 39 P.S. §§ 359, 360,**] **Pennsylvania Uniform Fraudulent Transfer Act, 12 Pa.C.S. § 5107,** are not suspended by these rules.

Rule 3115. Writs of several plaintiffs; notation of levy.

* * * * *

[**Official Note: By the Act of June 16, 1836, P.L. 255 [755], § 85, 68 P.S. § 325, which remains unsuspended by these rules, there can be no stay of execution sale without the consent of the landlord where the goods are liable for payment of rent.**]

The limitations on stay as to judgments for wages are preserved by **Rule 3231(13).**]

Rule 3117. Discovery in aid of execution.

* * * * *

(b) All reasonable expenses in connection with the discovery may be taxed against the defendant as costs if it is ascertained by the discovery proceedings that [**he**] **the defendant** has property liable to execution.

Official Note: The immunity provisions of [**the Act of May 9, 1913, P.L. 197, 12 P.S. § 2243**] **Section 5941(b) of the Judicial Code, 42 Pa.C.S. § 5941(b),** relating to the judgment debtor remain unsuspended by these rules.

Rule 3121. Stay of execution; setting aside execution.

* * * * *

[**Official Note: As to limitations on stay against landlords and wage claimants, see Note to Rule 3115(c).**]

* * * * *

Official Note: [**The Acts of Assembly requiring inquisition and condemnation of real property as a prerequisite to sale are suspended absolutely by these rules.**] The defendant may under these rules obtain a stay upon a showing that the net rents or income can satisfy the judgment, interest and costs within a reasonable time, that a stay will not imperil the ultimate collection of the judgment and that in balancing the equities no undue hardship will be inflicted on the plaintiff. The court may in granting stay provide for payment to the plaintiff or may order sequestration of the rents or income.

* * * * *

Rule 3122. Venue of stay and other proceedings.

Official Note: By Rule 3141(b) the garnishee is given a similar option as to the venue of the proceedings.

[**The Act of March 27, 1945, P.L. 83, 12 P.S. §§ 913-914, authorizing**] **Rule 2959(a)(1) authorizes the defendant in a confessed [judgements] judgment to petition to open the judgment in the county in which the judgment [was originally] is entered or in the county of execution [, remains unsuspended by these rules] .**

Rule 3123.1. Claim for exemption or immunity of property; prompt hearing.

Official Note: Pennsylvania and Federal law provide numerous exemptions of property from execution, including the following:

Exemptions under Pennsylvania Law

1. General \$300 statutory exemption, 42 Pa.C.S. § 8123.

2. Particular personal property exemption—**wearing apparel**, bibles and school books, sewing machines, uniforms and equipment, 42 Pa.C.S. § 8124(a).

3. Certain retirement funds and accounts, 42 Pa.C.S. § 8124(b):

Public School Employes' **Retirement Fund**, 24 [**P.S.**] **Pa.C.S. § 8533 and 42 Pa.C.S. § 8124(b)(1)(i).**

State Employes' **Retirement Fund**, 42 Pa.C.S. § **8124(b)(1)(ii)** and 71 [**P.S.**] **Pa.C.S. § 5953.**

Police Pension Funds, [**53 P.S. § 761**] **42 Pa.C.S. § 8124(b)(1)(iii).**

Philadelphia Pension Fund, [**53 P.S. § 13431**] **42 Pa.C.S. § 8124(b)(1)(iv).**

Pittsburgh Pension Fund, [**53 P.S. § 23561**] **42 Pa.C.S. § 8124 (b)(1)(v).**

Pennsylvania Municipal [**Employes**] **Retirement Fund**, [**53 P.S. § 881.101 et seq.**] **42 Pa.C.S. § 8124(b)(1)(vi).**

Private employes' pensions or annuity funds, 42 Pa.C.S. § [**8124(b)(7)**] **8124(b)(1)(vii).**

Self-employed retirement or annuity funds, 42 Pa.C.S. § [**8124(b)(8)**] **8124(b)(1)(viii).**

Retirement or annuity funds provided for under the Internal Revenue Code, 42 Pa.C.S. § 8124(b)(1)(ix).

4. Certain insurance proceeds, 42 Pa.C.S. § 8124(c): Fraternal society benefits, 42 Pa.C.S. § 8124(c)(1), (8).

Workmen's [**Compensation**] **compensation, 42 Pa.C.S. § 8124(c)(2).**

Group insurance, 42 Pa.C.S. § 8124(c)(5).

Life insurance and annuities, 42 Pa.C.S. § 8124(c)(3), (4), (6).

Accident and disability **insurance**, 42 Pa.C.S. § 8124(c)(7).

No-fault motor vehicle accident benefits, [**40 P.S. § 1009.106(f)**] **42 Pa.C.S. § 8124(c)(9).**

Unemployment Compensation, 42 Pa.C.S. § 8124(c)(10).

5. Personal earnings, subject to the exceptions **under 23 Pa.C.S. Pt. IV relating to divorce and for support, board, certain damages arising from a residential lease, and student loan obligations**, 42 Pa.C.S. § 8127.

[**Unemployment Compensation, 43 P.S. § 863.**]

6. Tangible personal property on international exhibition, 42 Pa.C.S. § 8125.

7. Common carrier, property in interstate transit, 42 Pa.C.S. § 8126.

8. Certain veteran benefits:

Veterans' litigation awards (Vietnam herbicide), 51 Pa.C.S. § 7902(a).

Sums payable under:

the Veterans' Compensation Act, 51 P. S. § 20012.
the World War II Veterans Compensation Act, 51 P. S. § 20048.

the Korean Conflict Veterans Compensation Act, 51 P. S. § 20098.

the Vietnam Conflict Veterans' Compensation Act, 51 P. S. § 20127.

the Persian Gulf Conflict Veteran's Compensation and Bond Act, 51 P. S. § 20307.

Exemptions under Federal Law

1. Certain wages and compensation:

Longshoremen's and harborworkers' compensation, 33 U.S.C. § 916.

[Merchant seamen's wages, 46 U.S.C. § 601.]

Injury or death resulting from war-risk hazard, 42 U.S.C. § 1717.

2. Social Security benefits, 42 U.S.C. § 407.

3. Certain retirement funds and accounts:

Civil Service, 5 U.S.C. § 8346(a).

Foreign Service, 22 U.S.C. § [1104] 4060(c).

Railroad Retirement, 45 U.S.C. § [§ 228L,] 231m.

Judges' widows' annuities, 28 U.S.C. § 376(n).

4. Certain veteran and armed forces benefits:

Laws administered by the Veterans Administration, 38 U.S.C. [§ 3101] §§ 1970 and 5301.

Armed Forces Survivor Benefit Plan, 10 U.S.C. § 1450(i).

Savings deposited with armed forces, 10 U.S.C. § 1035(d).

Medal of Honor Roll Special Pension, 38 U.S.C. § 1562(c).

5. Miscellaneous:

Property of a foreign state, 28 U.S.C. §§ 1609, 1611.

[Homestead Land, 43 U.S.C. § 175.]

Rail Fund, 45 U.S.C. § 822(e).

Rule 3131. Sale of real property located in more than one county.

* * * * *

(c) The court may enter judgment upon the pleadings or take evidence by deposition or otherwise, shall decree the extent of the real property which shall be subjected to execution, describing it by metes and bounds, shall designate the place of sale, and shall control the distribution of the proceeds of sale. **The court may apportion the proceeds so as to satisfy prior lienors, including those having a lien upon a portion of a single tract which lay in a different county and which was not sold on execution.**

[Official Note: Section 12 of the Act of June 13, 1840, P. L. 689, 12 P. S. § 2491, remains unsuspended insofar as it authorizes the court to apportion the proceeds for the satisfaction of liens. See Rule 3241(40).]

* * * * *

Rule 3134. Transfer of personal property to purchaser.

When [the sheriff sells] selling personal property in execution [he] the sheriff shall, upon request of the purchaser, execute and deliver to the purchaser a sheriff's bill of sale setting forth the caption of the case and a description of the property. When [the sheriff sells] selling securities or documents of title, [he] the sheriff shall, upon request, endorse said document in the name of the defendant as follows:

"Defendant _____ by _____,
(Name of Defendant)

Sheriff of _____ County, pursuant to execution upon a judgment against the above named in the Court of _____ County, at Case Number _____ [, _____ Term 19____]."

Official Note: [The provisions of the Motor Vehicle Code] Sections 1114 and 1116 of the Vehicle Code, 75 Pa.C.S. §§ 1114, 1116, relating to transfer of [certificate of title pursuant to judicial sale] of vehicle by operation of law and prescribing the procedure, remain unsuspended by these rules. [See Act of April 29, 1959, P. L. 58, § 208, as last amended, October 26, 1972, P. L. 1020, No. 249, § 1, 75 P. S. § 208.]

Rule 3135. Sheriff's deed to real property; correction of deed.

(a) **[When the sheriff sells real property in execution, he shall, at the expiration of ten (10) days after the filing of the schedule of distribution, if no petition has been filed to set aside the sale, execute and acknowledge before the prothonotary a deed to the property sold.]** When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of ten days after the filing of the schedule of distribution, shall execute and acknowledge before the prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registry if required. Confirmation of the sale by the court shall not be required.

(b) **If the sheriff has made a defective return of the execution proceeding or has executed a defective deed, including the erroneous description of the real estate, the court upon petition of the purchaser or the purchaser's successors in title may correct the return or deed or order that a new return or deed be executed.**

[Official Note: The Acts of Assembly providing for correction of defective execution of the deed, defective return or errors or misdescriptions remain unsuspended by these rules. Acts of June 16, 1836, P. L. 755, § 104, 12 P. S. § 2543, April 21, 1846, P. L. 430, 12 P. S. § 2544, and June 24, 1895, P. L. 246, 12 P. S. § 2545.]

Rule 3143. Dissolution of attachment; release of property; bond.

* * * * *

Official Note: For further remedies available to a third person claiming attached property, see Rules on Intervention, 2326 et seq.; Rules on Interpleader, 2301 et

seq. and **Rules on Sheriff's Interpleader [Act of June 22, 1931, P. L. 883, 12 P. S. § 2368.], 3201 et seq.**

[This is a new rule.]

Rule 3159. Acts of Assembly not suspended.

(a) The following Acts of Assembly shall not be deemed suspended or affected:

(1) Section 428 of the Act approved June 2, 1915, P. L. 736, as amended, 77 P. S. § 951.

Official Note: This Section of the Workmen's Compensation Act provides that execution may issue on a workmen's compensation judgment upon first filing with the prothonotary an affidavit of default in payments.

(2) Section 1 of the Act approved May 7, 1929, P. L. 1589, as amended, 68 P. S. § 322.

Official Note: This Act provides for landlord's priority for rent under execution sale against tenant.

(3) Section 1711 of the Act of June 24, 1931, P. L. 1206, as amended, 53 P. S. § 56711.

Official Note: This section of the First Class Township Code provides for a special levy to pay debts.

(4) Section 3205 of the Act of May 1, 1933, P. L. 103, No. 69, as amended, 53 P. S. § 68205.

Official Note: Subdivision (b) of this section of the Second Class Township Code provides for a special levy to pay debts.

(5) Section 712 of the Act of May 15, 1933, P. L. 565, as amended, 71 P. S. § 733-712.

Official Note: This section requires leave of court for execution against a financial institution of which the Secretary of Banking is in possession as receiver.

(6) Section 1 of the Act approved May 24, 1933, P. L. 987, 40 P. S. § 117.

Official Note: This Section relates to the right of plaintiff to maintain an action against an indemnity insurer upon return of execution unsatisfied against insured.

(7) Section 21 of the Act approved April 6, 1937, P. L. 200, 63 P. S. § 281-21.

Official Note: This section relates to pawnbrokers' liens on pledged goods and the prohibition against legal process requiring a pawnbroker to deliver a pledge without surrender of the ticket unless the ticket has been impounded or its negotiation enjoined.

(8) Section 611 of the Act of March 10, 1949, P. L. 30, as amended, 24 P. S. § 6-611.

Official Note: This section of the Public School Code of 1949 provides for the enforcement of judgments against school districts.

(9) As to boroughs, see the Borough Code of February 1, 1966, P. L. (1965) _____, No. 581, as amended, 53 P. S. § 46303.

Official Note: This section of the Borough Code provides for a special levy to pay debts.

(10) Any Act of Assembly providing immunity or exemption of property from execution.

Official Note: This Section is intended to preserve the numerous Acts of Assembly providing for immunity or exemption of particular types or classes of property from

execution. The practice and procedure as to claiming or waiving exemption or immunity is governed by these rules.

(b) The following provisions of the Consolidated Statutes shall not be deemed suspended or affected:

(1) Section 5107 of the Pennsylvania Uniform Fraudulent Transfer Act, 12 Pa.C.S. § 5107.

Official Note: This section of the Pennsylvania Uniform Fraudulent Transfer Act relates to remedies of creditors.

(2) The Uniform Commercial Code, 13 Pa.C.S. § 1101 et seq.

(3) Section 8345 of Associations Code, 15 Pa.C.S. § 8345.

Official Note: This Section of the Uniform Partnership Act relates to charging orders in execution against partnership interests.

(4) Section 8563 of the Associations Code, 15 Pa.C.S. § 8563.

Official Note: This Section of the Pennsylvania Revised Limited Partnership Act relates to charging orders in execution against limited partnership interests.

(5) Section 3377 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 3377.

Official Note: This section of the Probate, Estates and Fiduciaries Code provides that execution shall not issue against property of the estate of a decedent upon judgment, other than mortgages, ground rents, pledges or conditional sales of real or personal property, without agreement in writing of the personal representative or approval of the Orphans' Court.

(6) Section 2503(2) and (3) of the Judicial Code, 42 Pa.C.S. § 2503 (2) and (3).

Official Note: These sections relate to the right of a garnishee to receive counsel fees.

(7) Section 5105(f) of the Judicial Code, 42 Pa.C.S. § 5105(f).

Official Note: This Section provides that the reversal or modification of any order of a court in a matter in which the court has jurisdiction of the sale, mortgage, exchange or conveyance of real or personal property shall not impair or divest any estate or interest acquired thereunder by a person not a party to the appeal.

(8) Section 8151 of the Judicial Code, 42 Pa.C.S. § 8151.

Official Note: This section requires officers conducting judicial sales of property to give twenty days notice in writing to the Pennsylvania Department of Revenue.

(9) Sections 8123(b)(3) and (4) of the Judicial Code, 42 Pa.C.S. §§ 8123(b)(3) and (4).

Official Note: These Sections provide that there shall be no exemption of property in executions upon judgments for board for four weeks or less or for wages of \$100 or less for manual labor.

(10) Section 8127(b) of the Judicial Code, 42 Pa.C.S. § 8127(b).

Official Note: This Section prohibits the commencement of actions or transfer of claims for collection outside of the Commonwealth to defeat a claim for exemption.

(11) Sections 1114 and 1116 of the Vehicle Code, 75 Pa.C.S. §§ 1114, 1116.

Official Note: These sections relate to change of ownership by operation of law and the issuance of certificates of title.

ACTS OF ASSEMBLY NOT SUSPENDED

Rule 3231. Acts of Assembly not suspended.

Rescinded.

Official Note: See Rule 3159 for the preservation of the Acts of Assembly formerly preserved by this rule.

ACTS OF ASSEMBLY SUSPENDED

Rule 3241. Acts of Assembly suspended.

Rescinded.

Official Note: The statutes formerly suspended by this rule have been repealed.

FORMS

Rule 3251. Praeipce for [writ]Writ of [execution] Execution.[—] [money]Money [judgment] Judgments.

* * * * *

Official Note:

* * * * *

Paragraph (4)(a) should be completed only if indexing of the execution in the county of issuance is desired as authorized by Rule 3104(a)(1). When the writ issues to another county indexing is required as of course in that county by the prothonotary. See Rule 3104(b).

* * * * *

CHAPTER 4000. DEPOSITIONS AND DISCOVERY SUBPOENA UPON A PERSON NOT A PARTY

Rule 4009.22. Service of Subpoena.

* * * * *

Official Note: For the form of the certificate, see Rule 4009.25.

The twenty-day advance notice is for the benefit of the parties and not the person served. The twenty-day notice period may be waived and the certificate modified accordingly.

* * * * *

Explanatory Comment

I. Execution Rule 3101 et seq.

The Judiciary Act Repealer Act (JARA) became law in 1978, repealing literally thousands of statutory provisions governing civil practice and procedure and amending many others. Since that time the many references to these repealed and amended statutes contained in the Rules of Civil Procedure have gradually been eliminated. This recommendation proposes to continue this process and to eliminate from Rules 3101 through 3149, with the exception of Rule 3104, all obsolete references and citations and to make any conforming amendments necessary. These amendments are technical in nature and do not affect practice and procedure. Rule 3104 governing indexing the writ of execution will be the subject of a separate recommendation.

Several proposed revisions merit further mention.

Rule 3101

A new note to Rule 3101 replaces the current note. It incorporates the substance of the current note, deletes

references to repealed statutes and includes references to successor statutes. In addition, the note continues to advise that the enforcement of judgments against the Commonwealth, political subdivisions and public authorities must be in accord with the appropriate Act of Assembly. The note mentions two such statutes which, although repealed by JARA, contain practice and procedure which remain part of the common law of the Commonwealth pursuant to Section (3)(b) of that Act, 42 Pa.C.S. § 20003(b).

Rule 3131

Rule 3131 is amended by incorporating the practice under Section 12 of the Act of June 13, 1840, P. L. 689, 12 P. S. § 2491 (repealed), which authorized the court to apportion the proceeds of an execution sale of real property for the satisfaction of liens. That statute provided in relevant part:

§ 2491. Proceedings when lands in adjoining counties are levied on

... In case there shall be any liens on the parts of said lands, lying in the adjoining county or counties, in which the above mentioned proceedings are directed to be filed and entered, existing previous to filing and entering such proceedings, the court shall, after the return of the sale, ascertain and determine, in which manner as they may think proper, what proportion of the proceeds of such sale shall be applied in satisfaction of such previous liens.

Rule 3135

JARA repealed the following Acts: the Act of June 16, 1836, P. L. 755, § 104, 12 P. S. § 2543, providing for correction of a defective execution of a sheriff's deed, the Act of April 21, 1846, P. L. 430, 12 P. S. § 2544, providing for amendment of a defective sheriff's return, and the Act of June 24, 1895, P. L. 246, 12 P. S. § 2545, providing for correction of an error in the description of real estate in a sheriff's deed. The recommendation proposes that Rule 3135 be revised to incorporate these correction practices. The text of these statutes is set forth in Endnote No. 1 following this comment.

Rules 3159 and 3231

Present Rule 3231 governs the preservation of Acts of Assembly relating to the enforcement of judgments for the payment of money. Many of the statutes preserved by Rule 3231 have been repealed by JARA. It is proposed that Rule 3231 be rescinded and that the provisions of Rule 3231 preserving statutes which have not been repealed be transferred to new Rule 3159. Subdivision (a) of the new rule preserves Acts which are part of the Unconsolidated Statutes (___ P. S. § ___) while subdivision (b) preserves Acts which form part of the Pennsylvania Consolidated Statutes (___ Pa.C.S. § ___).

II. Discovery Rule 4009.22

Members of the bar have expressed concern that Rule 4009.21 et seq. governing the subpoena for the production of documents or things from a person not a party does not contain any reference to a waiver of the twenty-day notice period. It was suggested that, if the parties agreed, they might dispense with the twenty-day period and thus expedite the production of the materials sought. Consequently, it is proposed that a second paragraph be added to the note to Rule 4009.22(a) advising of the ability to

waive the notice period and modify the certificate required by that rule as a prerequisite to service of the subpoena.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

Endnote

1. The repealed statutes read as follows:

§ 2543. Correction of defective execution

The several courts aforesaid shall have the like power to compel the sheriff or coroner making sale as aforesaid to perfect the title of purchasers, in cases of defective or informal execution of sheriffs' or coroners' deeds, and they may grant relief in the manner, and upon the terms and conditions aforesaid, and with like effect.

§ 2544. Amendments to defective returns

In all cases where any real estate hath been heretofore sold, or shall hereafter be sold, under any execution issued out of any of the courts of record in this Commonwealth, and the sheriff, or other officer making such sale, shall have made, or hereafter may make a defective or informal return of his proceedings upon each execution, it shall be lawful for the purchaser at such sale, or other person or persons interested therein, to apply by bill or petition to the court out of which such execution issued, setting forth the facts of the case; and after due notice, to be given in such manner as the court may direct, to such purchaser or defendant in the execution, as whose property the same may have been sold, or to the executors, or administrators and heirs of such purchaser or defendant, or devisee of such estate, and to all other persons

interested therein, to appear in such court, on a day certain, to be fixed by said court, and answer such bill or petition; and thereupon the said court shall have power to examine into the facts of the case, and make such order and decree therein as justice and equity may require, either by dismissing such bill or petition, or by correcting and amending such return to the execution, according to the truth of the case; and directing the sheriff, for the time being, to execute a deed of such real estate to the purchaser thereof, or to such other person or persons, for the use of such as may be entitled thereto, under such sale, upon such terms and conditions as the said court may determine, and justice and equity require; which deed, so executed and acknowledged, as sheriffs' deeds are usually acknowledged, shall be as effectual in law as if the proper return had been made, and the title had been completed according to law.

§ 2545. Correction of error in description

When real estate has been correctly described in the sheriff's return to the writ of fieri facias, and error has occurred in the description in the writ of venditioni exponas, or deed issued thereon, or both, the purchaser, or his successors in title, may apply within one year from the date of the aforesaid deed to the court of common pleas, by petition to correct the error; and the said court having jurisdiction of the aforesaid writ, after due notice to the defendant in the aforesaid writ and all parties in interest, may correct the aforesaid deed, or issue a new deed, in conformity with the writ of fieri facias, to be acknowledged by the acting sheriff, and fix the costs as for similar services which shall be paid by the applicant; Provided, the purchaser or purchasers, or his or their successors, have possession under the deed originally executed and no titles have passed: And provided further, that errors of description in the fieri facias shall not be cured by this act.

[Pa.B. Doc. No. 97-1821. Filed for public inspection November 14, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 104]

Peach and Nectarine Research Program

The Department of Agriculture (Department) amends its regulations in Chapter 104 by adding a new Subchapter E to address the Pennsylvania Peach and Nectarine Research Program (Program). The regulations are promulgated under the authority of sections 3 and 11 of the Pennsylvania Agricultural Commodities Marketing Act of 1968 (PACMA) (3 P. S. §§ 1003 and 1011) which, respectively, direct the Department to administer and enforce PACMA and delegate to the Department the authority to adopt regulations necessary to implement PACMA.

The Program funds its research efforts through the collection of a \$5-per-acre producer charge from those peach and nectarine producers having 500 or more peach or nectarine trees in their production operations. Currently, there are approximately 130 of these producers in this Commonwealth.

In summary, the regulations define necessary terms, set forth the obligation of an affected producer to account for and pay annual producer charges owed the Program, clarify the procedures by which this obligation is to be met and set forth penalties for noncompliance.

Comments

Notice of proposed rulemaking was published at 27 Pa.B. 2124 (May 3, 1997) and provided for a 30-day public comment period.

Comments were received from the State Horticultural Association of Pennsylvania and the Independent Regulatory Review Commission (IRRC).

The State Horticultural Association of Pennsylvania offered its general support for the regulations, noting it "... provides management flexibility for the board and reinforces the responsibility of eligible growers to participate in the assessment."

IRRC expressed concern over § 104.63 (relating to producer charge), which referenced the fact that the Program might change the \$5-per-acre producer charge through the referendum process described in PACMA and Chapter 103 (relating to referendums). IRRC recommended that language be added to this section to state that a change in the producer charge would only be accomplished through a referendum and an amendment of this regulatory section.

The Department accepts IRRC's recommendation in part, and has added language to require the Department to amend § 104.63 if the Program adjusts its producer charge through the referendum process. The Department's purpose in including the reference to the possibility that the producer charge might be changed by referendum was to apprise affected persons that there would, for the time between the completion of the referendum and the promulgation of regulatory revisions to reflect the results of that referendum, be a discrepancy between the actual producer charge and the producer charge stated in § 104.63. During this period, affected producers would be expected to pay the producer charge established by referendum. The Department also added

language to emphasize that it is the referendum process and the program order that establishes the producer charge, and not the regulations. The regulations restate the producer charge, but do not establish it.

IRRC raised a similar concern with respect to § 104.65(e) (relating to accounting and payment). That section references the fact that the deadline for submitting annual statement forms to the Department may be changed by referendum. For reasons similar to those set forth in the preceding paragraph, the Department accepted IRRC's suggestion in part and added language to require the Department to revise its regulations to reflect any change to this deadline date accomplished through the referendum process, and to emphasize that the regulations restate the deadline date but do not establish it.

IRRC also recommended § 104.65 be revised to describe the calendar year to which the annual statement form is applicable.

The Department implemented IRRC's recommendation by adding language in § 104.65(a). Ordinarily, the annual statement form provided to affected producers by the Department will be applicable to the current calendar year. It is not unusual, though, for the Department to seek production information with respect to years past. The year to which the form is applicable, therefore, will be printed on the form itself.

IRRC's final suggestion was that the regulations apprise affected producers of the date by which they should ordinarily expect to have received their annual statement forms from the Department, and advise an affected producer who has not received the form by that date to contact the Department.

The Department has implemented IRRC's suggestion by adding a new § 104.65(b) and redesignating subsequent subsections. The Department will ordinarily mail or deliver annual statement forms to affected producers in August. An affected producer who does not receive the form by September 1 should contact the Department to obtain one.

The regulations will provide affected producers a clearer understanding of their obligations with respect to the Program and will formalize procedures to be used by the Department.

Fiscal Impact

Commonwealth

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

Political Subdivisions

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

Private Sector

The regulations will impose no costs and will have no fiscal impact on the private sector. Although some recalcitrant producers may ultimately be compelled to pay their fair share of the Program's costs as a result of the regulations, these producers have a preexisting responsibility to make these payments.

General Public

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

Paperwork Requirements

The regulations are not expected to result in an appreciable increase in paperwork. The Program currently provides annual statement forms to approximately 130 affected producers throughout this Commonwealth. Although the regulations may ultimately result in the identification of additional affected producers, this is not expected to significantly impact upon the overall paperwork burden imposed on the Department and affected producers.

Contact Person

Further information is available by contacting the Department of Agriculture, Attention: Michael Varner, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 18, 1997, the Department submitted a copy of the notice of proposed rulemaking published at 27 Pa.B. 2124 (May 3, 1997) to IRRC and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs for review and comment. In compliance with section 5(b.1), the Department also provided IRRC and the Committees with copies of all comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the Committees on September 22, 1997, and were approved by IRRC on October 9, 1997, in accordance with section 5(c) of the Regulatory Review Act.

Findings

The Department finds that:

- (1) Public notice of intention to adopt the regulations encompassed by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and that all comments received were considered.
- (3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed regulation published at 27 Pa.B. 2124.
- (4) The adoption of the regulations in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

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

- (a) The new regulations of the Department, 7 Pa. Code Chapter 104, are amended by adding §§ 104.61, 104.62 and 104.64 to read as set forth at 27 Pa.B. 2124 and by adding §§ 104.63 and 104.65 to read as set forth at Annex A.
- (b) The Secretary of Agriculture shall submit this order, 27 Pa.B. 2124 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 Agriculture shall certify this order, 27 Pa.B. 2124 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

SAMUEL E. HAYES, Jr.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 5561 (October 25, 1997).)

Fiscal Note: Fiscal Note 2-110 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 7. AGRICULTURE

PART IV. BUREAU OF MARKET DEVELOPMENT

CHAPTER 104. ENFORCEMENT OF MARKETING PROGRAMS

Subchapter E. PEACH AND NECTARINE RESEARCH PROGRAM

§ 104.63. Producer charge.

The producer charge owed the Program is \$5 with respect to each acre of peach trees or nectarine trees, or both, grown by an affected producer. This producer charge was established by referendum among affected producers and by the order pursuant to which the Program was established under the act, and may be changed by subsequent amendment of the Program in accordance with the referendum procedure in Chapter 103 (relating to referendums). Although the Department will amend this section to reflect any revised producer charge, an affected producer is responsible to pay the revised producer charge regardless of whether this amendment has been completed.

§ 104.65. Accounting and payment.

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

(b) *Obtaining a form.* The Department will endeavor to mail or deliver annual statement forms to known producers in August of each year. If an affected producer does not receive an annual statement form from the Department by September 1, the affected producer shall obtain a form by contacting the Department at the address set forth in subsection (d).

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

(d) *Address.* The annual statement form and payment described in subsections (a) and (c) shall be mailed or delivered to: Department of Agriculture, Bureau of Market Development, Attn.: PA Peach and Nectarine, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

(e) *Deadline.* The annual statement form and payment described in subsections (a) and (c) shall be postmarked and mailed, or actually delivered to the Program, by October 1 of each year any person is an affected producer. This due date was established by referendum among

affected producers and by the order pursuant to which the program was established under the act, and may be changed by amendment of the Program in accordance with the referendum procedure in Chapter 103 (relating to referendums). Although the Department will amend this section to reflect any revised due date, an affected producer is responsible to comply with the revised due date regardless of whether this amendment has been completed.

(f) *Penalty for noncompliance.* An affected producer who fails to mail or deliver the required annual statement form as described in subsection (a), and the producer charges owed the Program within 30 days of the

due date, as described in subsection (e), shall be required to pay a penalty of at least \$100 but not more than \$500, and as nearly equivalent to 100% of the amount of the delinquent producer charges as is practicable. An action seeking imposition of a penalty, plus payment of producer charges owed the Program, may be brought in the appropriate magisterial district. A penalty shall be in addition to the delinquent producer charges owed the Program.

[Pa.B. Doc. No. 97-1822. Filed for public inspection November 14, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 216, 218, 221, 223, 227
AND 228]

[Correction]

Radiological Health

An error occurred in the document which proposed amendments to Article V (Radiological Health) of 25 Pa. Code. The proposal appeared at 27 Pa.B. 5703, 5710 (November 1, 1997). The following sections were erroneously listed as proposed to be deleted:

§ 221.56 (relating to administrative controls)

§ 221.61 (relating to radiation therapy simulation systems)

§§ 221.71—221.76 (relating to therapeutic X-ray systems with energies less than 1 MEV)

The text of these sections remains as appears at 25 Pa. Code pages 221-30, 221-33 and 221-34—221-40, serial pages (123698), (123701) and (123702)—(123708).

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 97-1777. Filed for public inspection October 31, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD [4 PA. CODE CH. 9]

Reorganization of the State Civil Service Commission

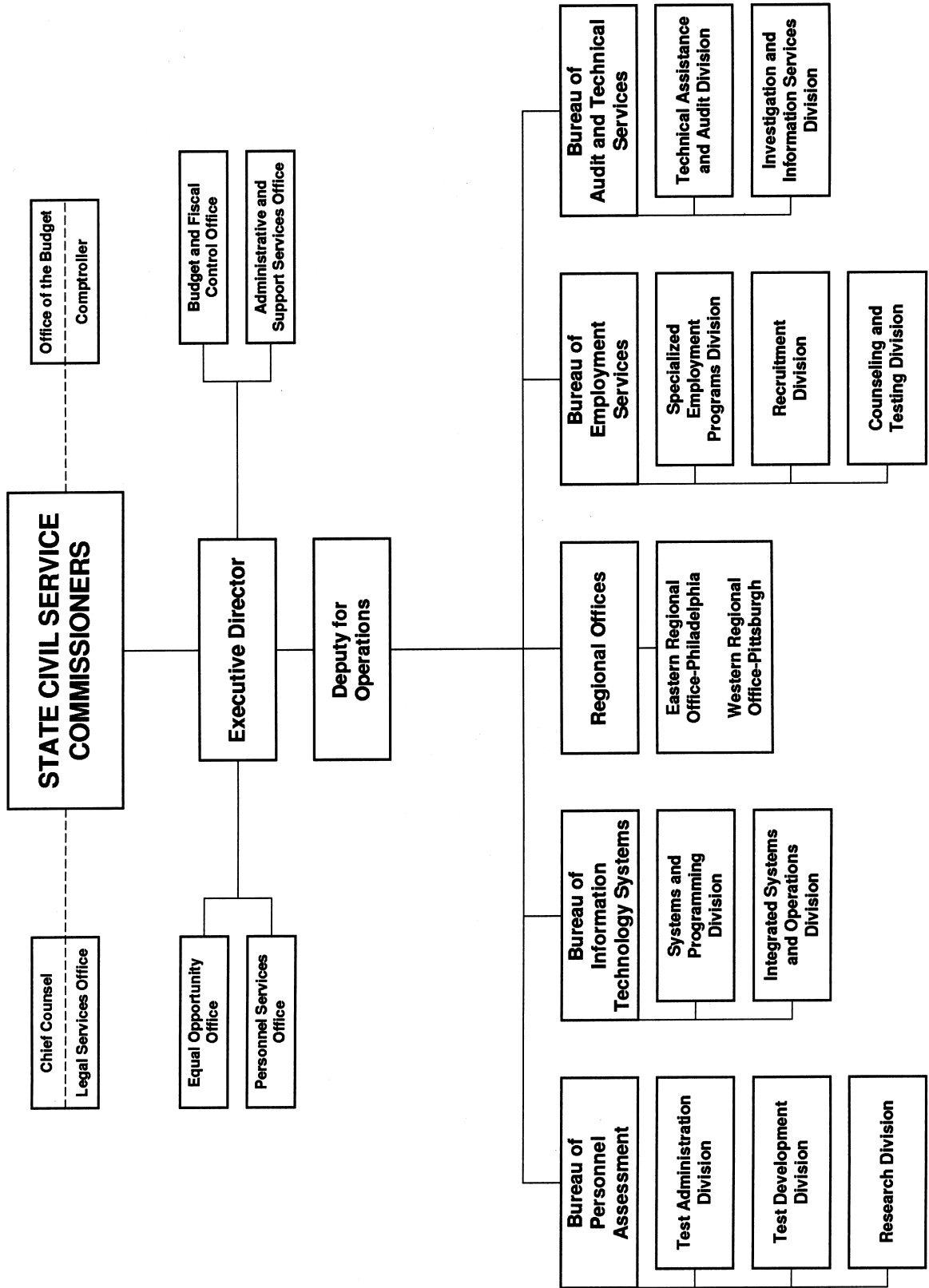
The Executive Board approved a reorganization of the State Civil Service Commission effective October 29, 1997.

The organization chart at 27 Pa.B. 5969 (November 15, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 97-1823. Filed for public inspection November 14, 1997, 9:00 a.m.]

STATE CIVIL SERVICE COMMISSION



Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 170]

Student Loan Assets Exempt by Public Policy

The Department of Revenue (Department) has adopted a statement of policy under the authority contained in § 3.2 (relating to statements of policy). This statement of policy adds § 170.2 (relating to student loan assets exempt by public policy) and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Act 7 of 1997 (H. B. No. 134, Printer's No. 1706) amended section 601 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7601) with the effect of subjecting certain business trusts to the capital stock tax/foreign franchise tax for the first time, effective for tax years beginning on or after January 1, 1998. Section 170.2 sets forth the Department's policy that student loan assets specified in § 170.2 that are owned or held by a trust or other entity formed for the securitization of student loans are exempt assets by reason of public policy for purposes of capital stock/foreign franchise taxation and the application of the apportionment rules applicable thereto.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Department 281061, Harrisburg, PA 17128-1061.

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-SOP-398. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE VI. CORPORATION TAXES

CHAPTER 170. CORPORATION TAX PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 170.2. Student loan assets exempt by public policy.

(a) It has long been the public policy of the Commonwealth to improve higher educational opportunities by assisting persons in meeting the educational expenses of higher education and by enabling the Pennsylvania Higher Education Assistance Agency, other lenders and postsecondary institutions to make loans available to students and the parents of students for postsecondary educational purposes. Financial assistance to students is provided through various Federal, State and private postsecondary student loan programs.

(b) The business trust form is frequently used as a financing vehicle to increase the availability of financing for student loans. In these trust structures, a trust is established to acquire student loan notes from originators of student loans. The trust certificates of beneficial interest and debt securities issued by the trusts to raise funds to acquire student loans from originators are secured by the student loan notes acquired, related Federal and State guarantees and subsidies of the student loans, and certain other assets commonly held by student loan trusts to facilitate the ownership, maintenance and management of, and investment in or purchase

and sale of, student loans. Legal title to the student loan notes is typically held by a financial institution serving as trustee and qualifying to hold title to the loans under applicable student loan laws and regulations. The investment in student loans through these trust structures serves the public purpose of increasing liquidity in the student loan market and increasing the total funding available to make student loans.

(c) Act 7 of 1997 amended section 601 of the TRC (72 P. S. § 7601) to change the definitions of "domestic entity" and "foreign entity" with the effect of subjecting all business trusts to the capital stock tax/foreign franchise tax, effective for tax years beginning on or after January 1, 1998.

(d) Currently, certain assets exempt from taxation by reason of public policy are listed in § 155.10(d)(4) (relating to single factor apportionment). Student loan assets have not previously been listed as exempt assets because prior to Act 7 of 1997, trusts holding the assets were not included within the definition of "domestic entity" or "foreign entity" for purposes of the capital stock tax/foreign franchise tax since the trusts are not taxable as corporations for Federal income tax purposes. Treating student loan notes assets commonly held by the trusts to facilitate the securitization of student loans as taxable assets would contravene public policy in favor of promoting higher education and financial assistance to students pursuing higher education.

(e) Therefore, it is the policy of the Department that for tax years beginning on or after January 1, 1998, the following student loan assets that are owned or held by an entity created for the securitization of student loans, or by a trustee on its behalf, are exempt by reason of public policy from taxation for purposes of the taxable assets fraction under § 155.10:

- (1) Student loan notes.
- (2) Federal, State or private subsidies or guarantees of student loans.
- (3) Instruments that represent a guarantee of debt, certificates or other securities issued by an entity created for the securitization of student loans, or by a trustee on its behalf.
- (4) Contract rights to acquire or dispose of student loans and interest rate swap agreements related to student loans.
- (5) Interests in or debt obligations of other student loan securitization trusts or entities.
- (6) Cash or cash equivalents representing reserve funds or payments on or with respect to student loan notes, the securities issued by an entity created for the securitization of student loans or the other student loan assets exempted under this section. Solely for purposes of this public policy exemption for student loan assets, "cash or cash equivalents" shall include direct obligations of the United States Department of the Treasury, obligations of Federal agencies which obligations represent the full faith and credit of the United States, investment grade debt obligations or commercial paper, deposit accounts, Federal funds and banker's acceptances, prefunded municipal obligations, and money market instruments and money market funds.

[Pa.B. Doc. No. 97-1824. Filed for public inspection November 14, 1997, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting

The Delaware River Basin Commission will hold a regular business meeting on Wednesday, November 19, 1997. The meeting is open to the public and scheduled to begin at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, NJ.

The subjects of the meeting will be as follows:

- a. Minutes of the October 22, 1997 business meeting.
- b. Announcements.
- c. Report on hydrologic conditions in the Delaware River Basin. The report will include an update on the Basin's current drought warning status.
- d. General Counsel's Report.

e. Jefferson Township Sewer Authority Doc. No. D-97-6 CP. The Commission conducted public hearings on this project application on June 25 and July 28, 1997.

f. A resolution to adopt the Commission's annual budgets for the fiscal year ending June 30, 1999 and to apportion among the signatory parties the amounts required for the support of the current expense and capital budgets. A public hearing on this budget was held on October 22, 1997.

g. A resolution to amend the Administrative Manual—Rules of Practice and Procedure. The Commission conducted a public hearing on the proposed amendments to its Rules of Practice and Procedure on October 22, 1997.

h. Public dialogue.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 97-1825. Filed for public inspection November 14, 1997, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 4, 1997.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-29-97	First Union Corporation, Charlotte, North Carolina, to indirectly acquire control of Mentor Trust Company, Philadelphia, Pennsylvania	Charlotte, N. C.	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-30-97	The York Bank and Trust Company York York County	Weis Market 1800 Roosevelt Ave. York York County	Opened
11-3-97	Franklin First Savings Bank Wilkes-Barre Luzerne County	115 J. Campbell Collins Drive Wilkes-Barre Luzerne County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-97	S & T Bank Indiana Indiana County	Second Ave. & Hicks St. Leechburg Armstrong County	Filed
10-31-97	United Savings Bank Philadelphia Philadelphia County	320 MacDade Blvd. Folsom Delaware County	Approved
10-31-97	First Lehigh Bank Walnutport Northampton County	1448 W. Broad St. Quakertown Bucks County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-3-97	Franklin First Savings Bank Wilkes-Barre Luzerne County	City Heights Shopping Center 161 Amber Lane Wilkes-Barre Luzerne County	Approved

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
10-30-97	East Stroudsburg Savings Association Stroudsburg Monroe County	Mr. Z's Supermarket U. S. Highway 209 and Weir Lake Road Chestnuthill Township Monroe County	Approved

Voluntary Liquidation

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
10-31-97	Building Association of Landenberg, PA Landenberg Chester County	Certificate of Election for voluntary dissolution filed. Effective as of the close of business October 31, 1997.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-1-97	White Rose Credit Union, York, and Greater York Municipal Employees Federal Credit Union, York Surviving Institution—White Rose Credit Union, York	York	Effective

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-3-97	Lee Hospital Credit Union Johnstown Cambria County	223 Industrial Park Rd. Johnstown Cambria County	Filed

RICHARD C. RISHIEL,
Secretary

[Pa.B. Doc. No. 97-1826. Filed for public inspection November 14, 1997, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Cambria County Area Community College for Approval to Restructure Its Opera- tions Into Four Off-Campus Operations That Will Evolve Into Branch Campuses

Under 22 Pa. Code § 34.11 (relating to establishment of additional branches or campuses by a state-supported institution), the Department of Education (Department) will consider the application of Cambria County Area Community College, a State-supported institution, for approval by the Secretary of Education (Secretary), to restructure its operations into four off-campus operations that will evolve into branch campuses.

The application was received by the Secretary on August 13, 1997 and is available for public inspection at the institution's main offices located at 727 Goucher Street, Johnstown, PA.

Written public comment on this application may be submitted to the Department within 30 days of the date

of publication of this notice. Comments should be brief and should be limited to: a) whether and how the application adversely affects the respondent or others; b) whether and how the application assists the respondent or others; and c) whether the application is feasible and needed or not feasible and not needed in the region.

All written comments shall be filed with Dr. Michael B. Poliakoff, Deputy Secretary for Postsecondary and Higher Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5041; FAX: (717) 783-0583 on or before 4 p.m. on the due date prescribed by this notice.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-1827. Filed for public inspection November 14, 1997, 9:00 a.m.]

Office of Commonwealth Libraries; Public Hearing

The Office of Commonwealth Libraries will hold a public hearing on the request to move the Shippensburg Public Library from the Conococheague Library District

to the Dauphin County Library District on November 18, 1997 at the following location: Room 10, Ezra Lehman Memorial Library, Shippensburg University of Pennsylvania, 3 p.m.—5 p.m.

To make an appointment to present a statement, call Elizabeth A. Funk at (717) 783-5732 by November 13, 1997.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 97-1828. Filed for public inspection November 14, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (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 0055506. Industrial waste, **Fourth Avenue Realty Company**, 1415 Credley Lane, Collegeville, PA 19426.

This application is for renewal of an NPDES permit to discharge treated groundwater from the former Collegeville Flag and Manufacturing Company in Collegeville Borough, **Montgomery County**. This is an existing discharge to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 650 gpd are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
pH	within the limits of 6.0—9.0 standard units at all times		
Benzene	0.001	0.002	0.0025
Total BETX	0.1	0.2	0.25
Ethylbenzene	monitor/report	monitor/report	
Toluene	monitor/report	monitor/report	
Total Xylene	monitor/report	monitor/report	

The EPA waiver is in effect.

PA 0057274. Sewage, **Michael and Antianette Hughes**, 305 Auburn Drive, Downingtown, PA 19335.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant located in Upper Uwchlan Township, **Chester County**. This is new discharge to unnamed tributary to Marsh Creek.

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

The proposed effluent limits are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	
Dissolved Oxygen	minimum of 3 mg/l at all times	

PA 0021172. Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for an amendment of an NPDES permit to discharge treated sewage from Harvey Avenue STP in Doylestown Borough, **Bucks County**. This is an existing discharge to Cooks Run Tributary to Neshaminy Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.9 mgd are as follows:

Requirements for sampling cadmium and chromium have been deleted based on sampling data submitted by the permittee. The submitted sampling results for these parameters are below the Water Quality Based Effluent Limits developed using Toxcon 2 and Pentox SD Modeling.

PA 0056847. Sewage, **East Rockhill Township**, 1622 Ridge Road, Perkasie, PA 18944.

This application is for issuance of an NPDES permit to discharge treated sewage from a wastewater treatment plant in East Rockhill Township, **Bucks County**. This is a new discharge to East Branch Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .113 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	15.0		30.0
(11-1 to 4-30)	20.0		40.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Total Residual Chlorine	0.5		1.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0055212, Amendment No. 1. Sewage, **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331-0171.

This application is for amendment of an NPDES permit to discharge treated sewage from the Central Sewer Plant in Concord Township, **Delaware County**. This is an existing discharge to West Branch of Chester 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 1.2 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N) (5-1 to 10-31)	2.0	3.0	4.0
(11-1 to 4-30)	6.0	9.0	12.0
Phosphorus (as P) (4-1 to 10-31)	2.0		4.0
Total Residual Chlorine (Years 1 and 2)	0.5		1.6
(Years 3, 4 and 5)	0.07		0.23
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

PA 0021181. Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This application is for an amendment of an NPDES permit to discharge treated sewage from Green Street STP in Doylestown Township, **Bucks County**. This is an existing discharge to UNT to Neshaminy Creek.

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

The proposed effluent limits for Outfalls 001 and 002, based on an average flow of 0.7 mgd are as follows:

Requirements for sampling lead have been deleted based on sampling data submitted by the permittee. The submitted sampling results for this parameter is below the Water Quality Based Effluent Limit developed using Toxcon 2 and Pentox SD Modeling.

PA 0052892. Sewage, **Donald F. Byrne**, 2201 North Ridley Creek Drive, Media, PA 19063-1968.

This application is for renewal of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Upper Providence Township, **Delaware County**. This is an existing discharge to an Unnamed Tributary to Ridley Creek.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0051691. Industrial waste, SIC: 2869, **Pharmachem Corporation**, 719 Stefko Boulevard, Bethlehem, PA 18108.

This proposed action is for renewal of an NPDES permit to discharge cooling water into an unnamed tributary of Lehigh Canal in the City of Bethlehem, **Northampton 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 .575 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			87°F
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

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

PA 0020923. Sewage, SIC: 4952, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to the South Branch of Conewago Creek, in Oxford Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Company located in York County. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 1.016 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.0	XXX	8.0
(11-1 to 4-30)	12.0	XXX	24.0
Total Phosphorous	2.0	XXX	4.0
Total Residual Chlorine	0.5	XXX	1.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms		200/100 ml as a geometric average	
(5-1 to 9-30)		5,100/100 ml as a geometric average	
(10-1 to 4-30)			

The proposed final effluent limits for Outfall 001 for a design flow of 1.788 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0	XXX	6.0
(11-1 to 4-30)	9.0	XXX	18.0
Total Phosphorous	2.0	XXX	4.0
Total Residual Chlorine	0.13	XXX	0.43
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms		200/100 ml as a geometric average	
(5-1 to 9-30)		3,700/100 ml as a geometric average	
(10-1 to 4-30)			

The EPA waiver is not in effect.

PA 0014672. Industrial waste, SIC: 3691 and 3341, **General Battery Corporation, Exide Corporation**, Reading Smelter Division, Spring Valley Road and Nolan Street, Laureldale, PA 19605.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Bernhart Creek and the Schuylkill River, in Muhlenberg Township, **Berks County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Bernhart Creek from the Industrial Waste Water Treatment facility at Outfall 001 for a design flow of 0.275 mgd are:

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Maximum Daily (lbs/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH			6.0—9.0 inclusive		
Total Antimony	2.05	4.6	monitor and report	monitor and report	XXX
Total Arsenic	1.33	3.31	monitor and report	monitor and report	XXX

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Maximum Daily (lbs/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cadmium	monitor and report 0.36	monitor and report 0.69	0.27	0.54	0.68
Total Copper	0.38	0.81	monitor and report	monitor and report	XXX
Total Lead	0.38	0.81	monitor and report	monitor and report	XXX
Total Zinc	1.0	2.43	monitor and report	monitor and report	XXX
Total Nickel	monitor and report 0.22	monitor and report 0.42	monitor and report	monitor and report	XXX
Total Iron	0.22	0.42	monitor and report	monitor and report	XXX
Total Aluminum	monitor and report	monitor and report	monitor and report	monitor and report	XXX
Total Phosphorus	monitor and report XXX	monitor and report XXX	monitor and report 20	monitor and report 40	XXX 40
NH ₃ -N	XXX	XXX	20	40	40
Oil and Grease	11.5	18.7	15	30	30
Total Suspended Solids	67.2	140.9	30	60	75
Total Dissolved Solids	11,209	20,000	6,000	7,500	XXX
CBOD ₅	XXX	XXX	monitor and report	monitor and report	XXX
Dissolved Oxygen	XXX	XXX	monitor and report	monitor and report	XXX
Osmotic Pressure	monitor and report	monitor and report	monitor and report	monitor and report	XXX
MBAS	monitor and report	monitor and report	monitor and report	monitor and report	XXX
WETT-Fathead Minnow (Pimephales Promelas)	XXX	XXX	monitor survival	monitor growth	XXX
WETT-Caldoceran (Ceriodaphnia Dubia)	XXX	XXX	monitor survival	monitor reproduction	XXX

The proposed final effluent limits for Bernhart Creek from the industrial wastewater treatment facility at Outfall 001 for a design flow of 0.275 mgd are:

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Maximum Daily (lbs/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH			6.0—9.0 inclusive		
Total Antimony	0.23	0.46	0.1	0.2	0.25
Total Arsenic	0.48	0.96	0.21	0.42	0.52
Total Cadmium	0.007	0.014	0.003	0.006	0.008
Total Copper	0.07	0.14	0.03	0.06	0.08
Total Lead	0.02	0.04	0.01	0.02	0.03
Total Zinc	0.05	0.10	0.02	0.04	0.05
Total Nickel	0.09	0.18	0.04	0.08	0.10
Total Iron	0.22	0.44	monitor and report	monitor and report	XXX
Total Aluminum	monitor and report	monitor and report	monitor and report	monitor and report	XXX
Total Phosphorus	monitor and report 6.9	monitor and report 14	monitor and report 3.0	monitor and report 6.0	XXX 7.5
NH ₃ -N	6.9	14	3.0	6.0	7.5
Oil and Grease	11.5	18.7	15	30	30
Total Suspended Solids	23	46	10	20	25
Total Dissolved Solids	2,294	4,587	1,000	2,000	2,500
CBOD ₅	23	46	10	20	25
Dissolved Oxygen	XXX	XXX		minimum of 5.0 at all times	
Osmotic Pressure	XXX	XXX	77	154	192

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Maximum Daily (lbs/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
MBAS	monitor and report	monitor and report	monitor and report	monitor and report	XXX
WETT-Fathead Minnow (Pimephales Promelas)	XXX	XXX	monitor survival	monitor growth	XXX
WETT-Caldoceran (Ceriodaphnia Dubia)	XXX	XXX	monitor survival	monitor reproduction	XXX

The proposed final effluent limits for the Schuylkill River from the industrial wastewater treatment facility at Outfall 001 for a design flow of 0.275 mgd are:

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Maximum Daily (lbs/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH			6.0—9.0 inclusive		
Total Antimony	2.04	4.58	monitor and report	monitor and report	XXX
Total Arsenic	1.35	3.33	monitor and report	monitor and report	XXX
Total Copper	0.27	0.55	0.12	0.24	0.30
Total Lead	0.5	1.07	monitor and report	monitor and report	XXX
Total Zinc	1.0	2.42	monitor and report	monitor and report	XXX
Total Iron	0.58	1.14	monitor and report	monitor and report	XXX
NH ₃ -N	11	22	5.0	10	12.5
Total Dissolved Solids	11,209	20,000	6,000	7,500	7,500

The proposed effluent limits for stormwater Outfalls 002 and 003 are:

<i>Parameter</i>	<i>Composite Sample (mg/l)</i>	<i>Grab Sample (mg/l)</i>
CBOD ₅	monitor and report	monitor and report
Chemical Oxygen Demand	monitor and report	monitor and report
Total Suspended Solids	monitor and report	monitor and report
Total Lead	monitor and report	monitor and report
Total Chromium	monitor and report	monitor and report
Total Iron	monitor and report	monitor and report
Oil and Grease	XXX	monitor and report
pH	XXX	6—9 s. u. at all times
Total Copper	monitor and report	monitor and report
Total Cadmium	monitor and report	monitor and report
Total Arsenic	monitor and report	monitor and report
Total Alimony	monitor and report	monitor and report
Total Zinc	monitor and report	monitor and report
Total Phenols	monitor and report	monitor and report
NH ₃ -N	monitor and report	monitor and report
Acute Whole Effluent Toxicity Test	monitor and report	monitor and report

The permit also contains schedules for:

- 1) Construction of an outfall line to convey the industrial waste (001) to the Schuylkill River.
- 2) Construction of a stormwater collection, storage and treatment facilities for the first 277,500 gallons of a storm event.

The EPA waiver is in effect.

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

PA 0113824. Sewerage, SIC: 4952, **Frank T. Perano**, P. O. Box 278, King Of Prussia, PA 19406.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Kaiser Hollow in Upper Fairfield Township, **Lycoming County**.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.019 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Ammonia-N			
(6-1 to 10-31)	6		12
(11-1 to 5-31)	18		36
Total Cl ₂ Residual			
(1st month—36th month)	report		
(37th month—permit expiration date)	0.75		2.4
Fecal Coliforms			
(5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0209538. SIC: 4952, **North Penn Gas Company**, P. O. Box 688, Wellsboro, PA 16901.

This proposed action is for a new NPDES permit for discharge of treated sewage to an unnamed tributary to Catlin Hollow Creek in Charleston Township, **Tioga County**.

The receiving stream is classified for the following uses:

Trout stocked fishery and aquatic life, water supply and recreation.

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.0004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Chlorine Residual	monitor	
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		200/100 ml as a geometric average
pH		6.0—9.0 su at all times

The EPA waiver is in effect.

PA 0028665. Sewerage, SIC: 4952, **Jersey Shore Borough**, P. O. Box 526, Jersey Shore, PA 17740.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to West Branch Susquehanna River in Jersey Shore Borough, **Lycoming County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 1.05 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Total Cl ₂ Residual	1.5		4.8
Fecal Coliforms			
(5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is not in effect.

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

PA 0094838. Sewage, **John C. Bishop**, R. D. 3, Box 17A, Hickory Hollow Road, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from Bishops Mobile Home Court No. 1 STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as West Branch Coxes 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 Ohiopyle Borough Water Works.

Outfall 001: existing discharge, design flow of .015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia-Nitrogen (5-1 to 10-31)	15			30
(11-1 to 4-30)	25			50
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	17,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	0.8			1.9
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205397. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Emile No. 9 Portal Sewage Treatment Plant in South Bend Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sugar 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 Cadogen Water Works.

Outfall 001: existing discharge, design flow of .0085 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)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0103225. Sewage, **KRS Development, Quick Stop Food Mart**, R. R. 3, Box 177, Shippenville, PA 16254.

This application is for renewal of an NPDES permit, to discharge sewage to Unnamed tributary to the Clarion River in Paint Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Parker City Water on the Allegheny River located at river mile 83.94 which is 27.34 miles, below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.002 000 mgd, are:

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen	not less than 3.0 at any time	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0101851. Sewage, **Sisters of the Humility of Mary, Villa Maria Community Center**, P. O. Box 906, Villa Maria, PA 16155.

This application is for renewal of an NPDES permit, to discharge treated sewage to Unnamed Tributary to Coffee Run in Pulaski Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickly on the Beaver River located at North Sewickley, approximately 27 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.02 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	4.5 13	9 27
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0102768. Sewage, **Penncrest School District, Maplewood High School**, 18741 State Highway 198, Suite 101, Box 808, Saegertown, PA 16433.

This application is for renewal of an NPDES permit to discharge treated sewage to Unnamed Tributary to Woodcock Creek in Randolph Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality-cold water 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 the Franklin General Authority on French Creek located at River Mile 2.17 which is approximately 55.11 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.018000 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31) (11-1 to 4-30)	20 25	40 50
Total Suspended Solids	30	60
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	5.5 16.5	11 33
Fecal Coliform (10-1 to 4-30) (5-1 to 9-30)	200/100 ml as a geometric average 6,700/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
Dissolved Oxygen	5.0	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0041840. Sewage, **Preston Trucking Company**, 151 Easton Boulevard, Preston, MD 21655.

This application is for renewal of an NPDES permit to discharge treated sewage to Falls Creek in Falls Creek Borough, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: high-quality 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 Redbank Valley Municipal Authority on Redbank Creek located at River Mile 30.38 which is 50.28 miles below point of discharge.

The proposed effluent limits for Outfall 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	25	50
Total Suspended Solids	30	60
Fecal Coliform (10-1 to 4-30)	200/100 ml as a geometric average	
(5-1 to 9-30)	100,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0210480. Sewage, **Soldier Wesleyan Methodist Church Ministeries, Inc.**, R. D. 2, Box 241, Reynoldsville, PA 15851.

This application is for renewal of an NPDES permit to discharge treated sewage to Unnamed Tributary to Soldier Run in Winslow Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water 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 the Redbank Valley Municipal Authority on Redbank Creek located at RMI 30.38, approximately 42.38 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.000 780 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		50
TSS	30		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	24,000/100 ml as a geometric average		
Total Residual Chlorine	1.5		3.5
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0102741. Sewage and industrial waste, SIC: 75, **Diamond J's Truck and Auto Stop, Inc.**

This application is for renewal of an NPDES permit to discharge treated sewage and treated industrial waste to Fivemile Run in Pine Creek Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Hawthorn Water Authority on Redbank Creek located at Hawthorn Borough, approximately 25 miles below point of discharge.

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

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
CBOD ₅	25		50
TSS	30		60
Ammonia Nitrogen (5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	6,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 0.005 mgd, are:

Outfall No. 002

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
TSS	30	60	60
Total Iron	2	4	5
Manganese	1	2	2.5
Aluminum	4	8	10
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of 0.001 mgd, are:

Outfall No. 003

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitor and report	
TSS	30		60
Oil and Grease	15		30
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0023566. Sewage, **Emlenton Area Municipal Authority**, P. O. Box 448, Emlenton, PA 16373.

This application is for a renewal of an NPDES permit to discharge treated sewage to the Allegheny River in Emlenton Borough, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Parker City Water Works on the Allegheny River located at Emlenton Borough, Venango County, approximately 6 miles below point of discharge.

The proposed effluent limits, based on a design flow of 0.02 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
CBOD ₅	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 100,000/100 ml as a geometric average	
Total Residual Chlorine	1.0		3.3
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

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

Outfall No. 002

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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This permit contains a Combined Sewer Overflow (CSO) special condition.

The EPA waiver is in effect.

PA 0030325. Sewage, **Wilmington Area School District, Pulaski Elementary School**, Shenango Street, Pulaski, PA 16143-9801.

This application is for renewal of an NPDES permit, to discharge treated sewage to Unnamed Tributary to Shenango River in Pulaski Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western PA Water Company on the Shenango River located at New Castle, approximately 19 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0032 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.0	2.3
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0222411. Sewage, **Robert E. Farrell**, 6008 Longwood Drive, Erie, PA 16505.

This application is for a new NPDES permit to discharge treated sewage from a small flow treatment facility to Lake Erie in Harborcreek Township, **Erie County**. This is a new discharge.

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

The proposed effluent limits for Outfall 001, based on an average design flow of 0.0008 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	monitor and report only	
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.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0030708	Quincy United Methodist Home P. O. Box 217 Quincy, PA 17247	Franklin Quincy Twp.	W. Branch of Antietam Creek	TRC

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0033391	Pine Manor Mobile Home Park 2 Misty Lane Pine Manor Middletown, PA 17057	Dauphin Londonderry Township	UNT to Lynch Run	TRC
PA0083208	Refreshing Mountain Camp, Inc. Marlin L. Harnish 455 Camp Road Stevens, PA 17578	Lancaster Clay Twp.	UNT to Middle Creek	TRC
PA0070190	Allegheny East Conference P. O. Box 266 Pine Forge, PA 19548	Berks Douglass Twp.	Manatawny Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

Applications received for industrial waste and sewage applications under The Clean Streams Law (38 P. S. §§ 691.1—691.1001).

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

A. 6797409. Sewage, submitted by **Shawn Campbell**, 15 Old Mill Lane in Manchester Township, **York County** to construct a small flow sewage treatment plant to serve his home was received in the Southcentral Region on October 23, 1997.

A. 2897401. Sewage, submitted by **Cove Valley Youth Camp**, 5857 Little Cove Road, Mercersburg, PA 17236 in Warren Township, **Franklin County** to construct an irrigation system to serve their camp was received in the Southcentral Region on October 22, 1997.

A. 2897402. Sewage, submitted by **Lynn E. Myers**, 5345 Orrstown Rd., Orrstown, PA 17244 in Letterkenny Township, **Franklin County** to construct a small flow sewage treatment plant to serve his home on Iron Bridge Road/Rotz Road in the Southcentral Region on October 29, 1997.

INDIVIDUAL PERMITS (PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of 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 Regional Office

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

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be 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 County Conservation District Office or the Department Regional Office indicated above the application.

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

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

York County Conservation District, District Manager, 118 Pleasant Acres Road, York, PA 17402, (717) 840-7430.

NPDES Permit PAS-10-Y070. Stormwater. **PP & L Brunner Island SES**, S. R. 1019 Wago Road, P. O. Box 221, York Haven, PA 17370 has applied to discharge stormwater from a construction activity located in Manchester and Newberry Townships and York Haven Borough, **York County**, to Susquehanna River.

Northcentral Regional Office, Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.

Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823.

NPDES Permit PAS10F069. Stormwater. **John H. Mitchell Jr.**, Mount Nittany Terrace, P. O. Box 148, Lemont, PA 16851 has applied to discharge stormwater from a construction activity located in College Township, **Centre County** to Spring Creek.

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

NPDES Permit PAS10W067. Stormwater. **Albico, Inc.** (Ron Sopko Sr.), 1396 Venetia Road, Eighty Four, PA 15330 has applied to discharge stormwater from a construction activity located in Nottingham Township, **Washington County** to an unnamed tributary to Peters 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. 0997517. Public water supply. **New Hope Solebury School District**, Gregory Hogg, 180 West Bridge Street, New Hope, PA 18938. This proposal involves the installation of a corrosion control treatment system and a chlorination system at New Hope Solebury Elementary School existing water supply system in Solebury Township, **Bucks County**.

A. 0997516. Public water supply. **Phoebe Housing, Inc.**, Edward H. Doerrman, 1831 Linden Street, Allentown, PA 18104. This proposal involves the construction of a water storage tank, pump station, water supply well and a distribution system in New Hope Borough, **Bucks County**.

A. 1597509. Public water supply. **Stone Barn Rentals**, Harold E. Thomforde, 100 Stone Barn Drive, Kennett Square, PA 19348. This proposal involves the permitting of Stone Barn Rentals' existing water supply system and the installation of disinfection and distribution storage facilities in West Marlborough Township, **Chester County**.

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

3597503. Public water supply. **Pocono Pure Water Inc.**, Thomas Henning, 4949 Birney Avenue, CeeKay Auto Complex, Moosic, PA 18507. This proposal involves the construction of a bottled water facility. Source will be Pennsylvania American Water Company public water supply.

5497506. Public water supply. **Schuylkill Haven Borough Water Treatment Plant**, Jay Willard, Borough Administrator, 12 West Main Street, Schuylkill Haven, PA 17972. This proposal involves the upgrade and replacement of existing 4.0 mgd water filtration plant. The project also involves a spillway channel embankment stabilization evaluation and replacement of 3.5 miles of 24 inch diameter water main. It is located in N. Manheim Township, **Schuylkill County**. *Engineer: Brent L. Berger, Quad Three Group Inc.*

Southcentral Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4692.

A. 3497502. Public water supply. **Mifflintown Municipal Authority**, Fermanagh Township, **Juniata County**, *Responsible Official: Stanley T. Worrall, Manager/Operator, Route 333 West, Box 36, Mifflintown, PA 17059, Type of Facility: the addition of Well Nos. 1 and 2 and related treatment to augment the existing system,*

Consulting Engineer: Allen B. Mason, Uni-Tec Consulting Engineers, Inc., 2007 Cato Avenue, State College, PA 16801.

A. 3897501. Public water supply. **Peter B. Shirk**, Millcreek Township, **Lebanon County**, *Responsible Official: Peter B. Shirk, Owner, R. D. 2, Box 62A, Denver, PA 17517, Type of Facility: Installation of well pump, disinfection system, transmission main and finished water storage for Newberg Village Well A (Well No. 5), Consulting Engineer: David J. Gettle, Kohl Bros., Inc., P. O. Box 350, Five Muth Avenue, Myerstown, PA 17067.*

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

A. 4496453. The Department has accepted an application from **Augusta Boys, Inc.** (P. O. Box 1323, Sunbury, PA 17801, Upper Augusta Township, **Northumberland County**) to construct and operate six vended water machines; two each in Elysburg, Lewisburg and Danville. All machines are NAMA approved.

Northwest Regional Office, Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

A. 1097507. Public water supply. **E. J. Gulick Mobile Home Park**, 457 Kepple Road, Sarver, PA 16055-8613. This proposal involves the modification of their existing water system which includes finished water storage tank, duplex booster pumps and resin iron and manganese removal units in Winfield Township, **Butler County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an

alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Clifford McCoy Residence, New Britain Township, **Bucks County**. Kevin Van Kuren, Hydrocon Services, Inc., 2945 South Pike Ave., Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A final report was simultaneously submitted.

PECO Energy Co., Retired Southwark Generating Station, City of Philadelphia, **Philadelphia County**. Michael F. Heisler, P. E., PECO Energy Co., 2301 Market St., P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A final report was simultaneously submitted.

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

Koch Materials Company, Windber Borough, **Somerset County**. Whitaker and Sons, SR 160, Windber, PA 15963, Koch Materials Company, P. O. Box 13210, Charleston, SC 29422-3210 and Bruce A. Shaw, Fluor Daniel GTI, Inc., 637 Braddock Avenue, East Pittsburgh, PA 15112 has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard.

Ramsey Sturman Ford, West Mifflin Borough, **Allegheny County**. Thomas W. Weaver, Tech One Associates, 200 Marshall Drive, Coraopolis, PA 15108 has submitted a Notice of Intent to Remediate soil contaminated with PHCs. The applicant proposes to remediate the site to meet the Statewide health standard.

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

Garnon Truck Equipment, Millcreek Township, **Erie County**, 1617 Peninsula Drive, has submitted a Notice of Intent to Remediate soil and groundwater. The site has been contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Closure Plan submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for closure of a solid waste disposal area or site.

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

Permit I. D. No. 300693. Hercules Cement Co., 501 Center Street, Stockertown, PA 18083. A Closure Plan for this captive residual waste landfill, located in Upper Nazareth Township, **Northampton County**. The Closure Plan was received in the Regional Office on September 25, 1997 and was found to be administratively complete on October 10, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

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.

Laidlaw Environmental Services, (TG) Inc., 1301 Gervas Street, Suite 300, Columbia, SC 29201; Carolyn Y. Lewis, Corporate Compliance Coordinator; application received October 31, 1997.

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.

Brookville Hospital, 100 Hospital Road, Brookville, PA 15825; Richard Diener; Maintenance Supervisor; License No. **PA-HC 0137**; renewal application received November 3, 1997.

University of Pittsburgh of the Commonwealth System of Higher Education, 3900 O'Hara Street, Pittsburgh, PA 15261; Lawrence W. Keller, License No. **PA-HC 0183**; renewal application received on October 28, 1997.

AIR POLLUTION

OPERATING PERMITS

Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

06-302-115A: Interstate Container, Inc. (P. O. Box 317, Reading, PA 19603) for two boilers in Reading, **Berks County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

28-318-012C: Letterkenny Army Depot (1 Overcash Avenue, Chambersburg, PA 17201) for chrome plating tanks controlled by a fume scrubber in Greene Township, **Franklin County**. The sources are subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

21-318-002B: L. B. Smith, Inc. (2001 State Road, Camp Hill, PA 17011) for three spray paint booths controlled by dry filters in Lower Allen Township, **Cumberland County**.

36-301-102: Animal Hospital (4081 Columbia Avenue, Columbia, PA 17512) for a pet cremation system controlled by an afterburner in West Hempfield Township, **Lancaster County**.

38-301-024: Allied Veterinary Cremation Service (1587 Town Hill Road, York Springs, PA 17372) for a pet cremation system controlled by an afterburner in South Londonderry Township, **Lebanon County**.

67-310-052: County Line Quarry, Inc. (P. O. Box 99, Wrightsville, PA 17368) for a limestone crushing plant controlled by wet suppression in Wrightsville Borough, **York County**. This source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

67-323-016A: Hard Chrome Specialists, Inc. (41 Leigh Street, York, PA 17402) for chrome plating tanks controlled by a composite mesh pad scrubber system in Manchester Township, **York County**. The sources are subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

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

AR-04-235: Pennsylvania Power Company (76 South Main Street, Akron, OH 44308) for a Phase II Acid Rain Permit for the Bruce Mansfield Plant, Shippingport Borough, **Beaver County**.

AR-32-040: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA 15907) for a Phase II Acid Rain Permit for Seward Station, East Wheatfield Township, **Indiana County**.

AR-63-014: Duquesne Light Company (2839 New Beaver Avenue, Pittsburgh, PA 15233) for a Phase II Acid Rain Permit for Elrama Power Station, Union Township, **Washington County**.

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

06-3005A: Morton International, Inc. (P. O. Box 15209, Reading, PA 19612-5209) for the construction of a compounder and grinder controlled by fabric collectors in Reading, **Berks County**.

06-03019: Pennsylvania Woodcrafters, Inc. (10 Vanguard Drive, Suite 90, Reading, PA 19606) for the construction of a wood furniture surface coating facility controlled by dry filters in Exeter Township, **Berks County**.

36-310-027E: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) for the installation of jaw crusher in an existing limestone quarry. Particulate emissions will be controlled by an existing baghouse in East Cocalico Township, **Lancaster County**.

67-317-016A: Utz Quality Foods, Inc. (900 High Street, Hanover, PA 17331) for the installation of two snack food fryers in Hanover, **York County**.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

59-309-009: United Salt Northeast, LLC (4800 San Felipe, Houston, TX 77056) for the construction of a brine evaporation plant incorporating a natural gas fired tur-

bine (equipped with a dry low NOx combustor), a natural gas fired boiler (equipped with a low NOx burner and flue gas recirculation system), a fluidized bed salt dryer/cooler and various other pieces of salt processing and handling equipment (equipped with scrubbers) in Tioga Township, **Tioga County**. The turbine will be subject to Subpart GG, the boiler to Subpart Dc and most of the salt processing and handling equipment to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

08-399-030B: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) for the construction of two phosphor furnaces, associated loading stations and associated air cleaning devices (a fabric collector, a cartridge collector and two HEPA filters) in Department 025, Building 5 in North Towanda Township, **Bradford County**.

12-399-004C: Pennsylvania Sintered Metals, Inc., dba Brownco Powered Products, Inc. (P. O. Box 308, Emporium, PA 15834) for the construction of a powered metal parts sintering furnace and associated air cleaning device (a thermal after burner) in Emporium Borough, **Cameron County**.

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

PA-42-182A: Allegheny Store Fixtures, Inc. (P. O. Box 61, Bradford, PA 16701-2290), for a surface coating operating (one booth for coating wooden office fixtures) in Bradford, **McKean County**.

PA-42-176A: Allegheny MDF Ltd. Partnership (R. D. 1, Box 268, Kane, PA 16735) for the construction of a standby gas fired hot oil heater (40 MMBtu/hr) in Sergeant Township, **McKean County**.

PA-37-296A: Select Industries Incorporated (420 Cascade Street, P. O. Box 7158, New Castle, PA 16107) for the construction of a metal sheet lithographic coating line (3,600 sheets/hour), with thermal oxidizer control in New Castle, **Lawrence County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Notice of Public Hearing

OSRAM SYLVANIA Products, Inc. Tioga County

Approval of Reasonably Available Control Technology (RACT) plan for OSRAM SYLVANIA Products, Inc.

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a facility owned and operated by OSRAM SYLVANIA Products, Inc. in Wellsboro Borough, Tioga County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States

Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The preliminary RACT determination for the largest nitrogen oxides-emitting source within the facility, a glass furnace identified as Tank No. 42, is the operation of an associated combustion ratio control system so as to maintain optimum combustion conditions within the furnace, the implementation of the furnace maintenance, repair and upgrade program described in the respective RACT plan, the operation of the furnace in accordance with good air pollution control practices and the maintenance of a nitrogen oxides emission rate below 375.3 tons within any 12 consecutive month period. All other nitrogen oxide-emitting sources at the facility are subject to the presumptive RACT requirements of 25 Pa. Code § 129.93(c).

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on December 18, 1997 at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T relay service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by January 2, 1998.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

Con-Lime, Inc.

Centre County

On May 31, 1995, the Department of Environmental Protection (Department) conducted a public hearing to solicit comments on a proposed nitrogen oxides Reasonably Available Control Technology (RACT) determination and proposed operating permit issuance for two rotary lime kilns, a rotary stone dryer and various small combustion sources owned and operated by Con-Lime, Inc. in Benner Township, Centre County. The Department subsequently issued an operating permit, identified as OP-14-0001, to Con-Lime, Inc. on June 30, 1995.

One of the restrictions contained in Operating Permit OP-14-0001 limited the lime production rate of lime kiln #1 to a maximum of 10.5 tons per hour and 91,980 tons per year and the lime production rate of lime kiln #3 to a maximum of 10.0 tons per hour and 87,600 tons per year.

Con-Lime, Inc. has requested that these restrictions be modified to allow a production rate of 14.0 tons per hour for lime kiln #1, 17.0 tons per hour for lime kiln #3 and annual rates for both kilns which reflect continuous long-term operation at the elevated hourly production rates. As the nitrogen oxides emissions from lime kiln #1 are limited to 10.2 pounds per ton of lime produced and those from lime kiln #3 are limited to 9.1 pounds per ton of lime produced, the net effect of allowing higher hourly and annual production rates for the lime kilns will be to increase their allowable hourly and annual nitrogen oxides emission rates.

Con-Lime, Inc. claims that the production rate restrictions currently specified in Operating Permit OP-14-0001, which were established on the basis of data previously provided by Con-Lime, Inc., are erroneous and that the requested allowable production rates reflect the lime kilns' true capabilities.

After examining the data provided by the company, the Department has concluded that the true capacity of lime kiln #1 is 14.0 tons of lime per hour and that of lime kiln #3 is 17.0 tons of lime per hour. The Department is, therefore, preliminarily proposing to modify Operating Permit OP-14-0001 to specify these rates as the maximum hourly production rates allowed for lime kilns #1 and #3. The Department has also determined, however, that the data provided by Con-Lime, Inc. does not support modification of the currently-specified annual lime production restrictions to the levels being requested. The Department has, therefore, preliminarily decided not to approve the request for an increase in the allowable annual lime production rates.

If approved, the revised allowable hourly lime production rates will be incorporated into a revised operating permit and submitted to the United States Environmental Protection Agency as a revision to the Pennsylvania State Implementation Plan.

One public hearing will be held for the purpose of receiving comments on the proposed revised operating permit and the proposed SIP revision. The hearing will be held on December 18, 1997, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T relay service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by January 2, 1998.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208

West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (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 below will have discharges of wastewater to streams the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. 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 sum-

mary 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

5679123. Stream variance, **Sanner Energies, Inc.** (1179 Rockdale Road, Rockwood, PA 15557). Stream variance and encroachment to affect within 50 feet of an unnamed tributary to Shoemaker Run. The encroachment begins approximately 2,800 feet upstream from the confluence of the tributary and Shoemaker Run, and continues upstream for approximately 300 feet in Southampton Township, **Somerset County**, receiving streams unnamed tributary to Shoemaker Run and to Shoemaker Run. Application received October 28, 1997.

32830113. Road variance, **Beilchick Brothers** (P. O. Box 7, Heilwood, PA 15745). Revision to an existing bituminous strip operation to include a road variance to affect by mining activities within 100 feet of Township Road 738 in Buffington Township, **Indiana County**, affecting 410.5 acres, receiving stream unnamed tributaries to Mardis Run and Mardis Run. Received October 27, 1997.

11950102. **Laurel Land Development, Inc.** (P. O. Box 629, Carrolltown, PA 15722), for an SMP boundary to add 5.0 acres to the southern end of this existing bituminous strip mine. Total SMP acres goes from 75.0 to 80.0. Also, to include a road variance to begin 100 feet east of the intersection of U. S. Route 22, and Township Road T-717 and will run in an easterly direction along the northerly side of U. S. Route 22 for a distance of 1,000 feet in Jackson Township, **Cambria County**, receiving stream, Hinckston Run and unnamed tributaries to Hinckston Run. Application received October 29, 1997.

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

03970108. **Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in Burrell Township, **Armstrong County**, proposed to affect 113.0 acres. Receiving streams unnamed tributaries to Crooked Creek to the Allegheny River. Application received October 15, 1997.

65970901. **Ralph Smith & Son, Inc.** (200 Second Street, Derry, PA 15627). Application received for commencement, operation and reclamation of an incidental coal extraction site located in Salem Township, **Westmoreland County**, affecting 58 acres. Receiving streams unnamed tributaries to Porters Run to Porters Run to Beaver Run Reservoir to Kiskiminetas River to Allegheny River. Application received October 23, 1997.

03970109. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface auger mine with a coal preparation plant/processing facility located in Cowanshannock Township, **Armstrong County**, proposed to affect 97.0 acres. Receiving streams Huskins Run and two unnamed tributaries to Huskins Run. Application received October 28, 1997.

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

Noncoal Permits Received

36970301. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), commencement, operation and restoration of a quarry operation in Earl & Ephrata Townships, **Lancaster County** affecting 14.0 acres, receiving stream none. Application received October 10, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW 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 Bureau or Field Office indicated as the responsible office.

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

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

E23-367. Encroachment. **Suburban Cable TV Co. Inc.**, 200 Cresson Blvd., P. O. Box 989, Oaks, PA 19456-0989. To install and maintain approximately 2,026 feet of 6-inch conduit by directional drilling across the Delaware River (WWF-MF) and adjacent floodplain to facilitate the placement of a cable crossing for the Suburban Cable TV Co., Inc. This site is located within the Philadelphia Electric Company (PECO) property just west of the point where Highland Avenue terminates at the Delaware River approximately 3,000 feet downstream of the Commodore Barry Bridge (Marcus Hook, PA-NJ-DEL USGS Quadrangle N: 13.8 inches; W: 1.5 inches) in the City of Chester, **Delaware County**.

E51-162. Encroachment. **Fairmount Park Commission**, Memorial Hall, Philadelphia, PA 19131. To operate and maintain a newly constructed structure (Lloyd Hall Building) along the southern bank of the 100 year

floodway fringe of the Schuylkill River. The site is located near the intersection of Kelly Drive and Aquarium Drive, approximately 1,000 feet upstream of Fairmount Dam, (Philadelphia, PA-NJ Quadrangle, N: 17-inches; W: 8.5-inches) in the City of Philadelphia, **Philadelphia County**.

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

E13-105. Encroachment. **Kidder Township**, P. O. Box 576, Lake Harmony, PA 18624. To maintain an existing stone masonry arch bridge having a span of 26 feet with an underclearance of approximately 10 feet across Black Creek (HQ-CWF). The project is located at the intersection of Black Creek and T-520 (Meckes Lane) approximately 0.7 mile southwest of the intersection of the Pennsylvania Turnpike Northeast Extension at S. R. 0940 (Hickory Run, PA Quadrangle N: 12.2 inches; W: 12.3 inches) in Kidder Township, **Carbon County** (Philadelphia District, Army Corps of Engineers).

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

E14-312. Encroachment. **Larry M. McCloskey and Gloria J. Ferguson**, Box 94, Dell St., Milesburg, PA 16853. To construct, operate and maintain a water intake structure in the channel of an unnamed tributary to Wallace Run to supply water for an off stream pond. The construction work shall consist of installing a 4-inch diameter plastic pipe in the channel. The project is located along the eastern right of way of SR 0144 approximately 4,000 feet north of the intersection of SR 4007 and SR 0144 (Bellefonte, PA Quadrangle N: 19.6 inches; W: 13.5 inches) in Boggs Township, **Centre County**. Estimated stream disturbance is 10 feet with no wetland impact; stream classification is Exceptional Value.

E49-213. Encroachment. **Northwestern Academy**, 620 Germantown Pike, Lafayette, PA 19444. To construct and maintain twin 10-foot by 8-foot culverts with their associated wingwalls and riprap protection in Quaker Run which is located approximately 1,200 feet south of the SR 0061 bridge over Quaker Run (Mount Carmel, PA Quadrangle N: 6.6 inches; W: 16.7 inches) in Coal Township, **Northumberland County**. Estimated stream disturbance is 100 linear feet; stream classification is CWF.

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

E65-679. Encroachment. **Export Borough**, 5821 Washington Avenue, Export, PA 15632. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 17.0 feet and an underclearance of 3.9 feet across Turtle Creek located on Jefferson Street (Slickville, PA Quadrangle N: 7.0 inches; W: 16.0 inches) in the Borough of Export, **Westmoreland County**.

E26-241. Encroachment. **DCNR**, Bureau of State Parks, 400 Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct and maintain a bike/pedestrian trail along the left bank of the Youghiogheny River extending from the point where S. R. 281 crosses the Youghiogheny River north to the existing Ohiopyle Bike Trail (Confluence, PA Quadrangle N: 12 inches; W: 16.5 inches) in Henry Clay Township, **Fayette County**.

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

E20-450. Encroachment. Vernon Township Sanitary Authority, 10929 Jackson Avenue, Meadville, PA 16335. To construct and maintain a sanitary sewage pump station (Kerrtown Pump Station) within the floodway of French Creek and to place and maintain a 12-inch diameter sanitary sewer force main under and across French Creek (WWF, Nominated 1-A Scenic). This project is part of the Regional Initiative to upgrade sewage conveyance and treatment for West Mead Township, Vernon Township, and the City of Meadville. The pump station will be located on the west side of Park Row directly across the street from the existing Vernon Township S. A. Pump Station. The utility crossing of French Creek will be located approximately 500 feet upstream from the Smock Memorial Bridge (S. R. 006/0322/0019) (Meadville, PA Quadrangle N: 0.3 inch; W: 4.6 inches) located in Vernon Township, **Crawford County**.

E25-559. Encroachment. City of Erie, 626 State Street, Room 400, Erie, PA 16501-1128. To construct and maintain an 84-inch diameter sewer line across the top of the existing Mill Creek tube stream enclosure involving modifications to the enclosure for the West Side Interceptor Relief Sewer located at the intersection of Wallace Street and East Front Street, (Erie North, PA Quadrangle N: 2.4 inches; W: 10.55 inches) located in the City of Erie, **Erie County**.

ACTIONS

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

[National Pollution Discharge Elimination System
Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

2397407. Sewerage. Concord Township Sewer Authority, P. O. Box 171, Concordville, PA 19331. Construction and operation of a sewage pump station, force main, collection and conveyance system to serve existing and proposed residential, commercial and institutional development in Concord Township, **Delaware County**.

1597409. Sewerage. Archie F. Shearer, 2715 Strasburg Road, Coatesville, PA 19320. Construction of a single residence STP to serve Shearer Residence located in Sadsbury Township, **Chester County**.

0997407. Sewerage. Springfield Township Authority, 2320 Township Road, Quakertown, PA 18951. Construction of a pump station and sanitary sewer lines to serve existing residential developments in Springfield Township, **Bucks County**.

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

Permit No. WQM 5997201. Industrial waste. K & W Medical Specialties, 115 Pritchard Hollow Road, Westfield, PA 16950. Department granted discharge from facility located in Westfield Township, **Tioga County**.

Permit No WQM 4197406. Sewerage. Marion William, 640 Berkshire Drive, State College, PA 16801. Construction of single residence sewage treatment facility has been granted. Facility located at Halfmoon Township, **Centre County**.

Permit No. WQM 1497405. Sewerage. Wesley E. Wagner, Boro Engineer, State College Borough, 118 South Fraser Street, State College, PA 16801. Construct and maintain sanitary sewer line located in State College Borough, **Centre County**.

Permit No. WQM 1497407. Sewerage. James and Cathy Polinchok, 225J Bavarian Drive, Middletown, OH 45044. Applicant granted to construct single residence sewage treatment system to discharge to unnamed tributary of Bald Eagle Creek. Facility located in Huston Township, **Centre County**.

Permit No. 1795408, A15. Sewerage. Bradford Township/Teats Residence, P. O. Box 79, Woodland, PA 16881. Transfer application for single residence located in Bradford Township, **Clearfield County**.

Permit No. 1795408, A23. Sewerage. Bradford Township/Hamilton, P. O. Box 79, Woodland, PA 16881. Construction approved for single residence treatment system, located in Bradford Township, **Clearfield County**.

Permit No. 1795408, A24. Sewerage. Bradford Township/Houser, P. O. Box 79, Woodland, PA 16881. Construction approved for single residence treatment system, located in Bradford Township, **Clearfield County**.

Permit No. PA0028681. Sewerage. Kelly Township Municipal Authority, 299 River Road, Lewisburg, PA 17837-9703. Renewal granted to discharge from a facility located at Kelly Borough, **Union County**.

Permit No. PA0110281. Sewerage. **Philip C. Hall Vali-View Mobil Home Park**, P. O. Box 438, Montoursville, PA 17754. Renewal granted to discharge from facility located at Fairfield Township, **Lycoming County**.

Permit No. PA0111937. Sewerage. **Patriot Treatment Plant Inc.**, c/o Frank Baker, 6009 New Berwick Highway, Bloomsburg, PA 17815. Transfer in name of Company only, facility located in South Centre Township, **Columbia County**.

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

WQM Permit No. 2597419. Sewerage, **James Becker, SRSTP**, 2103 Woodlawn Ave., Waterford, PA 16441. Construction of James Becker SRSTP located in Waterford Township, **Erie County**.

WQM Permit No. 2597420. Sewerage, **Jerome G. Scavone, SRSTP**, 6155 Bridlewood Dr., Fairview, PA 16415. Construction of Jerome G. Scavone SRSTP located in Fairview Township, **Erie County**.

NPDES Permit No. PA 0025291. Sewerage. **Southwest Warren County Municipal Authority**, 174 Main Street, P. O. Box 132, Tidioute, PA 16351 is authorized to discharge from a facility located in Tidioute Borough, **Warren County** to the Allegheny River.

NPDES Permit No. PA 0102679. Sewerage. **Runamuck Camping Area**, 8896 US Highway 6, Conneaut Lake, PA 16316 is authorized to discharge from a facility located in Sadsbury Township, **Crawford County** to an unnamed tributary to Conneaut Lake.

NPDES Permit No. PA 0222291. Industrial waste. **American Enterprises MPT, L. P., Bay City Forge**, 9211 Forest Hill Avenue, Suite 109, Richmond, VA 23235 is authorized to discharge from a facility located in the City of Erie, **Erie County** to Cascade Creek.

NPDES Permit No. PA 0102644. Sewerage. **Williams Mobile Home Park**, 320 Dinnerbell Road, Butler, PA 16001 is authorized to discharge from a facility located in Penn Township, **Butler County** to a dry/intermittent tributary to Thorn Creek.

WQM Permit No. 3797401. Sewerage. **Carriage Inn**, Mark Summers, 3050 Ellwood Road, New Castle, PA 16101. This project is for the construction and operation of a sewage treatment facility to serve a Bed and Breakfast and Restaurant in Shenango Township, **Lawrence County**.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Northwest Regional Office, Regional Oil and Gas Manager, 230 Chestnut Street, Meadville, PA 16335.

NPDES Permit No. PA0008729. Industrial waste. **CNG Transmission Corporation**, 445 West Main Street, Clarksburg WV 26301 is authorized to discharge from the Boom Compressor station in Lawrence Township, **Tioga County** to a branch of Cook Creek.

INDIVIDUAL PERMITS (PAS)

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

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

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>
PAS10U070	Muhlenberg Realty Corp. 2545 Schoenersville Road Bethlehem, PA 18017	Northampton Co. Hanover Twp.	tributary to Monocacy Creek
PAS10U074	Triple Net Investments III, L. P. 171 Route 173, Suite 201 Asbury, NJ 08802	Northampton Co. Bethlehem Twp.	Monocacy Creek
PAS10U077	Leo Nagle 1405 Blue Valley Drive Pen Argyl, PA 18072	Northampton Co. Washington Twp.	Martins Creek

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

PAS-10-O068. Individual NPDES. **Wal-Mart Stores Inc.**, 701 S. Walton Blvd., Bentonville, AR 72716. To implement an erosion and sedimentation control plan for the Wal-Mart Supercenter Store No. 234D with associated parking and service loading areas on 44.13 acres in Ephrata Township, **Lancaster County**. The project is located along the north side of U. S. Route 322 and adjacent to west side of U. S. Route 222 (Ephrata, PA Quadrangle N: 7.5 inches; W: 4.0 inches). Drainage will be to a tributary of the Conestoga River.

PAS-10-Y056. Individual NPDES. **Harry H. Fox Jr.**, 241 Old York Road, Dillsburg, PA 17019. To implement an erosion and sedimentation control plan for a residential subdivision known as Ridgewood Phase II on 45.3 acres in

Fairview Township, **York County**. The project is located north of Ridge Road just east of its intersection with School House Road (Steelton, PA Quadrangle N: 6.7 inches; W: 15.8 inches). Drainage will be to Fishing Creek.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS102302-1	Universal Development 1607 Motor Inn Drive Girard, OH 44420	Crawford County Vernon Township	unnamed tributary to Van Horne Creek

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 Sewage Sludge By Land Application to Agricultural Land, Forest, A Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG 2

Facility Location

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Monroe County Smithfield Township	PAR10S018	Wordsworth Academy P. O. Box 554 Shawnee-on-Delaware, PA 18356	Brodhead Creek	Monroe CD (717) 629-3060
Hampden Twp. Cumberland County	PAR-10-H134	Pinecrest Estates Good Hope Real Estate Part 518 Bridge St. New Cumberland, PA 17070	Sears Run	Cumberland CCD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Carlisle Borough Cumberland County	PAR-10-H136	Carlisle Corporation 1285 Ritner Highway Carlisle, PA 17013	Conodoguinet Creek	Cumberland CCD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Fairfield Borough Adams County	PAR-10-0056	Fairfield Area School Dist. 4840 Fairfield Road Fairfield, PA 17320	Spring Run	Adams County Conservation District 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Fairfield Borough Adams County	PAR-10-0054	S & A Custom Built Homes Inc. 249 Lincolnway East New Oxford, PA 17350	Spring Run	Adams County Conservation District 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Lower Paxton Twp. Dauphin County	PAR-10-I129	Lower Paxton Twp. 75 South Houcks Road Harrisburg, PA 17109	Paxton Creek	Dauphin CCD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Swatara Twp. Dauphin County	PAR-10-I130	Crossgates, Inc. 3555 Washington Road McMurray, PA 15317	Susquehanna River	Dauphin CCD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Hempfield Twp. Lancaster County	PAR-10-O249	West Earl Water Auth. 157 W. Metzler Road Brownstown, PA 17508	Kurtz Run, Lititz Run, Cocalico Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Twp. Lancaster County	PAR-10-O030	Henry Rosenberger 2525 Bergey Road Hatfield, PA 19440	West Branch Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster County	PAR-10-O034	Harold Stumpf 1988 Old Philadelphia Pike Lancaster, PA 17602	UNT Old Mill Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Twp. Lancaster County	PAR-10-O089-R	Housing Development Corp. 308 E. King Street Columbia, PA 17512	UNT Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Warwick Twp. Lancaster County	PAR-10-O052-R	Pine Farms Associates Box 82 Brownstown, PA 17508	Hammer Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Twp. Lancaster County	PAR-10-O095-R	Michael Warren 419 Locust Street Columbia, PA 17512	UNT Susquehanna River	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Mountville Borough Lancaster County	PAR-10-0111-R	The Huntington Company 1708 Columbia Ave. Lancaster, PA 17603	Strickler Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Twp. Lancaster County	PAR-10-O153-R	Donegal Mutual Insurance Company P. O. Box 302 Marietta, PA 17547	UNT Susquehanna River	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Salisbury Twp. Lancaster County	PAR-10-O171-R	Village At Gap Associates 750 Springdale Drive Exton, PA 19341	UNT Pequea Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361

<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>
West Hempfield Twp. Lancaster County	PAR-10-O248-R	St. Anne's Home 3952 Columbia Ave. Columbia, PA 17512	UNT Strickler Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Twp. Lancaster County	PAR-10-O249-R	West Earl Water Authority 157 W. Metzler Road Brownstown, PA 17508	Kurtz Run, Lititz Run, Cocalico Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Twp. Lancaster County	PAR-10-O250-R	Irvin H. Peifer 204 Stonemill Drive Elizabethtown, PA 17022	UNT Susquehanna River	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Twp. Lancaster County	PAR-10-251-R	Desmond Construction Inc. 1085 Manheim Pike Lancaster, PA 17601	UNT Susquehanna River	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Twp. Lancaster County	PAR-10-O254-R	Southridge Farm Partnership 26 Millersville Road Lancaster, PA 17603	Mill Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR-10-O255-R	Old Guard Insurance Group 2929 Lititz Pike Lancaster, PA 17543	UNT Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR-10-O256-R	G & L Developers 84 E. Main Street Mount Joy, PA 17552	Little Chickies Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAR-10-O257-R	Millwyck Limited Ken Stouidt 754 Willow Road Lancaster, PA	Lititz Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAR-10-O259-R	Mark Line Industries of PA Inc. 502 Alexander Drive Ephrata, PA 17522	Cocalico Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Denver Borough Lancaster County	PAR-10-O260-R	Pennsylvania Turnpike Comm. P. O. Box 67676 Harrisburg, PA 17106-7676	Cocalico Crk., Little Cocalico Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR-10-O261-R	Summer Hill Farm Howard Boyd 897 C Mouny Joy Road Mount Joy, PA 17552	Little Chickies Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Borough Lancaster County	PAR-10-O262-R	Patrick T. Moran II 258 School Lane Mount Joy, PA 17552	Little Chickies Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
New Holland Borough Lancaster County	PAR-10-O264-R	P.I.M. Inc. 2065 West Main Street Ephrata, PA 17522	UNT Groff Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR-10-O268-R	Montessori Academy of Lancaster 1460 Eden Road Lancaster, PA 17601	UNT Little Conestoga Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lititz Borough Lancaster County	PAR-10-O269-R	Luther Care 600 E. Main Street Lititz, PA 17543	Lititz Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Twp. Lancaster County	PAR-10-O270-R	Lancaster Co. Dept. of Parks & Rec. 1 Natures Way Lancaster, PA 17602	Mill Creek Conestoga River	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Borough Lancaster County	PAR-10-O271-R	Ephrata Area School District 803 Oak Blvd. Ephrata, PA 17522	Cocalico Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAR-10-O273-R	West Hempfield Township 3401 Marietta Avenue Lancaster, PA 17601	UNT Swarr Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township Lancaster County	PAR-10-O275-R	John Hess c/o Geo. Kratzert 322 N. Queen Street Lancaster, PA 17601	UNT Strickler Run	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Borough Lancaster County	PAR-10-O276-R	Pennfield Corporation 711 Roherstown Road Box 43 Lancaster, PA 17604	UNT Little Chickies Crk.	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Upper Leacock Township Lancaster County	PAR-10-O-277-R	Miller Structure 64 Hess Road Leola, PA 17540	UNT Mill Creek	Lancaster CCD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Oliver Township Perry County	PAR-10-5118	Donald Trout R. D. 4, Box 146 Newport, PA	UNT Juniata River	Perry CCD P. O. Box 36 31 W. Main Street New Bloomfield, PA 17068 (717) 582-8988
Penn Township York County	PAR-10-Y276	Logan's Landing Mummert Enterprises, Inc. 1945 Hanover Pike Littlestown, PA 17340	UNT Plum Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Twp. York County	PAR-10-Y271-R	Orchard Glen Townhouse The People State Bank P. O. Box 1000 East Berlin, PA 17316	UNT Codorus Cr.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAR-10-Y133-1R	Ridgeview Phase I Leon E. Wintermyer 220 Yocumtown Road Etters, PA 17319	UNT to Fishing Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jefferson Borough York County	PAR-10-Y242-R	Rose Tree Phase I James Grey 1 Spring Hill Farm Ct. Hunt Valley, MD 21030	UNT to West Branch Codorus Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Township York County	PAR-10-Y243-R	New Wine Christian Center P. O. Box 307 Columbia, PA 17512	UNT to Kreutz Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township	PAR-10-Y248-R	Snyders of Hanover Inc. P. O. Box 917 Hanover, PA 17331	Oil Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Heidelberg Township York County	PAR-10-YY250-R	Warehime Enterprises Inc. 251 Frederick Street Hanover, PA 17331	Oil Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y251-R	The Greenbriar Associates 2309 Fairway Drive York, PA 17404	UNT to Little Conewago Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR-10-Y252-R	York County Commissioners One Market Way West 4th Floor York, PA 17401	UNT to Kreutz Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAR-10-Y253-R	Harry J. Fox Jr. 241 Old York Road Dillsburg, PA 17019	Paradise Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR-10-Y254-R	Tucker Development Corp. 513 Central Avenue 5th Floor Highland Park, IL 60035	UNT to Mill Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAR-10-Y255-R	JB Haubert Homes 15 Trail Blvd. Camp Hill, PA 17011	Fishing Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAR-10-Y256-R	Hughes Wheel & Axle 4595 West Market Street York, PA 17404	UNT to Little Conewago Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAR-10-Y257-R	Win Rush Farms 5 Valley Drive Dallastown, PA 17313	Barshinger Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAR-10-Y259-R	Alan Bonsel 3411 South Salem Church Road Dover, PA 17315	Fox Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAR-10-Y261-R	Gary Gregory 71 Pumping Station Road Hanover, PA 17331	UNT to Mill Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dillsburg Borough York County	PAR-10-Y264-R	Larry Koste 503 Bridge Street New Cumberland, PA 17070	Fishers Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAR-10-Y265-R	Keystone Custom Homes 214A Willow Valley Lakes Drive Willow Street, PA 17584	UNT to Little Conewago Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dillsburg Borough York County	PAR-10-Y266-R	Miller Imports 630 US Route 15 Dillsburg, PA 17019	Dogwood Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conewago Township York County	PAR-10-Y267-R	Kinsley Equities II Limited Part 2700 Water Street York, PA 17403-9036	Poplar Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hellam Borough York County	PAR-10-Y269-R	Haines Farm Joint Venture 37 West Market Street York, PA 17401	Kreutz Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAR-10-Y270-R	Newberry Twp. Municipal Auth. 1915 Old Trail Road Etters, PA 17319	UNT to Fishing Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAR-10-Y273-R	A & A Limited Partnership 890 Windsor Road York, PA 17401	Kreutz Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Twp. York County	PAR-10-Y277-R	Shiloh Ridge Associates 1643 Rodney Road York, PA 17404	Willis Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Borough York County	PAR-10-Y010-R	G. David Deardorff, Jr. 111 East Market St. York, PA 17401	Kreutz Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township, York County	PAR-10-Y017-R	A. Alvin Fisher 75 Cloverleaf Rd. York, PA 17402	UNT to Susquehanna River	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Twp. York County	PAR-10-Y020-R	William J. Forbes & Assoc. Inc. R. D. 2, Box 2311 Ridge Rd. Stewartstown, PA 17363	Musser Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township	PAR-10-Y086-R	Lowell Reeser 905 Pleasant Grove Rd. York Haven, PA 17370	UNT to Susquehanna River	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Borough York Co.	PAR-10-Y092-R	Terry P. Reck Builders, Inc. 2902 Westly Dr. Dover, PA 17315	Fox Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Twp. York County	PAR-10-Y103-R	James P. Dorwart 1375 Old Quaker Rd. Etters, PA 17319	UNT to Bennetts Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Twp.	PAR-10-Y119-R	Triple Crown Corporation 5351 Jaycee Ave. Harrisburg, PA 17112	Fishing Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Twp. York County	PAR-10-Y137-R	Leon E. Wintermyer, Inc. 220 Yocumtown Rd. Etters, PA 17319-9006	UNT to Susquehanna River	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Twp. York County	PAR-10-Y142-R	Pierce J. Streavig 500 Green Meadow Dr. Dallastown, PA 17313-9628	UNT to Barshinger Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Twp. York Co.	PAR-10-Y145-R	Paul L. Smith, Inc. 2449 South Queen St. York, PA 17402	UNT to Little Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Fairview Twp. York County	PAR-10-Y151-R	DCM Development 584 Grandview Dr. Lewisberry, PA 17339	Big Spring Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Twp. York County	PAR-10-Y157-R	Salem Run Partnership 2555 Kingston Rd. York, PA 17402	Fox Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAR-10-Y161-R	Kenneth R. Stoltzfus 3351 Cape Horn Rd. Red Lion, PA 17356	Kreutz Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Twp. York Co.	PAR-10-Y166-R	Dave Smith/Jim McKinsey P. O. Box 280 Wubdsirm, OA 17366	Kreutz Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Twp. York Co.	PAR-10-Y174-R	Shangr-La Associates 1 Waterford Professional Center York, PA 17402	Big Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Stewartstown Borough York Co.	PAR-10-Y196-R	Cornerstone Development Group, Inc. 1090 Stelton Rd. Piscataway, NJ 08854	Ebaughs Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Twp. York County	PAR-10-Y199-R	Susquehanna Village, Inc. 1225 Valley Green Rd. Etters, PA 17319	Susquehanna River	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Twp. York Co.	PAR-10-Y203-R	Equine Village, Inc. 1225 Valley Green Rd. Etters, PA 17319	Little Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hipewell Twp. York County	PAR-10-Y204-R	Cornerstone Development Group, Inc. P. O. Box 179 Felton, PA 17322	Ebaughs Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Twp. York County	PAR-10-Y207-R	Kenneth R. Stoltzfus 3375 Cap Horn Rd. Red Lion, PA 17356	UNT to Codorus Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Twp. York County	PAR-10-Y208-R	John Lingg/Chris Trone 300 Frederick St. Hanover, PA 17331	UNT to Oil Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Twp. York Co.	PAR-10-Y209-R	Ray F. Souders 431 Lewisberry Rd. New Cumberland, PA 17070	Yellow Breeches Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Twp. York Co.	PAR-10-Y213-R	Anderson-Stern, Inc. 19 A North Baltimore St. Dillsburg, PA 17109	Fishers Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Twp./Dallastown Boro York County	PAR-10-Y214-1R	Scott E. Taylor 9281 Camp Rd. Red Lion, PA 17356	UNT to Barshinger Creek	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
New Freedom Borough York Co.	PAR-10-Y271-R	John Toase, Inc. Box 37S, R. R. 1 Glen Rock, PA 17327	Bee Tree Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Twp. York Co.	PAR-10-Y218-R	Neil O'Donnell 18 Ridgeway Dr. Carlisle, PA 17013	Bermudian Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Twp. York Co.	PAR-10-Y232-R	Clyde R. Strayer Mellon Bank Trust Dept. 10 S. Second St. Harrisburg, PA 17108-1010	Yellow Breeches Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Twp. York Co.	PAR-10-Y233-R	L & H Trucking Inc. 860 Gitts Run Rd. Hanover, PA 17331	Gitts Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Twp. York County	PAR-10-237-R	Eugene Knaub 6381 Old Carlisle Rd. Dover, PA 17315	UNT to Big Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Twp. York Co.	PAR-10-Y240-R	Dover Area School District School Lane Dover, PA 17315-1498	Little Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Twp. York Co.	PAR-10-Y241-R	Dover Area School District School Lane Dover, PA 17315-1498	UNT to Fox Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Twp. York Co.	PAR-10-Y245-R	Central Penn Auto Sales P. O. Box 395 York Haven, PA 17370	Big Conewago Crk.	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Twp. York Co.	PAR-10-Y258-R	Kinsley Construction, Inc. 2700 Water St. York, PA 17403-9036	Pine Run	York CCD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Erie Co. Millcreek Twp.	PAR10K091	Plastek Industries, Inc.	Public Storm Sewer	DEP, Northwest Region Water Management Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Erie Co. Summit Twp.	PAR10K092	PA Dept. of Transportation 1140 Liberty St. Franklin, PA 16323	Tributary to Walnut Crk.	DEP, Northwest Region Water Management Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Erie County Washington, McKean and Franklin Townships	PAR10K093	PA. Dept. of Transportation 1140 Liberty St. Franklin, PA 16323	Boles Run Shenango Creek and Porter Run	DEP, Northwest Region Water Management Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

<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>
Mercer Co. Hermitage City	PAR104332	St. Paul/Horizon Assisted Living Center, Phase I Liken Dr. Hermitage, PA	Shenango River via Bobby Run	DEP, Northwest Region Water Management Program Manager 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG 3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County West Hazleton	PAR232235	GFC Foam Inc. 25 Jaycee Dr. Valmont Industrial Pk. West Hazleton, PA 18201	Black Crk. to Susquehanna River	Northeast Regional Office 2 Public Square Wilkes-Barre, PA (717) 826-2553
Luzerne Co. Hanover Twp.	PAR602221	Louis Cohen & Son Inc. P. O. Box 1004 Wilkes-Barre, PA 18703	None	Northeast Regional Office 2 Public Square Wilkes-Barre, PA (717) 826-2553
Fairview Twp. Butler County	PAR808321	Central Transport, Inc. 1569 Hooker Rd. Karns City, PA 16041	South Branch Bear Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Pulaski Twp. Lawrence Co.	PAR208305	Lane Enterprises, Inc. State Route 551 P. O. Box 345 Pulaski, PA 16143	Shenango River	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR808338	Consolidated Freightways P. O. Box 3010 Menlo Park, CA 94026-3010	Lake Erie and Cascade Crk. to Lake Erie	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Hermitage City Mercer Co.	PAR128302	Joy Cone Company 3435 Lamor Rd. Hermitage, PA 16148	Shenango River	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Millcreek Twp. Erie Co.	PAR118303	Steris Corporation 2424 West 23rd St. Erie, PA 16506	Cascade Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Pine Twp. Mercer Co.	PAR808303	Hovis Trucking Co. P. O. Box 550 99 Cranberry Rd. Grove City, PA 16127	Wolfe Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Foster Twp. McKean Co.	PAR238312	Graham Packaging Co. P. O. Box 2618 York, PA 17405-2618	Tunungwant Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

<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>
Slippery Rock Twp. Butler Co.	PAR608315	H. Kenneth Luckock Slippery Rock Salvage P. O. Box 48 Slippery Rock, PA 16057	Unnamed Tributary of Slippery Rock Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Fairview Twp. Erie Co.	PAR218304	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664-0077	Walnut Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR238303	Owens-Brockway 316 West 16th St. Erie, PA 16502	Presque Isle Bay	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR808308	Metro Machine of PA Inc. P. O. Box 1860 Norfolk, VA 23501	Presque Isle Bay	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Brokenstraw Twp. Warren Co.	PAR228305	Hyma Devore Lumber Mill, Inc. P. O. Box 222, R. D. 1 Youngsville, PA 16371	Brokenstraw Crk.	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie Co.	PAR118302	American Meter Co. P. O. Box 1251 Erie, PA 16512-1251	Lake Erie	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Annin Twp. McKean Co.	PAR708307	Glenn O. Hawbaker, Inc. 325 West Aaron Drive P. O. Box 135 State College, PA 16804	Allegheny River	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (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>
Franklin Co. Letterkenny Twp.	PAG043584	Lynn E. Myers 5345 Orrstown Rd. Orrstown, PA 17244	UNT to Lehman Run	Southcentral Region 1 Ararat Blvd. Harrisburg, PA 17110 (717) 657-4590
Clearfield Co. Bradford Twp.	PAG044977	Dennis and Roberta Houser 1504 Marshall Rd. Monaca, PA 15601	Unnamed tributary to West Branch Susquehanna	Northcentral Region 208 W. Third St. Williamsport, PA 17701
Clearfield Co. Bradford Twp.	PAG044976	Joe Hamilton P. O. Box 145 Shawville, PA 16873	Forcey Run	Northcentral Region 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

<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 Co. Bradford Twp.	PAG044916	Dennis Teats P. O. Box 69 Mineral Springs, PA 16855	Frocey Run	Northcentral Region 208 W. Third St. Williamsport, PA 17701 (717) 327-3667
Centre Co. Huston Twp.	PAG044974	James and Cathy Polinchok 225J Bavarian Dr. Middletown, Ohio 45044	Unnamed tributary to Bald Eagle Creek	Northcentral Region 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Waterford Twp. Erie Co.	PAG048458	James Becker 2103 Woodlawn Ave. Erie, PA 16510	Unnamed tributary to LeBoeuf Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Fairview Twp. Erie Co.	PAG048459	Jerome G. Scavone 6155 Bridlewood Dr. Fairview, PA 16415	Bear Run	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

General Permit Type—PAG-8

<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>
Upper Macungie Twp. Lehigh Co.	PAG 8-082201	Lehigh County Pretreatment Facility OMI, Inc. 7676 Industrial Blvd. Allentown, PA 18106		Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

Location: Washington Township, Lehigh County.

The Department of Environmental Protection (Department) has reviewed the Plan Update Revision, dated November 30, 1994 (received December 1, 1994), with additional information dated August 1, 1996 (received August 2, 1996), February 7, 1997 (received February 10, 1997), March 3, 1997 (received March 4, 1997), April 25, 1997 (received April 28, 1997) and September 26, 1997 (received September 29, 1997), as submitted by **Keystone Consulting Engineers Inc.**

The Department's review has found that the Plan Update Revision is not acceptable and grants planning approval. This review has also not identified any significant environmental impacts resulting from this proposal.

Washington Township proposes to implement Alternate 4 as discussed in the text of the Plan Update Revision. Alternate 4 calls for the construction of wastewater collection and conveyance systems to eliminate onlot wastewater disposal system malfunctions in the project area. The proposed systems will serve the Villages of Emerald and Slatedale (298 edus at 100,000 gpd), the

Primerose Heights/SR0873 Area (70 edus at 40,000 gpd) and the Riverview Acres Area (145 edus at 52,000 gpd). The Equivalent Dwelling Unit (edu) counts for each of these areas include existing residential and commercial structures and vacant lots adjacent to the proposed sewer system and existing properties.

Wastewater from the previously identified areas of Washington Township will be conveyed to the Slatington Borough Authority's (Authority) Wastewater Treatment Facility for treatment and discharge. Although the Authority's facilities are currently under a sewer connection prohibition, the Department will allow the connection of the proposed Washington Township collection/conveyance system to the Authority's facilities. The connection of the Washington Township system will be permitted as an exception to the current sewer connection prohibition under 25 Pa. Code § 94.57. This section of the Department's regulations permits connections to overloaded facilities in order to eliminate public health hazards. The Department considers the currently malfunctioning onlot wastewater disposal systems, located in the proposed Washington Township Wastewater Collection/Conveyance System's service area, to be public health hazards.

The previously described construction activities are proposed to be financed through a low-interest loan from the Pennsylvania Infrastructure Investment Authority (PENNVEST).

In addition to the previously described construction activities, Washington Township proposes to implement an onlot sewage management program. The program and its enabling municipal ordinance will provide for the

further regulation, inspection, maintenance and rehabilitation of onlot wastewater disposal systems within Washington Township.

In accordance with the provisions of the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20(a) (Act 537) 25 Pa. Code Chapter 71, the Department will hold Washington Township responsible for the complete and timely implementation of the Plan Update Revision's chosen wastewater disposal alternative. Implementation of the Plan Update's chosen wastewater disposal alternative must be performed within the timeframes indicated in the Plan Update Revision's most current Schedule of Implementation.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan Update Revision must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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

Location: City of Erie, **Erie County**.

City of Erie, 626 State Street, Erie, PA 16501.

Project Description: Phase II, East and West Side Conveyance—This plan contains 10 projects which, when completed, will eliminate sanitary sewer bypassing and all but two combined sewer overflows from the portions of the Erie sewer system which use the East and West Side interceptors for conveyance. This includes all flows from the municipalities which are tributary to the Erie Sewer Authority's POTW.

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

Location: Smethport Borough, **McKean County**.

Smethport Borough, 412 West Water Street, P. O. Box 427, Smethport, PA 16749-0427.

Project Description: This approved project proposes the expansion of the existing 0.3 mgd wastewater treatment plant (WWTP) to a 0.8 mgd plant. This will be accomplished by expanding and converting the existing extended aeration WWTP to the sequencing batch reactor (SBR) process.

The Department's review of the sewage facilities update revision has not identified any significant 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).

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

Permit No. 5294501. Blue Horseshoe Investment Company Inc., P. O. Box 259, Hawley, PA 18428. George Cabel. This proposal involves the construction and development of one well, a 30,000 gallon storage tank, wellhouse and booster pump station for a proposed development known as White Sands, located in Palmyra Township, **Pike County**.

Permit to Operate: October 14, 1997.

Permit No. 6496504. Woodland Hills Subdivision, Barry Newcomer, HCR Box 202, Paupack, PA 18451. This

proposal involves permitting of an existing system for installation of raw water disinfection facilities, a 2,800 gallon finished water storage tank booster pump facilities and hydrophneumatic tanks. It is located in Paupack Township, **Wayne County**.

Permit to Operate: October 17, 1997.

Permit No. 4597501. Pocono Plateau, c/o Larry Moyer, 32 Chipperfield Drive, Effort, PA 18330. This proposal involves permitting of an existing system to allow for construction of a wellhouse with disinfection facilities for treatment of raw water from one of the two currently used wells. It is located in Tunkhannock Township, **Monroe County**.

Permit to Operate: October 17, 1997.

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

A. 1794502. The Department modified the operating permit previously issued to **Houtzdale Municipal Authority**, P. O. Box 97, 731-I Kirk Street, Houtzdale, PA 16651 (Houtzdale Borough, **Clearfield County**) to allow use of a groundwater source known as Well TH-10 with restrictions to use only when wells TH-4 and TH-5 are not in use.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Pocono Township Monroe County

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1304), initiated a prompt interim response (response) at the Summit Road Asbestos Site (site). The site was the location of 239 bags of asbestos and asbestos contaminated material which were illegally disposed of along Summit Road in Pocono Township, Monroe County.

On October 14 and 15, 1997, Department personnel inspected the site subsequent to a complaint filed with the Department. During the inspections, Department personnel noted the presence of a large number of black plastic bags with "asbestos" printed on them.

After determining that site conditions constituted a substantial threat to public health and safety and the environment, the Department initiated a response. On October 17, 1997, the Department conducted a prompt action interim response which consisted of the removal and disposal of 239 bags of asbestos and/or asbestos contaminated material. The Department also considered taking no action at the site. However, due to the imminent threat to human health and safety and the environment, this option was rejected.

The administrative record contains information which 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, at the Department's Northeast Regional Office located at 2 Public Square, Wilkes-Barre, PA 18711.

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 February 13, 1998 to the attention of Woodrow Cole, Compliance Specialist-Hazardous Sites Cleanup Program, at the Northeast Regional Office address.

Additionally, the public will have an opportunity to present oral comments at a public hearing. The public hearing has been scheduled for December 30, 1997, at 1 p.m. at the Department's Northeast Regional Office in Wilkes-Barre. Persons wishing to present oral comments must register on or before December 23, 1997 by calling Woodrow Cole at (717) 826-2511. If no person registers to present oral comments by December 23, 1997, the hearing will not be held. Persons interested in finding out if anyone has registered, if the hearing will be held or the location of the hearing should contact Woodrow Cole.

The Department is providing this notice under section 506(b) of the HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90-day public comment period under the HSCA. Questions concerning this site may be directed to Woodrow Cole at (717) 826-2511, or Michael T. Ferrence, Assistant Counsel, at (717) 826-2519.

Persons with a disability who wish to attend the public hearing referenced above and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Woodrow Cole directly or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

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

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final reports:

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

Clifford McCoy Residence, New Britain Township, **Bucks County**. Kevin Van Kuren, Hydrocon Services, Inc., 2945 South Pike Ave., Allentown, PA 18103, has

submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

PECO Energy Co., Retired Southwark Generating Station, City of Philadelphia, **Philadelphia County**. Michael F. Heisler, P. E., PECO Energy Co., 2301 Market St., P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Southcentral Regional Office, Environmental Cleanup Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Martin Dubbs Residence, Dover Township, **York County**. Martin Dubbs, 4380 Pinehill Road, Dover, PA 17315 has submitted a Final Report concerning remediation of site soils contaminated with PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

GTE Erie West Plant Facility, 1157 West 16th Street, City of Erie, **Erie County**, has submitted a Final Report to remediate groundwater. The site has been found to be contaminated with solvents. The report is intended to document remediation of the site to meet the site-specific standard. A summary of the Final Report was reported to have been published in the *Erie Morning News* and *Erie Daily Times* on October 18, 1997.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

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.

Enmanco Corp., P. O. Box 180239, Utica, MI 48318; License No. **PA-AH 0574**; license issued October 29, 1997.

PWI Transport, Inc., P. O. Box 20478, Beaumont, TX 77720; License No. **PA-AH 0575**; license issued October 29, 1997.

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

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

SMP, Inc., 200 Fayette Street, Phillipsburg, NJ 08865; License No. **PA-AH S221**; renewal license issued October 29, 1997.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit I. D. No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A Major Permit Modification issuance, authorizing the increase in Average Daily Tonnage from the currently permitted 1,000 tons per day to 1,200 tons per day for this municipal waste landfill, located in Williams Township, **Northampton County**. The Major Permit Modification approval was granted in the Regional Office on October 23, 1997.

Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.

Permit No. 101375. Permit Modification. **Forestlawn Disposal Sanitary Landfill, BFI Waste Systems of North America, Inc.** (757 N. Eldridge Road, Houston, TX 77079). Permit reissuance for change of ownership for landfill located in Boggs Township, **Clearfield County**, issued in the regional office on October 30, 1997.

AIR POLLUTION

OPERATING PERMITS

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

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

46-327-010A: Tube Methods, Inc. (416 Depot Street, Bridgeport, PA 19405) issued for the operations of a vapor degreaser in Bridgeport Township, **Montgomery County**.

15-309-013A: Refractory Minerals Company, Inc. (Route 41 and Ellicot Avenue, Avondale, PA 19311) for the operations of a gas fired dryer in Avondale Township, **Chester County**.

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

10-313-040: Mine Safety Appliances Co. (1420 Mars Evans City Rd., Evans City, PA 16033) issued for batch boron chemical synthesis process.

10-318-001A: Mine Safety Appliances Co. (1420 Mars Evans City Rd., Evans City, PA 16033) issued for water wash plant and spray booth.

10-318-007A: Mine Safety Appliances Co. (1420 Mars Evans City Rd., Evans City, PA 16033) issued for water wash plant.

24-308-001: SGL Carbon Corp. (900 Theresia St. Box 1030, St. Marys, PA 15857) issued for 10 graphite purification furnaces in St. Marys, **Elk County**.

PA33-116A: Plunkett Webster Dry Kiln, Inc. (R. D. 3, Box 182, Brookville, PA 15825) for a wood burning steam boiler in Oliver Township, **Jefferson County**.

PA10-298A: ESM II, Inc. (1161 Pittsburgh Ave., Valencia, PA 16059) for two hammermills in Clinton Township, **Butler County**.

62-329-005A: Elkhorn Operating Company (8801 S. Yale/Suite 420, Tulsa, OK 74137) issued for a natural gas engine in Sheffield Township, **Warren County**.

Minor Operating Permit Modifications issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

19-318-019A: Strick Corporation (P. O. Box 388, Berwick, PA 18603) issued October 24, 1997, to allow the limited use of coatings in a surface coating operation which do not meet a previously established volatile organic compound content limitation of 2.8 pounds per gallon provided the volatile organic compound emissions resulting from the use of such coatings do not exceed 3 tons per year in Berwick Borough, **Columbia County**.

PLAN APPROVALS

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

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

PA-46-0014A: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041) issued October 3, 1997, for the installation of a cyclonic baghouse in Upper Hanover Township, **Montgomery County**.

15-301-071A: Wyeth-Ayerst Laboratories (31 Morehall Road, East Whiteland, PA 19301) issued October 9, 1997, for the operations of an incinerator in East Whiteland Township, **Chester County**.

46-329-015: Hale Products, Inc. (700 Spring Mill Avenue, Conshohocken, PA 19428) issued October 10, 1997, for the installation of two pump test engines in Conshohocken Township, **Montgomery County**.

PA-09-0075: Dunmore Corporation (2900 Wharton Road, Bristol, PA 19007) issued October 9, 1997, for the construction of surface coating source and a catalytic oxidizer Bristol Township, **Bucks County**.

46-302-211A: Pottstown Memorial Medical Center (1600 East High Street, Pottstown, PA 19464) issued October 22, 1997, for construction of two boilers in Pottstown, **Montgomery County**.

PA-15-0015: Sartomer Company, Inc. (610 South Bolmar Street, West Chester, PA 19382) issued October 27, 1997, for the installation S-153 Stripper and S-151 Stripper/HiVac Vessels in West Chester, **Chester County**.

PA-46-0025A: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) issued September 9, 1997, synthesized Pharmaceuticals Fine Organic in Conshohocken Township, **Montgomery County**.

PA-09-0035A: Coltec Industrial Products, Inc., Plaster Products Div. (23 Friends Lane, Newtown,

PA 18940) issued September 9, 1997, for PTFE Extrusion Line No. 3, in Newtown Township, **Bucks County**.

PA-15-0016B: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355), issued September 9, 1997, for Coil Coating Line in East Whiteland Township, **Chester County**.

46-399-111A: McNeil Consumer Products Co. (7050 Camp Hill Road, Fort Washington, PA 19034) issued September 9, 1997, for a Fluidized Bed Processor in Whitmarsh Township, **Montgomery County**.

46-399-113: Ford Electronics & Refrigeration Corp. (2750 Morris Road, Lansdale, PA 19446) issued September 9, 1997, for two Soldering Machines in Worcester Township, **Montgomery County**.

46-318-050: Neptune Chemical Pump Co. (204 DeKalb Pike, Lansdale, PA 19044) issued September 9, 1997, for two Spray Paint Booths and a Pressurized Drum in Montgomery Township, **Montgomery County**.

09-320-042: Scansforms, Inc. (181 Rittenhouse Circle, Bristol, PA 19007) issued June 30, 1997, for Lithographic Printing Press in Bristol Township, **Bucks County**.

23-399-023C: Delaware County Water Quality Control Authority (P. O. Box 999, 100 East Fifth Street, Chester, PA 19016) issued August 11, 1997, for a scrubber belt filter press in the City of Chester, **Delaware County**.

Southcentral Regional Office, Air Quality Program, One Ararat Blvd., Harrisburg, PA 17110, (717) 657-4587.

06-303-006A: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) issued October 29, 1997, for the construction of the batch asphalt plant controlled by a fabric collector at their Kutztown Blacktop Plant in Maxatawny Township, **Berks County**. This source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

06-1035C: The Glidden Company (P. O. Box 15049) issued October 29, 1997, for the modification of storage tank #13400 equipped with conservation vents located at tank farm #10 in Reading, **Berks County**. This source is subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

38-318-034: Conrad Enterprises, Inc. (P. O. Box 656) issued October 29, 1997, for the construction of a paint spray booth controlled by dry filters in Cornwall Borough, **Lebanon County**.

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

PA-10-309A: Heckett Multi Serv (612 N. Main St., Butler, PA 16003) issued October 17, 1997, for the construction of a slag processing facility in Butler, **Butler County**.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY
(RACT)**

Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

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

OP-46-0122: Unisys Corporation (Township Line and Meeting House Road, Blue Bell, PA 19422) issued September 23, 1997, for the Facility NOx and VOC sources in Whitpain Township, **Montgomery County**.

OP-15-0009A: ICI Fluoropolymers (225 S. Bailey Road, Downingtown, PA 19335) issued September 9, 1997, for the operation of Poly Tetra Fluoro Ethylene (PTFE) in Caln Township, **Chester County**.

OP-09-0001A: Avery Dennison Corporation/Fasson Roll Division (35 Penn-Am Drive, Quakertown, PA 18951) issued October 2, 1997, for the Facility NOx and VOC sources in Richland Township, **Bucks County**.

OP-23-0055: Cheyney University (Ellis Power Plant, Cheyney, PA 19319) issued October 3, 1997, for the operation of three boilers, two steam boilers and emergency generators in Thornbury Township, **Delaware County**.

OP-15-0020: Columbia Gas Transmission Corporation (1470 Poorhouse Road, Downingtown, PA 19335), issued October 24, 1997, for Major NOx and Minor VOC facility in West Bradford Township, **Chester County**.

OP-46-0032: SPS Technologies (Highland Avenue, Jenkintown, PA 19046), issued October 30, 1997, for NOx and VOC facility in Abington Township, **Montgomery County**.

OP-46-0031: SmithKline Beecham Research Company (1250 S. Collegeville Road, Collegeville, PA 19428) issued October 31, 1997, for NOx facility in Upper Providence, **Montgomery County**.

OP-15-0035: LNP Engineering Plastics, Inc. (251 South Bailey Road, Thorndale, PA 19335) issued October 31, 1997, for Major VOC facility in Caln Township, **Chester County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

Coal Permits Issued

03860108R. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal issued for continued operation and reclamation of a bituminous surface/auger mine located in East Franklin Township, **Armstrong County**, affecting 262 acres. Receiving streams unnamed tributary to Limestone Run and unnamed tributary to Allegheny River. Application received August 27, 1997. Renewal issued October 29, 1997.

03920105R. T. C. Mining (R. R. 2, Box 301-B, Kittanning, PA 16201). Renewal issued for continued operation

and reclamation of a bituminous surface/auger mine located in Valley Township, **Armstrong County**, affecting 98.5 acres. Receiving streams unnamed tributaries to South Fork of Pine Creek and South Fork of Pine Creek. Application received September 2, 1997. Renewal issued October 29, 1997.

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

Noncoal Permits Issued

33(A)77SM15T. Laurel Aggregates, Inc. (P. O. Box 23, Gans, PA 15439). Transfer of permit currently issued to Martin Marietta Corporation for continued operation and reclamation of a large noncoal surface mine located in Springhill Township, **Fayette County**, affecting 32 acres. Receiving streams unnamed tributaries to Rubles Run to Cheat River. Application received April 24, 1997. Transfer issued October 22, 1997.

26800401T. Carbon Fuel Resources, Inc. (5500 Steubenville Pike, Montour Plaza, Suite 3A, McKees Rocks, PA 15136). Transfer of permit currently issued to Vico, Inc. for continued operation and reclamation of a large noncoal surface mine located in Georges Township, **Fayette County**, affecting 91.1 acres. Receiving streams Brownfield Hollow, to Mountain Creek, to Georges Creek, to Monongahela River. Application received June 18, 1997. Transfer issued October 23, 1997.

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

7174SM1C. Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011), renewal of NPDES Permit #PA0009407 in Swatara Township, **Dauphin County**, receiving stream Susquehanna River. Renewal issued October 28, 1997.

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

General Small Noncoal Authorizations Granted

58970864. Harold Bolcavage (R. R. 1, Box 93A, Forest City, PA 18421), commencement, operation and restoration of a small bluestone quarry operation in Lenoxville Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted October 27, 1997.

58970834. David B. Williams (R. R. 2, Box 188C, Kingsley, PA 18826), commencement, operation and restoration of a small bluestone quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted October 28, 1997.

58970856. Gordon Rigo (R. R. 3, Box 323, Meshoppen, PA 18630), commencement, operation and restoration of a small bluestone quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted October 28, 1997.

66970805. Eugene M. Decker (R. R. 1, Box 165, Dalton, PA 18414), commencement, operation and restoration of a small quarry operation in Nicholson Township, **Wyoming County** affecting 1.0 acre, receiving stream none. Authorization granted October 28, 1997.

58970860. Todd G. Groover (R. R. 2, Box 5A, Montrose, PA 18801), commencement, operation and restoration of a small bluestone quarry operation in Jessup Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted October 30, 1997.

55970802. Scott E. Garrison Excavating (R. R. 1, Box 2064, Beavertown, PA 17813), commencement, operation and restoration of a small quarry operation in Adams Township, **Snyder County** affecting 10.0 acres, receiving stream none. Authorization granted October 31, 1997.

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

Small Industrial Minerals Applications Returned

32960801. Randy and Rebecca Sensabugh (128 Treetops Drive, Lancaster, PA 17601), to operate a quarry in Green Township, **Indiana County**, affecting 5 acres, receiving stream Two Lick Creek South Branch; application received March 13, 1996, cancelled/returned October 27, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.*)

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

E15-552. Encroachment Permit. **Trammell Crow NE, Inc.**, 575 East Swedesford Road, Suite 150, Wayne, PA 19087-1613. To install and maintain an 8-inch concrete encased sewer line over an existing culvert which carries Valley Creek underneath Moore Road (Malvern, PA Quadrangle N: 9.5 inches; W: 9.0 inches) in East Whiteland Township, **Chester County**. This permit was issued under section 105.13(e) Small Projects.

E46-784. Encroachment Permit. **Upper Merion Township**, 175 West Valley Forge Road, King of Prussia, PA 19406. To replace an existing deteriorating pedestrian bridge over Crow Creek (a.k.a. Abram's Creek) (WWF) at Sweetbriar Park. The project consists of removing the existing 3-foot wide, 50-foot span metal grate bridge superstructure, concrete abutments and stairways, and constructing a new bridge at this location. The new structure will be a 5-foot wide, 52-foot span prefabricated steel frame with wooden deck bridge placed on new reinforced concrete abutments. The site is located near Hansen Road cul-de-sac at a point approximately 2,000 feet north of its intersection with Valley Forge Road (S. R. 23) (Valley Forge, PA Quadrangle N: 19.5 inches; W: 0.3 inch) in Upper Merion Township, **Montgomery County**. This permit was issued under section 105.13(e) Small Projects.

E15-529. Encroachment Permit. **Pennsylvania Department of Transportation, District 6-0**, 200 Radnor-Chester Road, St. David's, PA 19087-5178. To replace an existing single span concrete encased I-beam bridge spanning over the West Branch of Big Elk Creek (HQ-TSF-MF) along Pennsgrove Road (S. R. 3028). The proposed structure is a 34-foot long precast concrete box culvert consisting of a twin-cell 13-foot wide by 6-foot high openings with attached concrete wing walls and riprap energy dissipater. The invert of each cell of the proposed culvert will be depressed 6 inches below the stream bed. A 6-inch high concrete weir will be installed within the upstream end of the east cell of the culvert to maintain a low flow channel to allow for fish passage in the west cell. The proposed project also includes the reconstruction of the roadway approaches, and stabilization of approximately 80 linear feet of stream bank with bioengineering techniques. Fill material will be placed in de minimis amount of adjacent wetlands. The project site is located approximately 1 mile west of the intersection of S. R. 896 and U. S. Route 1 (Oxford, PA Quadrangle N: 13.1 inches; W: 8.6 inches) in Upper Oxford Township, **Chester County**.

E15-545. Encroachment Permit. **Franklin Township**, P. O. Box 118, Kemblesville, PA 19347. To construct and maintain a gravel path and platform access situated in the 100 year floodplain and wetlands along the southern bank of the West Branch of White Clay Creek (CWF) in the northwest segment of Elwood L. Crossan Memorial Park. The purpose of this project is to provide fishing and other outdoor recreation opportunities for people in wheelchairs. The access structure will consist of a 47-foot long by 13-foot wide gravel landing platform constructed along the stream at the terminus of the proposed 6-foot wide gravel path. A 48-foot long precast concrete retaining wall will be installed along the stream bank, adjacent to the proposed landing platform. The project also includes placement of fill material in a de minimis amount of wetlands. The site is located approximately 6,000 feet northeast of the intersection of S. R. 896 and S. R. 841 (West Grove, PA Quadrangle N: 2.0 inches; W: 9.0 inches) in Franklin Township, **Chester County**.

E23-364. Encroachment Permit. **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331. To construct and maintain the Cheyney Road Sanitary Sewer Pump Station within the floodplain of an unnamed tributary to the West Branch of Chester Creek located approximately 600 feet northeast of the intersection of Cheyney Road and Baltimore Pike (SR1) (West Chester, PA Quadrangle N: 3.0 inches; W: 0.7 inch) in Concord Township, **Delaware County**.

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

E40-469. Encroachment. **Donald P. Marx, Sr.**, 373 High Street, P. O. Box 890, Wilkes-Barre, PA 18703. To modify and maintain an existing dock/cabana/boathouse in Harveys Lake, with modifications consisting of constructing an addition to the dock, extending 16 feet lakeward and having a width of 12 feet. As modified, the structure will have overall dimensions of approximately 49 feet by 27 feet, and a total surface area of approximately 880 square feet. The project is located at Pole No. 178, Lakeside Drive (Harveys Lake, PA Quadrangle N: 21.2 inches; W: 7.8 inches) in Harveys Lake Borough, **Luzerne County**.

E58-221. Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a road crossing of Mitchell Creek, consisting of a 17-foot × 10-foot precast concrete box culvert with its insert depressed 1.0 foot below streambed elevation. The project is located on S. R. 1010, Section 550, Segment 0900, Offset 0000, approximately 700 feet upstream of the confluence of Mitchell Creek and the Susquehanna River (Great Bend PA-NY Quadrangle N: 15.6 inches; W: 8.6 inches), in Great Bend Township, **Susquehanna County**.

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

E08-322. Encroachment. **Howard H. Shaw**, R. R. 1, Box 80, Monroeton, PA 18832. To construct and maintain an earthen dike about 200 feet long along Schrader Creek just downstream of Bradford County Bridge #23 (Powell, PA Quadrangle N: 14.0 inches; W: 0.7 inch) in Monroe Township, **Bradford County**.

E08-323. Encroachment. **Josephine A. Saxon**, R. R. 1, Box 94, Monroeton, PA 18832. To construct and maintain an earthen dike about 340 feet long along Schrader Creek just downstream of Bradford County Bridge #23 (Powell, PA Quadrangle N: 14.0 inches; W: 0.7 inch) in Monroe Township, **Bradford County**. This permit was issued under section 105.13(e) Small Projects.

E14-308. Encroachment. **Joseph C. Homan**, 3490 Shingletown Rd., State College, PA 16801. To maintain a bridge with a clear span of 18 feet and an average underclearance of 4 feet with concrete abutments over Slab Cabin Run located approximately 0.25 mile east on S. R. 0045 from the intersection of S. R. 0026 (State College, PA Quadrangle N: 0.5 inch; W: 16.0 inches) in Ferguson Township, **Centre County**. This permit was issued under section 105.13(e) Small Projects.

E41-409. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To repair, operate and maintain the streambed, abutment footings and wingwall footings of the single span bridge that carries SR 184, Seg. 0100/000 across Wendell Run. The work shall consist of repairing the bridge abutment and wingwall scour by paving the natural streambed with reinforced concrete that shall have a maximum thickness of 6 inches. The project is located along the eastern right-of-way of SR 0287 approximately 2.7 miles east of the intersection of SR 184 and SR 4014 (White Pine, PA Quadrangle N: 7.4 inches; W: 9.5 inches) in Cogan Station Township, **Lycoming County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E41-410. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove an existing bridge and to construct and maintain a 16 foot by 7 foot reinforced concrete box culvert with associated concrete headwalls in Bottle Run located approximately 250 feet south on SR 3019 from the S. R. 3014 and SR 3019 intersection (Cogan Station, PA Quadrangle N: 2.8 inches; W: 11.2 inches) in Old Lycoming Township, **Lycoming County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E53-300. Encroachment. **Pa. Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove an existing structure and to construct, operate and maintain a twin cell precast concrete box culvert to carry SR 1011, Segment-Offset 0090/0000 across the Genesee River. The twin cell culvert shall be constructed with a span of 20 feet, a rise of 7 feet and a skew of 90 degrees that is located along the eastern right of way of SR 0449 approximately 2,000 feet south of the intersection of T-407 and S. R. 1011 (Ulysses, PA Quadrangle N: 12.7 inches; W: 9.3 inches) in Bingham Township, **Potter County**.

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

E02-1187. Encroachment. **Development Group of Rose Valley**, 3380 Babcock Boulevard, Pittsburgh, PA 15237. To remove the existing structure, to construct and maintain a 12-foot diameter, 135-foot long enclosure in Lowries Run (TSF) and to place and maintain fill in 0.49 acre of wetland (PEM/PSS) for the purpose of providing access to a proposed retirement village located at the intersection of Rochester Road and Fassinger Lane (Emsworth, PA Quadrangle N: 10.4 inches; W: 8.0 inches) in McCandless Township. The permittee has met their wetland replacement obligation by contributing to the Wetland Replacement Fund.

E02-1196. Encroachment. To remove the existing mooring facility and to construct and maintain a new mooring facility to provide safe and efficient loading and unloading of barges. The project is located on Neville Island along the left bank of the main channel of the Ohio River (WWF) near River Mile 5.2 (Pittsburgh West, PA Quadrangle N: 22.0 inches; W: 10.2 inches) in Neville Township, **Allegheny County**.

E26-237. Encroachment. To remove the existing structures and to construct and maintain three concrete and steel low flow stream crossings across Cucumber Run (CWF) to restore vehicular traffic to recreational facilities. The structures are located in Ohiopyle State Park approximately 2,800 feet, 3,000 feet and 4,600 feet upstream of Cucumber Falls (Fort Necessity, PA Quadrangle N: 19.8 inches; W: 1.70 inches) in Stewart Township, **Fayette County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E56-279. Encroachment. To remove the Heckle Bridge (County Bridge No. 66) and to construct and maintain a bridge having two normal spans of 58.25 feet each and an underclearance of 14.5 feet across Casselman River (WWF) and to construct and maintain a temporary causeway consisting of three 3-foot pipes in the channel of said stream. The project is located on T-383 at a point approximately 300 feet west of the intersection of T-383 and S. R. 0219 (Meyersdale, PA Quadrangle N: 15.90 inches; W: 6.00 inches) in Summit Township, **Somerset County**.

E63-437. Encroachment. To construct and maintain a bridge having a span of 60 feet and a minimal underclearance of 4.6 feet across Little Chartiers Creek (HQ-WWF) for the purpose of providing access to a private residence. The project is located on the north side of Ross Road approximately 0.5 mile northeast of its intersection with Linden Road (Washington East, PA Quadrangle N: 19.1 inches; W: 0.6 inch) in North Strabane Township, **Washington County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E65-668. Encroachment. To construct and maintain three foot bridges in Forbes State Forest as follows: Bridge #1 has a span of 40.0 feet and an underclearance of 7.0 feet across Indian Creek (HQ-CWF) located approximately 3,000 feet upstream of S. R. 381 and Indian Creek Crossing; Bridge #2 has a span of 24.0 feet and an underclearance of 8.5 feet across an unnamed tributary to Indian Creek (HQ-CWF) located approximately 6,000 feet upstream of S. R. 381 and Indian Creek Crossing; Bridge #3 has a span of 18.0 feet and an underclearance of 6.0 feet across Little Run (HQ-CWF) located approximately 300 feet upstream of its confluence with Indian Creek (Seven Springs, PA Quadrangle N: 21.75 inches; W: 5.5 inches) in Donegal Township, **Westmoreland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

E20-447. Encroachment. **Sally B. Schramm**, 24095 Lakeview Drive, Union City, PA 16438. To maintain an existing 72-foot long, 4-foot wide wood pile supported dock in Canadohta Lake in front of Lot #12 along Lakeview Drive on the east side of the lake immediately south of Hawthorne Beach (Lake Canadohta, PA Quadrangle N: 10.78 inches; W: 11.62 inches) located in Bloomfield Township, **Crawford County**.

E25-556. Encroachment. **David E. and Rosemary A. Sarra**, 8563 Skinner Road, McKean, PA 16426-1132. To remove the existing concrete block stream bank retaining wall and to construct and maintain 300 feet of concrete block retaining wall with a maximum height of approximately 10 feet along the right bank of Elk Creek approximately 1,400 feet upstream of Rick Road (Swanville, PA Quadrangle N: 0.5 inch; W: 6.1 inches) located in McKean Township, **Erie County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E10-263. Encroachment. **S. Graham Hamilton**, P. O. Box 2024, Winter Park, FL 32790. To construct and maintain a 55-foot long, 8-foot, 2-inch wide by 5-foot, 9-inch high C. M. Pipe Arch culvert in Robinson Run and fill 0.08 acre of wetland for construction of an access driveway (Crossing No. 1) to residential lots in the Hamilton Development on T-490 (Robinson Road) approximately 3,800 feet north of S. R. 2012 (Dinnerbell Road) (Butler, PA Quadrangle N: 3.2 inches; W: 4.4 inches) located in Penn Township, **Butler County**.

E42-250. Encroachment. **David E. Walters**, 31 South Second Street, Bradford, PA 16701. To conduct the following activities associated with commercial/industrial development along Rutherford Run and in a wetland area at two sites along Rutherford Run Road (T-330) near the intersection of High Street Extension (S. R. 4005) and approximately 800 feet east of High Street Extension

(Bradford, PA Quadrangle N: 10.7 inches; W: 2.4 inches) in Bradford Township, **McKean County**:

1. To place fill within the floodway of Rutherford Run beginning at High Street Extension (S. R. 4005) and extending upstream approximately 430 feet along the right (north) side of the stream.

2. To fill a 0.14 acre wetland area located approximately 400 feet east of High Street Extension between Rutherford Run Road (T-330) and Rutherford Run.

3. To remove the existing culverts and to construct and maintain a 200-foot long, 8-foot diameter steel pipe stream enclosure in Rutherford Run approximately 800 feet upstream of High Street Extension.

Project will include creation of at least 0.14 acre of replacement wetland on site.

E42-251. Encroachment. **Foster Township Supervisors**, 1185 East Main Street. To rehabilitate and maintain the Garlock Hollow Road Bridge having an approximate span of 18 feet and an underclearance of 4.5 feet across Kendall Creek approximately 0.25 mile north of S. R. 46 (Derrick City, PA Quadrangle N: 9.15 inches; W: 9.3 inches) located in Foster Township, **McKean County**. Work includes removing the existing pavement and installing a 15-inch thick concrete deck over the existing superstructure and approach roadway work. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E61-210. Encroachment. **National Fuel Gas Supply Corporation**, 1100 State Street, Erie, PA 16501. To

remove the existing bridge and 48-inch culvert that are part of an existing dam, to construct approximately 80 feet of new stream channel and to construct and maintain a new bridge having a clear span of approximately 40 feet and an underclearance of 5 feet across South Sandy Creek at Henderson Station approximately 1.86 miles south of the intersection of S. R. 965 and Henderson Station Road (T-300) (Polk, PA Quadrangle N: 18.2 inches; W: 16.2 inches) located in Mineral Township, **Venango County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in Pennsylvania

In the month of October 1997 the Department of Environmental Protection, 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 this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth 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, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kenneth Rumbarger AmeriSpec Home Inspection Service	109 Hickory Drive Sewickley, PA 15143	Testing
David Brown	2843 North Front Street Harrisburg, PA 17110	Testing
Frank Deininger	1590 Sand Beach Road Hummelstown, PA 17036	Testing
Thomas Flemming, Jr.	P. O. Box 6016 Wyomissing, PA 19610	Testing
Bo Hopkins	3692 Sheramy Drive Fairview, PA 16415	Testing
Ronald Hunsberger	P. O. Box 762, 6109 Haring Road Plumsteadville, PA 18949	Testing
Robert Latorra	R. R. 1, Box 241 Benton, PA 17814	Testing
William McKelvey	1301 Old Lincoln Highway Langhorne, PA 19047	Testing
David Meuschke	4204 East Ewalt Road Gibsonia, PA 15044	Testing
Timothy Phister	172 Hoover Road Loretto, PA 15940	Testing
George Fox Pocono Radon & Water Testing, Inc.	6 Holly Forest Drive Mount Pocono, PA 18344	Testing
John Bixler Quality Environmental Technology, Inc.	118 Stitzer Road Fleetwood, PA 19522	Mitigation
David C. Grammer Tricia Gries-Cowell	27 Ironia Road, Unit 2 Flanders, NJ 07836	Laboratory
Bruce Barker, Jr. Radon Solutions, Inc.	P. O. Box 3309 Allentown, PA 18106	Testing Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Runge	R. D. 1, Box 195, Reider Road Robeson, PA 19551	Mitigation
Dennis Spiess	207 East Bacon Street Pottsville, PA 17901	Testing
Donald Stoltenberg	10522 High Rock Road Airville, PA 17302	Testing
Kenneth Struder	P. O. Box 722 Thorndale, PA 19372	Laboratory
John Trusa	454 Dana Street Wilkes-Barre, PA 18702	Testing

[Pa.B. Doc. No. 97-1829. Filed for public inspection November 14, 1997, 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 "June 1997 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 Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

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 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 Jonathan Brightbill at (717) 783-8727.

Final Technical Guidance—New Guidance

DEP ID: 362-5512-003 Title: Recognition of Selected Cost Items Associated with "Inflow and Infiltration Studies" (I&I) as Planning Costs Considered for Sewage Facilities Planning Grants Description: Establishes conditions for recognizing a selected list of cost items with engineering studies. Effective Date: October 15, 1997 Page Length: 8 pages Location: Vol 33, Tab 55A Contact: John McHale at (717) 787-8184

Final Technical Guidance—Substantive Revision

DEP ID: 562-3000-105 Title: Field Evaluation of Pit Size Variances Description: This guidance provides a uniform procedure to evaluate a permittee's request for a variance from the standard pit size. Effective Date: October 20, 1997 Page Length: 2 pages Location: Vol 12, Tab 04 Contact: Evan Shuster at (717) 787-7846

DEP ID: 562-4180-306 Title: Civil Penalty Assessments Description: This is a uniform civil penalty policy allowing greater discretion when calculating civil penalties. Effective Date: October 31, 1997 Page Length: 6 pages Location: Vol 12, Tab 18 Contact: Evan Shuster at (717) 787-7846

DEP ID: 563-2504-411 Title: Processing Completion Reports Description: This guidance provides a uniform procedure to processing reports for bond release. Effective Date: October 16, 1997 Page Length: 8 pages Location: Vol 12, Tab 66 Contact: Evan Shuster at (717) 787-7846

Final Technical Guidance—Minor Revision

DEP ID: 381-5511-002 Title: Performance Certification—PENNVEST Funded Projects Description: Procedure to obtain a certification from PENNVEST borrowers that project performance standards have been met. Effective Date: October 1, 1997 Page Length: 4 pages Location: Vol 27, Tab 6B Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 381-5511-007 Title: Cost Effectiveness Review—PENNVEST Funded Projects Description: This guidance applies to conducting cost-effective analysis of alternatives for PENNVEST funded projects. Effective Date: October 25, 1997 Page Length: 2 pages Location: Vol 27, Tab 6E Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 383-0400-104 Title: Health Effects and Risk Management Staff Handbook Description: Staff guidance to respond to regulated and unregulated contaminants in public drinking water systems. Effective Date: May 1, 1997 Page Length: 142 pages Location: Vol 18 Contact: Joseph Hoffman at (717) 787-5017

DEP ID: 562-2112-317 Title: Sealing Anthracite Underground Mine Openings Description: Ensures that underground mine openings are closed in accordance with the applicable laws and regulations of the Departments. Effective Date: November 7, 1997 Page Length: 7 pages Location: Vol 12, Tab 26 Contact: Evan Shuster at (717) 787-7846

DEP ID: 563-2112-605 Title: Water Supply Replacement and Permitting Description: Establishes procedures for the processing of permit applications when water supply sources may be adversely affected by surface mining activities. Effective Date: October 31, 1997 Page Length: 12 pages Location: Vol 12, Tab 74 Contact: Evan Shuster at (717) 787-7846

DEP ID: 563-2504-612 Title: Monitoring, Compliance and Bond Release for Subchapter F or G Permits Description: Outlines procedures for monitoring preexisting pollution discharges under the Subchapter F or G program

and for determining if these discharges are in compliance. Effective Date: November 7, 1997 Page Length: 9 pages Location: Vol 12, Tab 69A Contact: Evan Shuster at (717) 787-7846

DEP ID: 563-3900-404 Title: Interim Implementation of Act 54 Description: Explains the manner in which the Department will implement the new statutory provisions and incorporate these changes into its regulatory program. Effective Date: November 7, 1997 Page Length: 12 pages Location: Vol 12, Tab 31 Contact: Evan Shuster at (717) 787-7846

Draft Technical Guidance—New Guidance

DEP ID: 383-3500-112 Title: Surface Water Identification Protocol—Noncommunity Water Systems Description: Under the Final Federal Surface Water Treatment Rule, noncommunity water supply (NCWS) groundwater sources are to be identified for direct surface water influence by June 29, 1999. Comment Deadline: November 26, 1997 Contact: John Diehl at (717) 772-4018.

Draft Technical Guidance—Substantive Revision

DEP ID: 563-2112-212 Title: Evaluation and Approval of Land Use Changes for Surface Coal Mine Operations Description: This guidance specifies procedures and criteria for the evaluation and approval of land use changes as part of the surface mine permitting process. Regulatory changes necessitate revisions. Comment Deadline: December 12, 1997 Contact: Nevin Strock at (717) 787-8845

DEP ID: 563-2112-604 Title: Auger Mining Description: Establishes administrative procedures for processing requests for auger mining and provides guidelines for the technical evaluation of auger mining proposals. Regulatory changes necessitate revisions. Comment Deadline: December 12, 1997 Contact: Nevin Strock at (717) 787-8845

Notice of Intent to Rescind Technical Guidance

DEP ID: 563-2504-408 Title: Bonding Methods Description: This guidance document is outdated or has been incorporated into other TGMs. This guidance document is no longer required. Anticipated Effective Date: November 15, 1997 Contact: Michael Terretti at (717) 787-7846

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1830. Filed for public inspection November 14, 1997, 9:00 a.m.]

Proposed Water Management Experimental Permit for Small Flow Sewage Treatment System

The Pennsylvania Rural Electric Association (PREA) has applied for an experimental permit to construct and operate a new technology demonstration project on the property of Roger Van Ord, Farmington Township, Warren County. The project will consist of a small flow sewage treatment system comprised of conventional septic tanks, a recirculating sand filter and an ultraviolet light for disinfection. A discharge into a soil infiltration system is planned. The project is designed to serve a home and will address existing sewage problems at the project location.

Unless otherwise indicated on the basis of detailed technical review of the application and/or lack of submission of necessary prerequisite planning approvals or municipal sponsorship/ordinance assuring proper opera-

tion and maintenance of the project, the Department of Environmental Protection (Department) has made a tentative decision to issue the experimental permit. All experimental permits represent only the conditional approval of systems and must be promptly replaced or modified by the permittee, to the satisfaction of the Department if they fail, malfunction or cause a public nuisance. At the completion of the successful demonstration, the permit will be transferred to the property owner who will be responsible for continued compliance, operation and maintenance.

Persons wishing to comment on the proposed permit are invited to submit a written statement to Permits Section, Division of Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, or John Murtha @A1.DEP.STATE.PA.US within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the final determination regarding this application. All comments should include the name, address and telephone number of the writer and a brief statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A fact-finding public meeting may be held if the Department considers the public response significant.

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

The permit application and related documents, and the proposed permit with any special conditions can be inspected at the Division of Wastewater Management located on the 11th floor of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1831. Filed for public inspection November 14, 1997, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

Retention of Engineering Firms

**Lehigh and Northampton Counties
Project Reference No. 08430AG2138**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty-two (22) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following four (4) projects located in the City of Bethlehem, Whitehall, Hanover and Bethlehem Townships, in Lehigh and Northampton Counties: S. R. 0022, Section 04M; S. R. 0022, Section 027 and S. R. 1009, Section 003 in Lehigh County and S. R. 0022, Section 01M in Northampton County.

These projects involve the construction of approximately 2,745 linear feet of separated highway consisting of bituminous courses; construction of approximately 16,540 linear feet of separated plain cement concrete pavement; surfacing of approximately 22,403 linear feet

of bituminous courses; construction of a three-span prestressed concrete composite spread box beam bridge 166.6 feet in length, or alternate; one superstructure replacement and widening; latex overlaying of six (6) bridge decks; one (1) bridge structure with expansion dam rehabilitation; construction of four (4) mechanically stabilized earth retaining walls or alternates; overhead sign structures; traffic signals; highway lighting; drainage; guide rail; Traffic Control and Incident Management System Components.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section of the *Pennsylvania Bulletin*.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, drainage, guide rail, traffic signals, overhead signing, latex overlays, highway lighting and retaining walls. Also, at least two (2) of the inspectors listed should be Department C.D.S. certified; at least two (2) of the inspectors should have C.P.M. experience; two (2) of the inspectors shall be certified nuclear gauge operators, and the two (2) TCM-1's should have good public relations experience.
- c. Understanding of Department's requirements, policies, and specifications.
- d. Past Performance.
- e. Number of available inspectors in each payroll classification.
- f. Number of NICET certified inspectors in each payroll classification.
- g. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	6 (4)

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

NOTE: Two (2) shifts of eleven (11) inspectors each.

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI-Materials)	\$34.52
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License
- 1 Vehicle for the Transportation of Nuclear Gauges (four (4) wheel drive)
- 1 Base Radio Station
- 14 Two-way Radios (each with two (2) battery packs)
- 1 Two-Way Radio Repeater Station
- 1 Camera (type 35mm, film, developing)
- 1 Computers/Printers/Monitors (Laptop, Modem, Internet, Type C)
- 1 Computer Software Type C, Windows 95

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	8
TCI-M	3
TCI	13

No resumes are required for the TA Classification.

The District's copy of the Letter of Interest and required forms, (see general requirements and information section) shall be sent to: Mr. Walter E. Bortree, P.E., District Engineer, Engineering District 5-0, 2460 Parkwood Drive, Allentown, PA 18103. Attn: Mr. Brian H. Graver.

Any technical questions concerning the requirements for this project should be directed to Mr. Brian H. Graver, District 5-0, at (610) 791-6022.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Westmoreland County
Project Reference No. 08430AG2139**

The Department of Transportation will retain an engineering firm to perform preliminary design for the S. R. 0366, Section 18R intersection project (Parnassus Triangle) located in the City of New Kensington, Westmoreland County. The project consists of improving traffic flow at the S. R. 0366/S. R. 4085 and S. R. 4085/S. R. 4087 intersections. Northern and Southern limits of the study area on S. R. 0366 are from Segment 0174/2690 to Segment 0190/0411, for a total length of 1.25 miles. The estimated construction cost is not available as of the date of this advertisement.

Various alternatives will be studied, ranging from only adding turning lanes and traffic signals to a major realignment of S. R. 0366 through the project area.

The selected firm will be required to perform the following preliminary design work: project needs analysis; Phase I preliminary alternatives development (environmental features map development, preliminary engineering, field view of alternatives, alternatives evaluation and

comparison, summary Phase I report and agency coordination/public involvement representation); Phase II detailed alternatives development (environmental analysis, engineering analysis, agency coordination/public involvement representation); preparation of environmental document; design field view; field survey; hydrologic and hydraulic studies; type, size and location submission; notification of public officials; and project management.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting acceptable letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section of the *Pennsylvania Bulletin*.
- b. Traffic engineering experience.
- c. Environmental studies experience.
- d. Public involvement plan.
- e. Design team.
- f. Plan to keep project on schedule.
- g. Past Performance.
- h. Current Workload.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Michael H. Dufalla, P.E., District Engineer, Engineering District 12-0, P. O. Box 459 North Gallatin Avenue, Extension, Uniontown, PA 15401, Attention: Mr. Jeffrey S. Thompson, P.E.

Any technical questions concerning the requirements for this project should be directed to Mr. Jeffrey S. Thompson, P.E., Engineering District 12-0, at (412) 439-7134.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to Mr. Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060.

Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time on December 1, 1997.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indi-

cated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one 8 1/2" x 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantage Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-1832. Filed for public inspection November 14, 1997, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (act) (P. L. 744, No. 222) announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing under section 9(e)—(g) of the act, in the following consolidated cases:

Jim Cook v. Scranton Housing Authority and Mary Ann Kochanski, Manager; Valley View Terrace Projects, PA 301; Doc. No. H5159 (Pennsylvania Human Relations Commission, October 28, 1997); Race-based notice of eviction and harassment; Ruling for Respondent, 10-0 decision; 25 pages.

Valentia Pipkin v. Joseph and Barbara Allison; Doc. No. H7003 (Pennsylvania Human Relations Commission, October 28, 1997); Race-based refusal to rent; Ruling for Complainant, 10-0 decision; 25 pages.

The final orders in the above-listed cases are subject to appeal to the Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or in part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinions desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 97-1833. Filed for public inspection November 14, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Reg. No.	Agency/Title	Received
7-303	Environmental Quality Board Noncoal Regulations	11/5/97
7-308	Environmental Quality Board Small Operator Assistance Program	11/5/97
7-311	Environmental Quality Board Financial Assistance	11/5/97

JOHN R. MCGINLEY, Jr.
Chairperson

[Pa.B. Doc. No. 97-1834. Filed for public inspection November 14, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by Hamilton Insurance Company

Hamilton Insurance Company, a Virginia stock casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Virginia to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under the Business Corporation Law of 1988 (15 Pa.C.S. §§ 1 et. seq.). Persons wishing to comment on the redomestication are invited to submit a written statement to the

Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1835. Filed for public inspection November 14, 1997, 9:00 a.m.]

List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), the Insurance Commissioner hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to

or deletions from the listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 48 (November 27, 1993); 24 Pa.B. 33 (August 13, 1994); 24 Pa.B. 49 (December 3, 1994); 25 Pa.B. 50 (December 16, 1995); 26 Pa.B. 46 (November 16, 1996) and 27 Pa.B. 21 (May 24, 1997).

Insurance Department's Qualified Unlicensed Reinsurers List

1. 37958 American Insurance Company, Omaha, Nebraska
2. 37532 Agricultural Excess and Surplus Insurance Company, Wilmington, Delaware
3. 10651 AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey
4. 10103 American Agricultural Insurance Company, Indianapolis, Indiana
5. 41858 American Dynasty Surplus Lines Insurance Company, Wilmington, Delaware
6. 37990 American Empire Insurance Company, Cincinnati, Ohio
7. 26883 American International Specialty Lines Insurance Company, Anchorage, Alaska
8. 91785 American Phoenix Life and Reassurance Company, Hartford, Connecticut
9. 27898 Americas Insurance Company, New Orleans, Louisiana
10. 10316 Appalachian Insurance Company, Johnston, Rhode Island
11. Assicurazioni General Di Trieste, Rome, Italy
12. Associated Electric & Gas Insurance Services, Ltd., Hamilton, Bermuda
13. 27189 Associated International Insurance Company, Woodland Hills, California
14. 50687 Attorneys' Title Insurance Fund, Inc., Orlando, Florida
15. 19925 Audubon Indemnity Company, Jackson, Mississippi
16. 18988 Auto-Owners Insurance Company, Lansing, Michigan
17. 36552 Axa Reinsurance Company, Wilmington, Delaware
18. 61395 Beneficial Life Insurance Company, Salt Lake City, Utah
19. 61417 Beneficial Standard Life Insurance Company, Los Angeles, California
20. British Aviation Insurance Company, Ltd., London, England
21. 10021 Capital Mortgage Reinsurance Company, New York, New York
22. 30180 Capital Reinsurance Company, New York, New York
23. 33596 Centre Reinsurance Company of New York, New York
24. 36951 Century Surety Company, Columbus, Ohio
25. 38989 Chubb Custom Insurance Company, Dover, Delaware
26. 80322 Citicorp Life Insurance Company, Phoenix, Arizona
27. CNA Reinsurance Company Limited, London, England

28. 39993 Colony Insurance Company, Richmond, Virginia
29. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
30. 27955 Commercial Risk Re-Insurance Company, South Burlington, Vermont
31. Commercial Union Assurance Company, P.L.C., London, England
32. 37567 Commonwealth Insurance Company, Vancouver, British Columbia, Canada
33. 20923 Continental Reinsurance Corporation, San Francisco, California
34. Copenhagen Reinsurance Company (U. K.), Ltd., (The), London, England
35. 17400 Coregis Indemnity Company, Durham, North Carolina
36. 42048 Diamond State Insurance Company, Indianapolis, Indiana
37. 10928 Eagle Insurance Company, Jersey City, New Jersey
38. E+S Ruckversicherungs-AG, Hannover, Germany
39. 40509 EMC Reinsurance Company, Des Moines, Iowa
40. 21334 Empire Indemnity Insurance Company, Oklahoma City, Oklahoma
41. 90670 ERC Life Reinsurance Corporation, Jefferson City, Missouri
42. 39020 Essex Insurance Company, Wilmington, Delaware
43. 29700 European Reinsurance Corporation of America, Manchester, New Hampshire
44. 35378 Evanston Insurance Company, Evanston, Illinois
45. 44792 Executive Risk Specialty Insurance Company, Simsbury, Connecticut
46. 32018 First Excess and Reinsurance Corporation, Jefferson City, Missouri
47. 85472 First ING Life Insurance Company of New York, New York
48. 37184 First Reinsurance Company of Hartford, Avon, Connecticut
49. 34916 First Specialty Insurance Corporation, Jefferson City, Missouri
50. 38776 Folksamerica Reinsurance Company, New York, New York
51. Gan Insurance Company Limited, London, England
52. 37362 General Star Indemnity Company, Stamford, Connecticut
53. 34991 Genesis Indemnity Insurance Company, Bismarck, North Dakota
54. 92673 Gerling Global Life Insurance Company, Toronto, Canada
55. 87017 Gerling Global Life Reinsurance Company, Los Angeles, California
56. 22098 Grain Dealers Mutual Insurance Company, Indianapolis, Indiana
57. 40193 Great Lakes American Reinsurance Company, New York, New York
58. 14117 Grinnell Mutual Reinsurance Company, Grinnell, Iowa
59. Guardian Royal Exchange Assurance Public Limited Company, London, England
60. 42811 Gulf Underwriters Insurance Company, Raleigh, North Carolina
61. Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany
62. 39187 Hansa Reinsurance Company of America, Tarrytown, New York
63. 87572 Harbourton Reassurance, Inc., Wilmington, Delaware
64. 36200 Health Providers Insurance Company, Deerfield, Illinois
65. 78972 Healthy Alliance Life Insurance Company, St. Louis, Missouri
66. 42374 Houston Casualty Company, Houston, Texas
67. Illinois Insurance Exchange, Chicago, Illinois
68. 27960 Illinois Union Insurance Company, Chicago, Illinois
69. Indemnity Marine Assurance Company, Ltd., London, England
70. 10040 Inner Harbor Reinsurance, Inc., Baltimore, Maryland
71. 22829 Interstate Fire & Casualty Company, Chicago, Illinois
72. 11622 Investors Insurance Company of America, Red Bank, New Jersey
73. 93505 ITT Hartford International Life Reassurance Corporation, Westport, Connecticut
74. 16187 John Hancock Property and Casualty Insurance Company, Wilmington, Delaware
75. (La) Concorde, Campagnie, D'Assurances, S. A., Paris, France
76. 33138 Landmark American Insurance Company, Englewood, Colorado

77. 35637 Landmark Insurance Company, San Francisco, California
78. 29912 Legion Indemnity Company, Chicago, Illinois
79. 19437 Lexington Insurance Company, Wilmington, Delaware
80. Lloyd's Underwriters, London, England
81. 98078 Manulife Reinsurance Corporation (USA), Buffalo, New York
82. 32089 Medmarc Mutual Insurance Company, Vergennes, Vermont
83. 97071 Mercantile and General Life Reassurance Company of America, Lansing, Michigan
84. 23531 Millers Mutual Fire Insurance Company, Ft. Worth, Texas
85. 33189 Monticello Insurance Company, Wilmington, Delaware
86. 20079 National Fire & Marine Insurance Company, Omaha, Nebraska
87. 33510 Neumann Insurance Company, Denver, Colorado
88. 41629 New England Reinsurance Corporation, Hartford, Connecticut
89. Northern Assurance Company, Ltd., London, England
90. Ocean Marine Insurance Company, Ltd., London, England
91. 31143 Old Republic Union Insurance Company, Montgomery, Alabama
92. 88099 Optimum Re Insurance Company, Dallas, Texas
93. 37338 Pacific Insurance Company, Los Angeles, California
94. Phoenix Assurance Public Limited Company, London, England
95. 29807 PXRE Reinsurance Company, Edison, New Jersey
96. 15466 Realm National Insurance Company, New York, New York
97. 88340 Reassurance Company of Hannover, Orlando, Florida
98. 24481 Reliance Insurance Company of Illinois, Chicago, Illinois
99. River Thames Insurance Company, Ltd., London, England
100. 38636 SAFR Reinsurance Corporation of the U. S., New York, New York
101. St. Paul Reinsurance Company, Ltd., London, England
102. 21911 San Francisco Reinsurance Company, Novato, California
103. 41297 Scottsdale Insurance Company, Columbus, Ohio
104. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
105. Sphere Drake Insurance PLC, London, England
106. 93483 Swiss-Am Reassurance Company, Wilmington, Delaware
107. 84565 Swiss Re Life and Health Limited, London, England
108. Terra Nova Insurance Company, Limited, London, England
109. Through Transport Mutual Insurance Association, Ltd., Hamilton, Bermuda
110. 37982 Tudor Insurance Company, Keene, New Hampshire
111. 24319 Ulico Indemnity Company, Little Rock, Arkansas
112. Unionamerica Insurance Company, Limited, London, England
113. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York
114. 39330 United Capitol Insurance Company, Atlanta, Georgia
115. 28053 United Coastal Insurance Company, Phoenix, Arizona
116. 13021 United Fire & Casualty Company, Cedar Rapids, Iowa
117. 29220 United Republic Insurance Company, Houston, Texas
118. 38032 US International Reinsurance Company, Manchester, New Hampshire
119. 26425 Wausa General Insurance Company, Lisle, Illinois
120. 21067 Westchester Surplus Lines Insurance Company, Honolulu, Hawaii
121. 29548 Western Indemnity Insurance Company, Houston, Texas
122. 13196 Western World Insurance Company, Keene, New Hampshire
123. Yorkshire Insurance Company, Ltd., York, England
124. Zurich International (Bermuda), Ltd., Hamilton, Bermuda
125. Zurich Reinsurance (London) Limited, London, England

Changes to the Qualified Unlicensed Reinsurers List Since It Was Published on May 24, 1996

The following companies have been added to the list since it was published on May 24, 1997:

AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey

Swiss-Am Reassurance Company, Wilmington, Delaware

The following companies have been removed from the list since it was published on May 24, 1997:

Capital Assurance Company, Coral Gables, Florida

The following companies have changed their names since the list was published on May 24, 1997:

The Mercantile and General Life Reinsurance Company Limited, London, England has changed its name to Swiss Re Life and Health Limited, Toronto, Canada

Zurich Re (U. K.) Limited, London, England has changed its name to Zurich Reinsurance (London) Limited, London, England.

The following company was added back to the list because it was removed in error from the list which was published on May 24, 1997:

Gerling Global Life Reinsurance Company, Nashville, Tennessee

The following company changed its state of domicile since the list was published on May 24, 1997:

Gerling Global Life Reinsurance Company redomesticated from Nashville, Tennessee to San Francisco, California.

M. DIANE KOKEN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1836. Filed for public inspection November 14, 1997, 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.

Governor's Office

Manual M310.2—Definitions of Major and Minor Objects of Expenditures—Revision No. 7, Dated September 22, 1997.

Management Directive No. 205.21—Commonwealth Child Care Program, Amended—September 16, 1997.

Management Directive No. 205.30—Personal Use of Promotions and Offers, Dated—October 23, 1997.

Management Directive No. 230.15—Continental United States High Cost Subsistence Allowances, Dated—October 23, 1997.

Management Directive No. 240.7—Submission of Changes to the Commonwealth Telephone Directory, Agency Organizational and Functional Listings, and Employee Locator File, Amended—September 26, 1997.

Management Directive No. 250.3—State Contracts Information Document, Amended—October 17, 1997.

Management Directive No. 315.8—Restitution of Overpayments, Amended—October 1, 1997.

Management Directive No. 530.9—Social Security Records, Amended October 9, 1997.

Management Directive No. 615.13—Emission Control Program—Commonwealth Automotive Fleet Vehicles, Amended—September 26, 1997.

Administrative Circular No. 97-31—Holidays—1998—Dated September 24, 1997.

Administrative Circular No. 97-32—Workers' Compensation Rates—Dated October 1, 1997.

Administrative Circular No. 97-33—Filing of Names With State Surplus Property Division, Department of General Services—Dated October 8, 1997.

Administrative Circular No. 97-34—Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation—Dated October 22, 1997.

Administrative Circular No. 97-35—Placing of Decals and Logos on Commonwealth Vehicles—Dated October 22, 1997.

The Legislative Reference Bureau accepted the following documents during the month of August 1997, 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. This will supplement the documents filed but not published printed at 27 Pa.B. 4588 {September 21, 1997}. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Department of Community Affairs

Home Rule Charter Amendment (May 20, 1997) for City of Allentown, Lehigh County.

Home Rule Charter Amendment (May 20, 1997) for Municipality of Monroeville, Allegheny County.

Home Rule Charter Amendment (May 20, 1997) for City of Pittsburgh, Allegheny County.

Home Rule Charter Amendment (May 20, 1997) for Township of Hampton, Allegheny County.

Home Rule Charter Amendment (November 5, 1996 and May 20, 1997) for City of Allentown, Lehigh County.

Home Rule Charter Amendment (November 5, 1996) for O'Hara Township, Allegheny County.

Home Rule Charter Amendment (November 5, 1996) for Upper Providence Township, Delaware County.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 97-1837. Filed for public inspection November 14, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Schuylkill County, Wine & Spirits Shoppe #5404, 630 Centre Street, Ashland 17921-1332.

Lease Expiration Date: January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,600 to 2,100 net useable square feet of new or existing retail commercial space within the Borough of Ashland or the Township of Butler.

Proposals due: December 19, 1997 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-1838. Filed for public inspection November 14, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition of Frontier Communications of Breezewood, Inc.; Frontier Communications of Canton, Inc.; Frontier Communications of Pennsylvania, Inc.; Frontier Communications of Lakewood, Inc., and Frontier Communications of Oswayo River, Inc. for Designation as an Eligible Telecommunications Carrier under Section 214(e) of the Telecommunications Act of 1996 and Sections 54.201—54.207 of the Rules of the Federal Communications Commission; Doc. No. P-00971281

Additional notice to those Pennsylvania entities contemplating submission of a Petition for Designation as an Eligible Telecommunications Carrier for Universal Service Purposes under section 214(e) of the Telecommunications Act of 1996 and sections 54.201—54.207 of the Rules of the Federal Communications Commission.

On October 24, 1997, Frontier Communications of Breezewood, Inc.; Frontier Communications of Canton, Inc.; Frontier Communications of Pennsylvania, Inc.; Frontier Communications of Lakewood, Inc.; and Frontier Communications of Oswayo River, Inc. (Frontier) submitted a Joint Petition (Petition) with the Pennsylvania Public Utility Commission (Commission) seeking designation as an Eligible Telecommunications Carrier under section 214(e) of the Telecommunications Act of 1996 and sections 54.201—54.207 of the Rules of the Federal Communications Commission. The FCC's Notice DA-97-1747, dated August 14, 1997, requires the Commission to designate ETC carriers before January 1, 1998 in order to assure the uninterrupted receipt of Federal monies for universal service purposes to any current recipient.

In the Petition, Frontier seeks consideration of the Petition in an identical pending petition filed by the Pennsylvania Independent Telco Coalition. However, the comment and reply comment period for the Pennsylvania Independent Telco Coalition Petition expired before publication of this Petition.

After a careful review of the Petition, the Commission has determined that the solicitation of public comment is appropriate. Consequently, the Commission is providing this public notice with an abbreviated deadline for comments and reply comments. The deadline for comments shall be 7 days following publication in the *Pennsylvania Bulletin*. The deadline for the filing of reply comments shall be 14 days following publication in the *Pennsylvania Bulletin*. The abbreviated deadline has been set to facilitate action before the year's end consistent with the deadline established in the FCC's Notice of August 14, 1997.

Persons or entities submitting comments must file an original and 15 copies of any comment or reply comment with the Office of the Prothonotary in PUC Doc. No. P-00971281. One additional copy must also be submitted for filing in PUC Doc. No. I-00940035.

In addition, the Commission has already expressed concern that several of Pennsylvania's Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) have not submitted a petition for ETC designation as of the publication of this notice. Those entities interested in ETC designation for universal service purposes are notified and reminded that a petition for ETC designation must be submitted, with sufficient time for public notice and Commission review, for action by the Commission before the year's end. Those Pennsylvania ILECs and CLECs interested in ETC designation are further reminded that, as set forth in FCC Notice DA-97-1747 dated August 14, 1997, only eligible telecommunications carriers designated by State commissions under the criteria set forth in section 214(e) will be eligible to receive high cost, low income and most rural health care universal service support after January 1, 1998.

The Commission reminds all Pennsylvania ILECs and CLECs interested in ETC designation that the informal period for submitting any petition was set for Friday, November 7, 1997 by notice published in the *Pennsylvania Bulletin*. That timeframe was suggested to facilitate the public notice and review necessary before the year's end consistent with FCC Notice DA-97-1747 of August 14, 1997.

The contact person at the Commission is Joseph K. Witmer, Assistant Counsel, Law Bureau (717) 787-3663. A copy of the Petition may be obtained from Lisa Higley at the Office of the Prothonotary at (717) 787-1013.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1839. Filed for public inspection November 14, 1997, 9:00 a.m.]

Petition of GTE North, Incorporated (GTE) for Designation as an Eligible Telecommunications Carrier Under Section 214(e) of the Telecommunications Act of 1996 and Sections 54.201—54.207 of the Rules of the Federal Communications Commission; Doc. No. P-00971280

Additional Notice to those Pennsylvania entities contemplating submission of a Petition for Designation as an Eligible Telecommunications Carrier for Universal Service Purposes Under Section 214(e) of the Telecommunications Act of 1996 and Sections 54.201—54.207 of the Rules of the Federal Communications Commission.

On October 31, 1997, GTE North, Incorporated (GTE) submitted a Petition (Petition) with the Pennsylvania Public Utility Commission (Commission) seeking designation as an Eligible Telecommunications Carrier under section 214(e) of the Telecommunications Act of 1996 and sections 54.201—54.207 of the Rules of the Federal Communications Commission. The FCC's Notice DA-97-1747, dated August 14, 1997, requires the Commission to designate ETC carriers before January 1, 1998 in order to assure the uninterrupted receipt of Federal monies for universal service purposes to any current recipient.

After a careful review of the Petition, the Commission has determined that the solicitation of public comment is appropriate. Consequently, the Commission is providing this public notice with an abbreviated deadline for comments and reply comments. The deadline for comments shall be 7 days following publication in the *Pennsylvania Bulletin*. The deadline for the filing of reply comments shall be 14 days following publication in the *Pennsylvania Bulletin*. The abbreviated deadline has been set to facilitate action before the year's end consistent with the deadline established in the FCC's Notice of August 14, 1997.

Persons or entities submitting comments must file an original and 15 copies of any comment or reply comment with the Office of the Prothonotary in PUC Doc. No. P-00971281. One additional copy must also be submitted for filing in PUC Doc. No. I-00940035.

In addition, the Commission has already expressed concern that several of Pennsylvania's Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) have not submitted a petition for ETC designation as of the publication of this notice. Those entities interested in ETC designation for universal service purposes are notified and reminded that a petition for ETC designation must be submitted, with sufficient time for public notice and Commission review, for action by the Commission before the year's end. Those Pennsylvania ILECs and CLECs interested in ETC designation are further reminded that, as set forth in FCC Notice DA-97-1747 dated August 14, 1997, only eligible telecommunications carriers designated by State commissions

under the criteria set forth in section 214(e) will be eligible to receive high cost, low income and most rural health care universal service support after January 1, 1998.

The Commission reminds all Pennsylvania ILECs and CLECs interested in ETC designation that the informal period for submitting any petition was set for Friday, November 7, 1997 by notice published in the *Pennsylvania Bulletin*. That timeframe was suggested to facilitate the public notice and review necessary before the year's end consistent with FCC Notice DA-97-1747 of August 14, 1997.

The contact person at the Commission is Joseph K. Witmer, Assistant Counsel, Law Bureau (717) 787-3663. A copy of the Petition may be obtained from Lisa Higley at the Office of the Prothonotary at (717) 787-1013.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1840. Filed for public inspection November 14, 1997, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 8, 1997 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00114384. Herbert L. Joseph, II, t/a Jeunne Noire Enterprises of Pennsylvania (432 Parkwood Road, Pittsburgh, Allegheny County, PA 15210), persons in limousine service, from points in Allegheny County, to other points in Pennsylvania, and vice versa.

A-00114396. E.D.S. Transportation Systems, Inc. t/d/b/a Bella Notte Limousine (118 Sandy Drive, No.3, Newark, Delaware, 19713), a corporation of the State of Delaware—persons in limousine service, between points in the city and county of Philadelphia, and the counties of Bucks, Chester, Delaware and Montgomery, and from points in said territory to points in Pennsylvania, and return. *Attorney:* Stanley T. Czajkowski, PO Box 2324, Wilmington, DE 19899.

A-00114383. Nancy Anne Fioretti, t/a Lending Hands (927 West Southern Avenue, South Williamsport, Lycoming County, PA 17701), persons in paratransit service, between points in the counties of Lycoming, Union, Clinton and Montour. *Attorney:* Steven John Moff, 602 Pine Street, Williamsport, PA 17701.

Applications of the following for approval *amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

A-00111863, Folder 1, Am-C. Donato Trinkle, t/a A & A Limousine Service (2840 Blakeslee Boulevard, Lehighton, Carbon County, PA 18235)—transport persons in limousine service between points in the county of Carbon, and from points in said county, to points in Pennsylvania: *so as to permit* the transportation of persons in limousine service, between points in the counties of Carbon, Lehigh and Northampton, and from points in said counties, to points in Pennsylvania, and return; which is to be a transfer of all of the right authorized under the certificate at A-00107980 to The House Scene, Inc., t/a Top Hat Chauffeured Limousine Service, subject to the same limitations and conditions. *Attorney:* John E. Fullerton, 212 Locust Street, Suite 500, P.O. Box 9500, Harrisburg, PA 17108.

A-00112152, Folder 1, Am-A. Richard Sassano, t/a Grand View Limousine (122 Shiloh Street, Pittsburgh, Allegheny County, PA 15211)—to transport persons, in limousine service, from points in the county of Allegheny, to other points in Pennsylvania which are on and west of U.S. Highway Route 219; subject to the following condition: That no right, power or privilege is granted to provide service to points in the counties of Beaver, Butler, Westmoreland and Somerset: *so as to permit* the transportation of persons in limousine service (1) from points in Westmoreland County to The Greater Pittsburgh International Airport in the township of Moon, Allegheny County; and (2) from points in the county of Westmoreland to the restaurant facilities of J. Paul Sghetti's, Inc., in the township of North Huntingdon, Westmoreland County, and vice versa; which is to be a transfer of all of the rights authorized under the certificate issued at A-00109251 to Walter Bodie, t/a Town & Country Car & Limo, subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00111627, Folder 8. Shannon Cab Co., t/a Luxury Limo (534 Newport Circle, Langhorne, Bucks County, PA 19053), a corporation of the Commonwealth of Pennsylvania—additional right—persons in limousine service, between points in the counties of Chester, Bucks, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Brendan McGinley, 1429 Walnut Street, Suite 700, Philadelphia, PA 19102.

A-00109188, Folder 2. B-Line Enterprises, Inc. (20 Council Avenue, P.O. Box 647, Wheatland, Mercer County, PA 16161), a corporation of the Commonwealth of Pennsylvania—additional right—persons in airport transfer service from points in the counties of Mercer, Lawrence and Crawford, to the Greater Pittsburgh International Airport located in Allegheny County. *Attorney:* Robert P. Haynes, 3401 North Front Street, P.O. Box 5950, Harrisburg, PA 17110-0950.

Application of the following for approval *amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.*

A-00086452, F. 2, AM-E. The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company (729 New Castle Street, Zelienople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—inter alia, household goods, in use, between points in the city of Pittsburgh, Allegheny County, and within 5 miles by the usually traveled highways of the limits of said city: *so as to permit* the transportation of household goods and office furnishings, in use, from points in the boroughs of Monaca, Rochester, Freedom, Beaver and West Bridgewater, and the townships of Center and Potter, Beaver County, to other points in Beaver County, and vice versa; subject to the following condition: That all transportation beyond 15 miles by the usually traveled highways of the limits of the borough of Monaca, Beaver County, shall be limited to the transportation of household goods and office furnishings in use; which is to be a transfer of part of the rights authorized to A & D Transfer, Inc., under the certificate issued at A-00110133, F. 1, Am-A, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.*

A-00113657, Folder 1, Am-A. Jenks Inc., t/a Georgia P. Carroll Moving Company (42 Ridgecrest Drive, Pittsburgh, Allegheny County, PA 15235-4548), a corporation of the Commonwealth of Pennsylvania—household goods in use between points in the city of Pittsburgh, Allegheny County: *so as to permit* the transportation of household goods in use, between points in the counties of Allegheny, Beaver, Butler, Greene, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and vice versa. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

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 December 1, 1997.

- A-00114343 Donald A. Imler (corrected)
R D No. 1, Box 308, Bedford, PA 15522
- A-00114397 Robert C. and Melanie A. Ford, Husband
and Wife
t/d/b/a Blair County Trucking
506 Baker Lane, Duncansville, PA 16635
- A-00114398 Wise Mobile Home Specialists, Inc.
406 Route 519, Eighty Four, PA 15330
- A-00114399 Mervin Martin
Box 77 E, RR 1, Richland, PA 17087,
- A-00114401 Kenneth G. Dillon, t/d/b/a Ken Dillon
Trucking
R D 1, Box 350, Coalport, PA 16627,
- A-00114402 M & I Corporation
903 North Front Street, Allentown, PA
18102
- A-00114403 Adock Brothers Auto Transport, Inc.
2519 Lancaster Road, Manheim, PA
17545; Smoker and Gard , P O Box 243,
Leola, PA 17540

- A-00114394 Kenneth T. Brown
Box 22, Pleasant Mount, PA 18453
- A-00114395 Crystal V. Pearson, t/d/b/a B & K Transportation Service
119 North 63rd Street, Philadelphia, PA 19139
- A-00114400 Kenneth L. Clingerman t/d/b/a Clingermans Paving & Construction
41 West 4th Avenue, Everett, PA 15537
- A-00114404 Anthony Caso, t/d/b/a C.H.C. Hauling
3014 Quakake Road, Weatherly, PA 18255

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1841. Filed for public inspection November 14, 1997, 9:00 a.m.]

**Water Service
Without Hearing**

A-220006; A-220006 F0002; A-230510 F2000.
Westtown Township. Application of Westtown Township for approval of 1) The right to operate the Westtown Water Treatment Company, d/b/a Westtown Sewer Company and to provide service outside the municipal boundaries; 2) approval of the transfer to the township of all tangible or intangible property used or useful in the public service from the Westtown Water Treatment Company, d/b/a Westtown Sewer Company; and 3) approval of Westtown Water Treatment Company, d/b/a Westtown Sewer Company, to abandon and discontinue service, to coincide with Westtown Township's simultaneous commencement of service.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 1, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Westtown Township

Through and By Counsel: Robert F. Adams, Esquire, Andrew D. H. Rau, Esquire, Gawthrop, Greenwood and Halsted, P.C., 119 North High Street, P. O. Box 562, West Chester, PA 19380-0562.

JAMES J. MCNULTY,
Acting Secretary

[Pa.B. Doc. No. 97-1842. Filed for public inspection November 14, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting sealed bids for Herbicides, Annual Contract. Open Date: November 26, 1997 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-1843. Filed for public inspection November 14, 1997, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

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

0061-11 Annual Contract—Lottery Lines.

Department: Revenue
Location: Various Locations
Duration: 03/01—02/28
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1105-02 Annual Contract—Body Armor.

Department: All Using Agencies
Location: Various Locations
Duration: 03/01—02/28
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1297117 Textiles—21,100 pair heels, men's rubber, Nylax core, neutral, Crown brand or approved equal; 4,000 pair soles, men's rubber, 14 iron brown.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1330217 Plumbing, heating and sanitation equipment—1 each furnish only Leslie Model E-10500L or approved equal Constantemp steam water heater.

Department: Public Welfare
Location: Ebensburg Center, Ebensburg, Cambria County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1366227 Motor vehicles, trailers and cycles—9 each 1998 model compact enclosed type 4x4 truck; 1 each 1998 model compact enclosed type 4x4 truck.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1367227 Motor vehicles, trailers and cycles—1 each 1998 model heavy duty compact 4x4 pickup truck; 1 each 1998 model 1/2 ton 4x4 pickup truck; 1 each 1998 model 1/2 ton 4x4 pickup truck; 1 each 1998 model heavy duty 4x4 pickup truck; 1 each 1998 model 1/2 ton 4x4 pickup truck.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1378117 Food preparation and serving equipment—2 each Hobart, or approved equal, QESH3, three door/sections, roll-in, hot food cabinet.

Department: Corrections
Location: Cresson, Cambria County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1399157 Paper and printing—25M inventory tickets, five part continuous set, overall size 9-1/2" x 4-1/4".

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1405227 Marine equipment and supplies—1 lot water oxygenation/delivery system.

Department: Fish and Boat Commission
Location: Bellefonte, Centre County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1462117 Prefab structures and scaffolding—3 each furnish all materials, hardware and accessories required to assemble 3 shop mezzanines to be used in various areas of the maintenance departments at State Correctional Institution Coal Township Prison.

Department: Corrections
Location: Coal Township, Schuylkill County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1467077 Containers, packaging and packing supplies—500M H511.863 plastic voucher holders, 3 mil. polyethylene plastic trifold.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

2599-01 Annual Contract—vehicle lamps.

Department: All Using Agencies
Location: Various Locations
Duration: 03/01—02/28
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

2610-01 Annual Contract—tires: automotive, truck and industrial.

Department: All Using Agencies
Location: Various Locations
Duration: 03/15—03/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

4230-01 Annual Contract—breathing apparatus, self-contained.

Department: All Using Agencies
Location: Various Locations
Duration: 03/15—03/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

4240-02 Annual Contract—personal eye protection equipment.

Department: All Using Agencies
Location: Various Locations
Duration: 03/15—03/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

5610-49 Annual Contract—cement, concrete, truck mixed.

Department: All Using Agencies
Location: Various Locations
Duration: 03/15—03/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

5710-01 Annual Contract—bituminous liquid; incl. dust palliatives and AC.

Department: Transportation
Location: Various Locations
Duration: 03/01—02/28
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6515-04 Annual Contract—oxygen therapy equipment. Department: All Using Agencies Location: Various Locations Duration: 03/01—02/28 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	8415-04 Annual Contract—uniforms Department: Fish, Game and DCNR, Bur of Forestry & State Parks Location: Various Duration: 04/01/98—03/31/99 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
6530-03 Annual Contract—wheel chairs and accessories. Department: All Using Agencies Location: Various Locations Duration: 03/01—02/28 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	8234540 Motor vehicles, trailers and cycles—2 each 1998 model cab and chassis with dry freight box van body. Department: Transportation Location: Harrisburg, Dauphin County, PA Duration: FY 97/98 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
6605-05 Annual Contract—laboratory analytical equipment and supplies. Department: All Using Agencies Location: Various Locations Duration: 04/01—03/31 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	8234550 Construction, mining, excavating and highway maintenance equipment—2 each latest model trailer mounted mixing plant. Department: Transportation Location: Harrisburg, Dauphin County, PA Duration: FY 97/98 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
7105-05 Annual Contract—furniture, commercial. Department: All Using Agencies Location: Various Locations Duration: 04/14—04/13 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	8930-01 Annual Contract—jams, table syrups and peanut butter. Department: All Using Agencies Location: Various Locations Duration: 03/15—12/14 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
7930-08 Annual Contract—floor finish and remover. Department: All Using Agencies Location: Various Locations Duration: 05/01—04/30 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	8935-01 Annual Contract—soups, soup base and bouillon, regular and dietetic. Department: All Using Agencies Location: Various Locations Duration: 03/15—12/14 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
8135-01 Annual Contract—fiberboard, corrugated. Department: Corrections/Transportation Location: Various locations Duration: 03/15—03/14 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199	9905-14 Annual Contract—aluminum sign blanks. Department: All Using Agencies Location: Various Locations Duration: 03/01—02/28 Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Audio/Video—04

97-71 The contractor will provide cellular phone services to cellular phones owned by the State Correctional Institution in Waymart, PA. Department: Corrections Location: State Correctional Institution Waymart, P. O. Box 256, Waymart, Canaan Township, Wayne County, PA 18472-0256 Duration: February 1, 1998 to June 30, 2001 Contact: Jerome M. Lewis, Business Manager, (717) 488-2504

Construction—09

DGS A 200-46 Project title: Replace Roofing. Brief description: Remove existing wood shakes, underlayment gutters and downspouts. Install timberling shingles, felt, gutters, downspouts and all accessories. 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, Bureau of Professional Selections and Administrative Services, Room 107, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-6556. Bid date: Wednesday, December 3, 1997 at 2 p.m.

Department: General Services
Location: PA Game Commission, Clay Township, Lancaster County, PA
Duration: 120 calendar days from March 16, 1998
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-353 Project title: Restroom Renovations. Brief description: Renovate existing tourist area room into a new unisex ADA restroom including new door, new wall finishes, new ceiling and new fixtures. General and 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, December 10, 1997 at 11 a.m.

Department: General Services
Location: Roadside Rest Areas 25 and 26, Interstate 80, Jefferson County, PA
Duration: 100 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-453 Project title: Roof Replacement. Brief description: Remove built-up roofing and insulation. Install new insulation and single ply roofing. 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. Bid date: Wednesday, December 3, 1997 at 2 p.m., (717) 787-3923.

Department: General Services
Location: PA Department of Transportation, Maintenance Building, District 3-1, Bloomsburg, Columbia County, PA
Duration: 120 calendar days from March 16, 1998
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 405-84 Project title: Roof Replacement. Brief description: Replace roof with a modified bitumen system (2 ply) new blocking, metal edge and counterflashing, new insulation and masonry repair is required. 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. Bid date: Wednesday, December 3, 1997 at 2 p.m., (717) 787-3923.

Department: General Services
Location: Hawthorn Hall, East Stroudsburg University, East Stroudsburg, Monroe County, PA
Duration: 135 calendar days from March 16, 1998
Contact: Contract Bidding Unit, (717) 787-6556

DGS 413-46 Project title: Upgrade of Electrical Distribution System. Brief description: Upgrade existing campus electrical distribution systems on Upper and Lower Campus and install individual building metering. Also, upgrade existing building emergency systems, install drainage system and cable racks in existing manholes. Electrical construction. Plans deposit: \$131 per set. Payable to: Gwin Engineers, Inc., dba EADS. 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: Gwin Engineers, Inc., dba EADS, 1126 Eighth Avenue, Altoona, PA 16602. Bid date: Wednesday, December 17, 1997 at 11 a.m. Prebid Friday, December 5, 1997 at 10 a.m. in Union Building, Room 206, Slippery Rock University, Slippery Rock, PA. Contact person: Vincent Johnson, (814) 944-5035. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: Slippery Rock University of Pennsylvania, Slippery Rock, Butler County, PA
Duration: 500 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

(RFP) 948-10.OA, PII7, PT D Project title: Conserve/Restore a Portion of the Ceiling and Wall Mural in the Auditorium of the Forum Building. Brief description: Conserve/restore a portion of the ceiling and wall mural in the auditorium of the Forum Building which has been damaged and/or delaminated as a result of water leaking through the roof area. RFP cost: \$25 per RFP. Payable to: Commonwealth of Pennsylvania. This price is nonrefundable. Mail requests to: Department of General Services, Room 107, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Thursday, December 18, 1997 at 2 p.m.

Department: General Services
Location: Forum Building Auditorium, Harrisburg, Dauphin County, PA
Duration: Proposals must remain firm for 90 calendar days following receipt of proposals and must so state
Contact: Contract Bidding Unit, (717) 787-6556

DGS 1572-4 Project title: Warehouse. Brief description: Work includes bituminous paving, new pre-engineered steel framed building with metal siding and roof, concrete masonry, concrete foundations and floor slab involving HVAC, plumbing and electrical work. Plans deposit: \$110 per set. Payable to: Kurtanich Engineers & Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Kurtanich Engineers & Associates, Inc., 6124 East State Street, P. O. Box 1267, Hermitage, PA 16148-9452, (412) 981-4570. Bid date: Wednesday, December 10, 1997 at 11 a.m. Prebid Wednesday, November 18, 1997 at 10 a.m. at SCI in the Staff Training Room, Building 27, Mercer, PA. Contact: Guy Harper or Marie Whyte at (412) 662-1837, ext. 172. All contractors who have secured contract documents are invited and urged to attend this prebid conference.

Department: General Services
Location: State Correctional Institution, Mercer, Mercer County, PA
Duration: 210 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1580-4 Project title: New Maintenance Storage Building. Brief description: Construct a new 64' x 168' wood framed storage structure. 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, December 10, 1997 at 2 p.m.

Department: General Services
Location: Quehanna Motivational Boot Camp, Piper, Clearfield County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Engineering Services—14

08430AG2138 To provide supplementary construction inspection staff of approximately 22 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on four projects located in the City of Bethlehem, Whitehall, Hanover and Bethlehem Townships in Lehigh and Northampton Counties (S. R. 0022 Sections 04M and 027 and S. R. 1009, Section 003 in Lehigh County and S. R. 0022, Section 01M in Northampton County).

Department: Transportation
Location: Engineering District 5-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2139 To provide preliminary design for the S. R. 0366, Section 18R, Intersection Project (Parnassus Triangle) in the City of New Kensington, Westmoreland County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Extermination Services—16

321167 Furnish all labor, equipment and materials necessary to control and eradicate the population of roaches, insects, ants, silver fish, rats, mice and other rodents. Contractor shall be responsible to trap and remove small game and animals from buildings and grounds. To include but not be limited to cats, raccoons, squirrels, ground hogs, and the like. Service shall be performed on a weekly basis or as needed basis.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoese Road, Bensalem, PA 19020
Duration: July 1, 1998 through June 30, 2001
Contact: Mary Jo Scanlon, (215) 953-6405

Firefighting Services—18

5169 Contractor to furnish manpower and equipment to perform the services of testing, recharging and repairing of fire extinguishers as requested by hospital.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111
Duration: July 01, 1998—June 30, 2002
Contact: Linda J. Zoskey, (412) 459-4547

FIREALRM-98-01 The contractor shall provide maintenance of Simplex fire protection systems and fire alarm equipment.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

Food—19

8965 Bread, rolls and related items.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: January—June 1998
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

BEV98-01 The contractor shall supply all equipment and supplies required for the dispensing of carbonated soft drink beverages in the Institution's dietary department.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

G-98-01 Margarine: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the products specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-02 Fresh fruits and vegetables: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a monthly (or more frequent) basis. Delivery of the products specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-03 Fish and seafood: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-04 Cheese products: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-05 Bread and related products: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a semi-annual (or more frequent) basis. Delivery of the products specified shall be made as needed and requested by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-06 Shell eggs: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time every 2 weeks or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-07 Meat and meat products: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-08 Miscellaneous frozen foods: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

G-98-09 Poultry and poultry products: Contracts shall cover the months of January 01, 1998 through December 31, 1998 with issuance of bid proposals made on a quarterly (or more frequent) basis. Delivery of the products specified shall be made approximately one time each month, or more often if deemed necessary by the Institution. Listing of specific commodities and estimated quantities can be obtained by contacting the Institutional Contact Person.

Department: Corrections
Location: State Correctional Institution Greene, 1030 East Roy Furman Highway, Waynesburg, PA 15370-8089
Duration: January 01, 1998 through December 31, 1998
Contact: Patrick F. Nichols, (412) 852-5533

M-868 Meat and meat products; poultry and poultry products; fish; cheeses. Quantities may be obtained from 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 1998
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

HVAC—22

Project No. 50 Repair (maintain) electrical system at Air National Guard facility at Harrisburg International Airport. This is for emergency and routine service on an on-call basis. Contractor must have 24 hour service. Approximately 16 buildings.

Department: Military and Veterans Affairs
Location: Harrisburg International Airport, Middletown, Dauphin County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 52 Repair (maintain) controls, air conditioning system of the Air National Guard facility at Harrisburg International Airport. This is for emergency and routine service on an on-call basis. Contractor must have 24 hour service.

Department: Military and Veterans Affairs
Location: Harrisburg International Airport, Middletown, Dauphin County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 57 Repair (maintain) heating system at Air National Guard facility at Harrisburg International Airport. This is for emergency and routine service on an on-call basis. Contractor must have 24 hour service.

Department: Military and Veterans Affairs
Location: Harrisburg International Airport, Middletown, Dauphin County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 58 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: Harrisburg International Airport, Middletown, Dauphin County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 101 Repair (maintain) controls, control system and regulator of the Air National Guard facility at Harrisburg International Airport. This is for emergency and routine service on an on-call basis. Contractor must have 24 hour service.

Department: Military and Veterans Affairs
Location: Harrisburg International Airport, Middletown, Dauphin County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 201 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90-day period. Bid Proposal forms used to submit bids are available from the State Army Board.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 1195 Roosevelt Avenue, York, York County, PA
Duration: January 1, 1998—June 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 710 On-call plumbing services.

Department: Military and Veterans Affairs
Location: PA Air National Guard, Willow Grove, Montgomery County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 813 Repairs and replacement of the water line to the OMS No. 9 Shop.

Department: Military and Veterans Affairs
Location: PAARNG Armory, 820 Frank Avenue, New Castle, Lawrence County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

BOL98-01 The contractor shall supply all chemicals, test equipment, lab analysis, staff training, to provide a complete water treatment service program that will include steam boilers, aerator, condensate system, hot water recirculation system and chilled water recirculation system.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 207, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

321161 Contractor will provide service for repairs to all high voltage electrical equipment and cabling at Bensalem Youth Development Center, as required.

Department: Public Welfare
Location: Bensalem Youth Development Center, 3701 Old Trevoise Road, Bensalem, PA 19020
Duration: July 1, 1998 through June 30, 2001
Contact: Dorthia Claud-Williams, Purchasing Department, (215) 953-6412 or 05

BOLCAL-98-01 Contractor shall provide maintenance contract for semi-annual calibration and inspection on the control instrumentation on the two Babcock and Wilcox FM water tube and one Kewanee fire tube boilers at the State Correctional Institution at Houtzdale.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 207, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

DDCSYS-98-01 Maintenance contract for McClure Automatrix DDC system. Contractor shall provide monthly preventive maintenance and two complete system checks per year to include all panels, solo controllers, sensors, relays, transducers, transmitters, fiber optic converters, Sage communications panels, personal computers, and the like.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 207, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: October 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

Laboratory Services—24

CEMS-98-01 The contractor shall provide a 3-year service agreement for the CEMS Building covering LS54L opacity monitor and one ML660 continuous monitoring system to comply with DEP regulations.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 207, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

Laundry—25

PL-97 Vendor to provide personal laundry service for 300 residents. Service will include dry cleaning and minor repairs.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: February 1, 1998 through June 30, 1999
Contact: Fran Bellan, Purchasing Agent, (610) 948-2492

Medical Services—29

No. 8308 Contractor to provide medical services from a qualified provider for the purpose of carrying out examinations and obtaining a medical evaluation of the employee's ability to utilize respiratory protection equipment, such as respirators, for asbestos abatement. Complete bid specifications can be received from the Purchasing Office of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: July 1, 1998 through June 30, 2001
Contact: Cora Davis, Purchasing Agent I, (814) 472-0288

BOOT-98-002 MS-1 Consultant to provide training courses for hospital emergency departments on the evaluation and treatment of radiological contaminated injured individuals and training courses for emergency medical services personnel who recover, provide initial first aid to and transport radiation contaminated injured persons to designated medical treatment facilities.

Department: PA Emergency Management Agency
Location: Various locations within the Commonwealth
Duration: January 01, 1998—June 30, 1998 (optional 2nd year)
Contact: Christopher Nolan, (717) 651-2191

DENLAB-98-01 The contractor shall provide dental laboratory services for inmate dental prostheses.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 207, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

H-5581 Vision examinations by a licensed optometrist. To receive specifications, send written request to the Purchasing Office, Hamburg Center, Hamburg, PA 19526, FAX (610) 562-6025.

Department: Public Welfare
Location: Hamburg Center, Hamburg, PA 19526
Duration: January 1, 1998—December 31, 2000
Contact: Beverly D. Epting, Purchasing Agent, (610) 562-6031

Moving Services—30

WC 672 West Chester University is issuing Request for Proposal No. 672 for Open-Ended Moving Contracts. WCU expects to award one or more contracts in an amount not to exceed \$100,000 per year. Work orders will be issued in an amount between \$500 and \$50,000 for each move. No guarantee of a minimum amount of work is implied. The contracts will be for 1 year with two 2-year options for renewal. Contractors must be licensed by the PUC to work in West Goshen Township, East Bradford Township and West Chester Borough. Proposals are due by 11 a.m. on December 16, 1997.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: One year with two 2-year options for renewal
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Real Estate Services—35

29A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 26,324 useable square feet of new or existing office space in Norristown, Montgomery County, PA, with minimum parking for 55 vehicles, within the following boundaries: North: Route 202 and Township Line Road; South: Route 202 and PA Turnpike; East: Ridge Pike and Butler Pike; West: Main Street and Trooper Road. In areas where street or public parking is not available, an additional 55 parking spaces are required. Proposals due: March 30, 1998. Solicitation No.: 92584.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1997-98
Contact: Doris Deckman or Cynthia T. Lentz, (717) 787-4394

Property Maintenance—33

Project No. 102 Repair (maintain) overhead doors at Air National Guard facility at Harrisburg International Airport.

Department: Military and Veterans Affairs
Location: Harrisburg International Airport, Middletown, Dauphin County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

Project No. 9115 Conduct selective clearing on approximately 200+ acres of mixed sapling/pole/small saw timber forests. Purpose of clearing is to open ground space for military tracked vehicle maneuver.

Department: Military and Veterans Affairs
Location: Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: January 1, 1998—September 30, 2000
Contact: Emma Schroff, (717) 861-8518

46-7-003 Removing and replanting shrubs, trimming leaves, branches and weeds and removing and replacing stones. Requests for bid packages can be requested via FAX at (717) 783-4438 (Attn: Carla Crist).

Department: Transportation
Location: 17th and Arsenal Boulevard, Harrisburg, PA 17120
Duration: 5 months
Contact: Carla Crist, (717) 787-2335

FM-38 Furnish all labor, materials and equipment for removal of snow, salting and cinderling from driveway and parking areas at the Williamsport Liquor Control Enforcement, 150 Choate Circle, Montoursville, PA 17754. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Williamsport Liquor Control Enforcement, 150 Choate Circle, Montoursville, PA 17754
Duration: January 01, 1998 to June 30, 1999
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-39 Furnish all labor, materials and equipment for removal of snow, salting and cinderling from driveway and parking areas at the Hazleton Aviation Airport location. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Hazleton Aviation
Duration: January 01, 1998 to June 30, 2000
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

M-S-97-007 Epoxy seamless floor system. Provide labor, material and equipment to mechanically prepare and install epoxy seamless floor system to two inmate dining rooms (3,905 sq. ft. each) located at the State Correctional Institution at Coal Township.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: Suggested time frame to completion
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

Sanitation—36

FLYASH98-01 The contractor shall provide services to vacuum and remove fly ash from the boilers of combination coal and oil fired B & W boilers. This system produces 30,000 pounds of steam per hour. The contractor shall provide all supplies, labor and transportation of disposal to an approved landfill. Contractor shall also be responsible for all landfill charges.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

FLYREM-98-02 The contractor shall remove fly ash from State Correctional Institution Houtzdale as generated by the coal boiler. The contractor shall possess all necessary licenses and permits to provide such service.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

MUNIWASTE-98-01 The contractor shall provide services for the pick-up and removal of municipal waste (garbage) at the State Correctional Institution at Houtzdale.

Department: Corrections
Location: State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000
Duration: July 01, 1998 through June 30, 2001
Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

SP341744 Solid waste collection and disposal at Prince Gallitzin State Park.

Department: Conservation and Natural Resources
Location: Prince Gallitzin State Park, 966 Marina Road, Patton, PA 16668
Duration: April 1, 1998 to March 31, 2001
Contact: J. William Mansberger, (814) 674-1000

REL-ISLAM-98-01 The contractor shall provide chaplaincy services for inmates of the Islamic faith at the State Correctional Institution at Houtzdale.

Department: Corrections

Location: State Correctional Institution Houtzdale, State Route 2007, P. O. Box 1000, Houtzdale, PA 16698-1000

Duration: July 01, 1998 through June 30, 2001

Contact: Diane K. Davis, Purchasing Agent II, (814) 378-1000

[Pa.B. Doc. No. 97-1844. Filed for public inspection November 14, 1997, 9:00 a.m.]

Miscellaneous—39

035 The Department of Environmental Protection is soliciting proposals from municipalities, institutions or companies for Industrial Market Development for Waste Tires. Proposals are due by 4 p.m., December 19, 1997. For copies of the Request for Proposal contact Tammy Snyder, Bureau of Land Recycling and Waste Management, 400 Market Street, 14th Floor, Rachel Carson State Office Building, Harrisburg, PA 17101-2301, (717) 787-7382.

Department: Environmental Protection

Location: Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg, PA 17101-2301

Duration: August 31, 1998

Contact: Tammy Snyder, (717) 787-7382

DESCRIPTION OF LEGEND

- | | |
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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1153217-01	11/03/97	Lincoln Electronics	5,391.00
1153217-02	11/03/97	Sears Com- mercial Credit Cen- tral	5,518.00
1154217-01	11/03/97	John C. Pechart Construction	14,826.34
1212207-01	11/03/97	C & J Cargo Trailers	67,265.10
1233317-01	11/03/97	F & F Indus- trial Equip- ment Corp.	16,973.53
1239117-01	10/28/97	Beaver Steel Services, Inc.	39,880.00
1239117-02	10/28/97	Bloomsburg Metal Co.	119,940.00
1273117-01	11/03/97	Tetra-Pak, Inc.	117,500.00
1275117-01	10/28/97	Globe Trading Co.	24,662.50
1286217-01	11/03/97	Bellco Drug Corporation	71,646.46
1287157-01	11/03/97	Arjo, Inc.	10,447.20

Requisition or Contract #	Awarded On	To	In the Amount Of
1291217-01	11/03/97	Bellco Drug Corporation	26,137.00
1292227-01	11/03/97	MG Industries	14,385.24
1295227-01	11/03/97	MG Industries	12,526.09
1319217-01	11/03/97	Bellco Drug Corporation	26,880.00
1325217-01	11/03/97	Dixon Shane Drug Co.	24,394.32
1398157-01	10/28/97	Burkholder Paving Div. Martin Limestone, Inc.	8,982.00
1446227-01	10/31/97	Digital-Ink	31,098.00
8104350-01	10/28/97	Filmaster Corp.	18,500.00
8203510-01	11/04/97	Watson Bow- man Acme Corp.	7,650.00
8970760-01	11/03/97	American Con- tractors Equipment Co.	34,730.00
8970950-01	11/03/97	Valk Mfg. Co.	55,006.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-1845. Filed for public inspection November 14, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 86—90]

Postmining Discharges; Licensing and Bonding

The Environmental Quality Board (Board) by this order amends Chapters 86—90. The amendments implement provisions of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. §§ 1396.1—1396.19a), concerning coal mine operator licensing, bonding, postmining pollutional discharges and liability insurance.

This order was adopted by the Board at its meeting of August 19, 1997.

A. *Effective Date*

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

B. *Contact Persons*

For further information contact Roderick A. Fletcher, P.E., Director, Bureau of Mining and Reclamation, P.O. Box 8461, Room 209 Executive House, Harrisburg, PA 17105-8461, (717) 787-5103, or Joseph Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

These amendments are adopted under the rulemaking authority of the following acts: sections 4(d), 4.2(a), 4.5(f) and 18.4 of SMCRA (52 P. S. §§ 1396.4(d), 1396.4b(a), 1396.4e(f) and 1396.18d); sections 5(b), 315(b) and 605(b) of The Clean Streams Law (35 P. S. §§ 691.5(b), 691.315(b) and 691.605(b)); section 3.2(a) of the Coal Refuse Disposal Control Act (52 P. S. § 30.53b(a)); section 7(b) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.7(b)); and under Article 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

D. *Background and Purpose*

Advisory Committee Role in Development of the Regulations

The Mining and Reclamation Advisory Board (MRAB) is the Department's advisory body for the purpose of developing and updating regulations pertaining to the surface mining of coal.

Drafts of the proposed rulemaking were discussed with the MRAB in May and July 1994, and the MRAB concurred with the proposed changes. The Department reviewed the draft final rulemaking with the MRAB at its meeting on July 10, 1997. The MRAB recommended approval of the final rulemaking at that meeting.

General Background

These amendments implement various provisions of SMCRA, as amended by the act of December 18, 1992 (P. L. 1384, No. 173) (Act 173) and the act of May 22, 1996 (P. L. 232, No. 43) (Act 43). A summary of the revisions to specific sections of the regulations, along with relevant background information, follows.

Mine Operator Licensing

Act 173 expanded SMCRA to provide for licensing of underground coal mine operators, in addition to surface coal mine operators. Further clarifications in this regard were incorporated by Act 43. Act 173 also modified the fee structure for issuance and renewal of licenses. The provisions of §§ 87.11—87.21, have been appropriately modified and relocated to Chapter 86, in the form of a new Subchapter K, Mine Operator's License, §§ 86.351—86.359. In addition to these changes, a cross reference in § 86.195 (relating to penalties against corporate officers) has been updated to reflect the revised numbering system for the licensing regulations.

Bonding—General

Act 173 amended section 4(d) of SMCRA to expand the types of financial instruments which can now be used for bonding of coal mining and reclamation operations. Sections 86.142, 86.156 and 86.158 (relating to definitions; form of the bond; and special terms and conditions for collateral bonds) have been revised to reflect the acceptability of life insurance policies, annuities and trust funds as bonding instruments. Section 86.142 is revised to add definitions for "annuity," "trust fund" and "trustee."

Act 173 amended section 4(g) of SMCRA to allow a person having an interest in a bond, including the Department, to request bond release. Prior to this amendment, only the permittee could request bond release. Section 86.171(g) (relating to procedures for seeking release of bond) is revised to allow a person having an interest in a mine site bond to request bond release. The Department can initiate bond release in cases where the permittee (that is, mine operator) has neglected to do so. A surety company also could request bond release on behalf of a permittee if circumstances warrant.

Act 173 amended section 4(h) of SMCRA to require the forfeited bonds to be paid to the Department within 30 days and require the Department to hold the money in escrow (including any accrued interest on the bonds) pending resolution of any appeals relative to the forfeiture action. Section 86.182 (relating to procedures) has been revised by adding a provision requiring a surety company to pay the amount of a forfeited surety bond to the Department within 30 days of notice of forfeiture. The bond will be held in escrow pending resolution of any appeals to the forfeiture action. Section 86.182 also reflects the surety's option to reclaim the mining activity site in lieu of paying over the bond amount to the Department.

Bonding for Postmining Pollutional Discharges

Acts 143 and 43 added provisions to SMCRA to allow for bond releases on permits where postmining pollutional discharges exist. This bond release would occur only upon the permittee or mine operator providing for the sound future treatment of the postmining discharges associated with the permit. One method for providing for the sound

future treatment of a discharge would be to establish a site-specific trust fund to pay for the treatment.

The proposed amendments, which appeared at 25 Pa.B. 5885 (December 16, 1995) contained language which reflected those provisions in the SMCRA. At the recommendation of the Department, that language has been removed from this final rulemaking, specifically, from §§ 86.142, 86.149, 86.152, 86.172 and 86.174. At the request of the MRAB, the Department has undertaken an evaluation of the overall environmental and economic costs associated with postmining pollutional discharges, including mechanisms to assure future treatment of postmining discharges. The results of this evaluation are expected to have a significant influence on how postmining discharges are addressed. The issue of treatment of postmining discharges is also engaging the attention of the Office of Surface Mining (OSM). The Department has recently had several discussions with the OSM personnel about this issue, and there is now the potential for changes in Federal oversight. Both of these activities—the work started at the request of the MRAB and the assessment at the Federal level—could result in approaches that are in conflict with the provisions as currently proposed. Consequently, the Department recommends that rulemaking on the subject be postponed until the evaluation is completed and clarification is obtained on the Federal thinking on this issue.

The removal of language dealing with the sound future treatment of postmining pollutional discharges does not prevent the Department from entering into agreements with mine operators for the purpose of establishing site-specific trust funds to assure the long-term treatment of postmining discharges. Authority for these agreements is provided by the Acts 173 and 43 amendments to SMCRA.

Definitions have been added to § 86.1 for “postmining pollutional discharge” and “passive treatment system.”

Sections 86.151(b), (c) and (j) and 86.152(b) (relating to period of liability; and bond adjustments) have been revised to clarify the concepts of bonding, period of liability and bond adjustment where postmining pollutional discharges exist.

Section 86.171(b) has been revised to require anyone seeking bond release to state whether any postmining pollutional discharges have occurred and to describe the type of treatment provided for the discharges. Section 86.175 has been rewritten with simpler language and appropriate cross references to §§ 86.171 and 86.174 (relating to procedures for seeking release of bond; and standards for release of bonds).

Technology-Based Effluent Requirements for Postmining Pollutional Discharges

New §§ 87.102(e), 88.92(e), 88.187(e), 88.292(e), 89.52(f) and 90.102(e) have been added to clarify the technology-based effluent requirements for postmining pollutional discharges for various types of coal mining activities, both in general and where the discharges can be adequately treated using passive treatment.

As pointed out in the preamble language for the proposed rulemaking, these new provisions do not preempt the continuing regulatory provisions that would require a more stringent degree of treatment where necessary to protect the water quality of the receiving stream.

Other Changes Not Related to Act 173 and Act 43

Bonding

Section 86.157 (relating to special terms and conditions for surety bonds) has been revised to clarify when the Department will accept a bond which is in excess of the surety company's maximum single risk exposure.

Section 86.158(c)(6) (relating to special terms and conditions for collateral bonds) has been modified to eliminate a restriction on accepting certificates of deposit from only Commonwealth chartered banks. Certificates of deposit will now be accepted from banks chartered in the United States.

Section 4(e) of SMCRA provides under certain circumstances, that the Department may allow an operator to use a phased deposit of collateral bond over a period of 10 years. Section 4(e) of SMCRA also requires that interest accumulated by the collateral shall become a part of the bond. The purpose of this requirement is to help the operator to achieve the full bond amount and to offset some of the risk associated with allowing phased depositing of a collateral bond. Accordingly, § 86.161(3) (relating to phased deposits of collateral) has been amended to state that interest accumulated by the phased deposit of collateral shall become a part of the bond.

Liability Insurance

Under section 3.1(c) of SMCRA coal mining operators are required to maintain a general liability insurance policy. The purpose of having the insurance is to provide financial protection to the public and the operator against liability such as damage from blasting, water supply loss or degradation, personal injury or other property damage.

Changes have been made to § 86.168 (relating to terms and conditions for liability insurance) to clarify various provisions concerning terms and conditions for liability insurance; to increase the minimum amounts of insurance coverage for bodily injury and property damage; and procedures for suspending mine operator licenses and mining activity permits for failure to maintain the insurance.

E. Summary of Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was published at 25 Pa.B. 5885. The public comment period expired on February 14, 1996. Public hearings on the proposed rulemaking were held on January 22, 1996, and January 24, 1996.

Written comments were received from six commentators and the Independent Regulatory Review Commission (IRRC). A detailed description of comments, along with responses, is contained in the Department's Comment and Response Document which is available from the Bureau of Mining and Reclamation at the address shown in Section B of this Preamble.

The following abbreviations and acronyms are used to facilitate discussion of comments and responses:

SMCRA—The Surface Mining Conservation and Reclamation Act

Act 43—The 1996 amendments to SMCRA

Act 173—The 1992 amendments to SMCRA

EPA—The United States Environmental Protection Agency

OSM—The Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior

The sections of regulations which are being revised, along with a discussion of comments and responses, are presented in the sequence in which they appear in the proposed rulemaking.

*Chapter 86—Surface and Underground Coal Mining:
General*

Subchapter F—Bonding and Insurance Requirements

§ 86.142. Definitions.

“Annuity”

Although no comments were received on this definition, it has been revised to reflect the more common definition of the term “annuity.”

“Minimal-Impact Postmining Discharge”

Commentators suggested various changes to the wording of this definition. In conjunction with changes to §§ 86.152 and 86.174, the term “minimal-impact postmining discharge” is being deleted from the final rulemaking for two reasons. First, the concept of “minimal-impact postmining discharge” was incorporated into Act 173 as an interim step in order to describe applicable bonding and treatment requirements prior to the development of regulations. Second, the term “postmining polluttional discharge” actually encompasses “minimal-impact postmining discharges” and it is not necessary to mention both terms when describing the applicable bonding and treatment requirements in the regulations.

“Passive Treatment System”

One commentator suggested that the definition be modified by adding the word “physical” as an example of treatment, and deleting the wording after “Department” in order to provide more flexibility to determine what constitutes passive treatment technology.

Modifications are not possible since the language of the proposed definition tracks the definition language in section 3 of SMCRA, and is flexible enough to allow the Department to consider additional examples of passive treatment technology. This definition has been relocated to § 86.1 because of its general applicability to Chapters 87—90.

“Postmining Polluttional Discharge”

This definition has been modified to incorporate “minimal-impact postmining discharge,” as discussed above. References to §§ 87.207 and 88.507 have been deleted to avoid confusion with preexisting polluttional discharges. This definition has been placed in § 86.1 because of its use in Chapters 87—90.

§ 86.149. Determination of Bond Amount.

Commentators expressed concern that the new provision in § 86.149(b)(6) to include the cost for treating postmining discharges for at least 50 years is excessively burdensome on the coal mining industry by making it very difficult, or impossible, to obtain the necessary surety bond amount. One commentator questioned the need for a requirement in view of the Department’s prohibition on issuing mining activity permits where there is presumptive evidence of pollution of waters of this Commonwealth, and that SMCRA allows for other forms of security (for example, site specific trust funds) to address financial liability. Concern was expressed over the impact of this regulation on small operations in the anthracite region and it was suggested that the Department and the Legislature revise Act 173 as it pertains to the anthracite region.

One commentator suggested that it is not appropriate to consider contingency costs under § 86.149(b)(6)(v) since they are not really quantifiable over the long term, nor are they necessary if construction and operational costs are known.

IRRC supported the concerns and suggested that the provisions of § 86.149(b)(6) be relocated to § 86.174 (standards for release of bond).

IRRC also recommended either deleting the contingency factor or, if kept, justifying its inclusion.

Although the proposed amendments to this section have been removed from this final rule, the Board believes that a response to the comments on this section is warranted.

The Board agrees that the language in proposed § 86.149(b)(6) was in the wrong place and could be interpreted as a presumption, at the time of permit issuance, that postmining polluttional discharges may occur. This would contradict the intent of SMCRA and § 86.37. The Board also agrees that the use of a contingency factor would be inappropriate. The Board acknowledges the concern of the anthracite industry; however, the concern may be largely unwarranted due to the nature of anthracite mining activities.

§ 86.151. Period of Liability.

The proposed language in § 86.151(c) states that, for coal refuse disposal activities, the period of liability for the bond related to risk of water pollution will be determined by the Department on a case-by-case basis. A member of the IRRC staff asked what factors would be used in making this determination.

Coal refuse disposal operations are long-term facilities. Many of the existing operations have been active for 10 to 20 years. Almost all will have postclosure polluttional discharges. The size and quality of a discharge and the length of time for the discharge to stabilize depends on, among other things, the chemical and physical character of the coal refuse and its degree of hydrologic isolation.

The Department’s determination of the period of liability for risk of water pollution will be based on an evaluation of the factors which affect the discharge. Specific factors which may be considered include the surface contours of the coal refuse and adjacent land, the permeability of the cover material, the compaction of the coal refuse, the acid-producing potential of the coal refuse, and the presence and adequacy of liners and underdrains which isolate the refuse from groundwater. These and other factors vary considerably between coal refuse disposal sites. § 86.152. Bond Adjustments.

One commentator and IRRC noted that the original language in § 86.152(a) allows the Department to require permittees to post additional bond for any changes in cost of reclamation, restoration or abatement work. This would not make sense where the costs would decrease. This needs to be clarified.

Section 86.152(a) has been revised to more clearly tie the increase in bond required to increased reclamation, restoration or abatement costs, and the discretionary term “may” has been restored.

§ 86.156. Form of the Bond.

One commentator suggested that the revised language of § 86.156(b) implies that the financial institution must

issue all of the financial instruments listed, which would not make sense.

This has been clarified in the final-form regulations.

§ 86.157. Special Terms and Conditions for Surety Bonds

No comments were received on this section; however, paragraph (8) has been revised to reflect the surety's option under SMCRA, subject to the consent and approval of the Department, to carry out the permittee's reclamation obligations in lieu of paying over the bond to the Department as part of a bond forfeiture action.

§ 86.158. Special Terms and Conditions for Collateral Bonds.

No comments were received on this section; however, a new § 86.158(f)(4) has been added to more clearly indicate that trust funds and annuities are intended to serve a public purpose and not to accrue in value to the benefit of the mine operator. This clarification is aimed at addressing potential concern over the taxability of investment proceeds of trust funds and annuities.

§ 86.159. Self-Bonding.

Although this section of the regulations was not included in the proposed rulemaking, one commentator suggested that self-bonding be allowed for addressing long-term liability for treating postmining discharges. The commentator stated that there are probably six or fewer mining companies that could generally qualify for self-bonding under the rigorous criteria of § 86.159, and the regulatory safeguards such as annual reevaluations do protect the interests of the Department.

The specific provision in question is contained in § 86.159(a) and states that: "The Department may accept a self-bond to cover all or part of the permittee's liabilities arising from coal mining activities. The Department will not accept a self-bond covering long-term indeterminate liabilities. These liabilities include, but are not limited to, obligations to treat discharges from mining activities which exist after completion of mining and reclamation activities...."

Self-bonding is a nontraditional alternative to the use of surety or collateral bonds. Under self-bonding, the Department does not retain a specific bond instrument which is set aside to cover the cost of future reclamation. This approach relies upon the presumption that the self-bonded entity will continue in business and remain financially viable during the time period associated with the reclamation liability. There are currently no mine operators using self-bonding, presumably due to the rigorous qualification criteria under § 86.159.

The proposed regulations did not include changes to the self-bonding regulations. The nature of the change proposed by the commentator should not be made without the opportunity for public comment and is not reflected in this final rulemaking. The Department is evaluating this and several other aspects of the self-bonding regulations under its Regulatory Basics Initiative.

§ 86.161. Phased Deposits of Collateral.

No comments were received on this section.

§ 86.168. Terms and Conditions for Liability Insurance.

One commentator stated that the proposed remedy in § 86.168(f) of issuing a license or permit suspension if a permittee fails to maintain insurance is unreasonable. As written, the Department could suspend a license or permit immediately upon termination of insurance, even if the termination is beyond the control of the permittee,

such as when the insurance carrier goes out of business or cancels the policy. The commentator suggested that § 86.168(f) be revised to provide that the Department will issue notice of intent to suspend a license or permit based upon termination of liability insurance.

The Board agrees and appropriate changes have been made in the final rulemaking. The revised language of § 86.168(f) reflects the longstanding practice of the Department to first notify the permittee or licensee of the lapse in insurance coverage and to provide time to correct the situation prior to suspending the license or permit.

86.171. Procedures for Seeking Release of Bond.

One commentator suggested that the requirement under § 86.171(b)(6) for identifying postmining discharges in the newspaper public notice for bond release needs to be clarified as to the level of detail needed.

Clarifications have been made in the final rulemaking to require a statement as to whether any postmining pollutional discharges have occurred and a description of the treatment provided.

§ 86.172. Criteria for Release of Bond.

No comments were submitted on this section. However, the proposed amendments to this section have been removed from this final rule as explained in Section D of this Preamble.

§ 86.174. Standards for Release of Bonds.

With the exception of a minor change to the title of § 86.174(d), all proposed amendments have been withdrawn. However, the Board believes that a summary of the comments it received and its general response may be of value.

One commentator felt that § 87.174(a)—(c) should be further amended by adding the words "if such discharges exist" following the new language concerning long-term liability for postmining discharges. The commentator and IRRC also stressed the importance of allowing other forms of financial assurances, besides trust funds, to provide for the long-term liability. The Board agrees that these clarifications would have been appropriate. However, the proposed amendments to these subsections have been withdrawn as indicated.

Relative to the proposed language in § 86.174(d)(3), one commentator expressed concern that the Department is being overly conservative in its evaluation of the long-term annual inflation and annual investment interest rates which are to be used in calculating the initial amount of the trust fund to cover the 50-year cost of treatment for postmining discharges. The commentator evaluated these rates during a 14-year time frame between 1981 and 1995 (a period of "modest inflation") and pointed out that the average long term interest rate (yield on 30-year U.S. Treasury Bonds) was 9.3%. The interest rate was at or below 7% for only about 10% of this time period. The commentator also stated that general inflation during this same period of time as measured by the Implicit Price Deflator for Gross Domestic Product/Gross National Production averaged 3.4% per year. The annual inflation exceeded the 4% level in only 3 of those 14 years, or approximately 20% of the time. Based on the information the commentator believes that the "real interest rate" (the difference between investment interest

and inflation rates) was 6% (for example, 9.3-3.4) during this 14-year period, but suggested a 5% figure to represent this difference.

IRRC expressed similar concerns over the interest and inflation rates, and the historic time frame used in developing values for these rates. IRRC also indicated that there may be more appropriate construction cost indices which could be used to estimate inflation for future treatment costs. The commentator also suggested that the two equations used to develop the present value of future treatment costs could be simplified further by plugging in the respective values of (i), (E), (a) and (n) or that the values of (i) and (E) be based on definable indices instead of being fixed by regulation.

These comments pertain to the provisions for determining the amount of financial assurance needed to provide for the sound future treatment of postmining discharges. The Board agrees that the proposed annual rate of inflation and the annual investment interest rate were too conservative and that definable indices should be used for these factors. However, the proposed amendment to § 86.174(d)(3) has been withdrawn as indicated.

§ 86.175. Schedule for Release of Bonds.

No comments were received on this section.

§ 86.182. Procedures (for bond forfeiture).

One commentator and IRRC noted that § 86.182(a)(3) ignores the option available to a surety company, under section 4(h) of SMCRA, to reclaim a bond forfeiture mining activity site in lieu of paying over the bond amount to the Department, and that this section should be revised to reflect that option.

Clarifying language has been added in the form of new § 86.182(d) to reflect this option and to provide some specific structure to the procedure for exercising this option.

§ 86.195. Penalties Against Corporate Officers

No comments were received on this section.

§ 86.351. License Requirement.

No comments were received on this section. A minor clarification has been made.

§ 86.352. Mine Operator's License Application.

No comments were received on this section.

§ 86.353. Identification of Ownership.

One commentator pointed out that some of the informational requirements of this section appear more appropriate for submittal with permit applications and requested deletion of those items from the regulation.

This section has been revised by deleting information which is applicable only to permit applications.

§ 86.354. Public Liability Insurance.

No comments were received on this section.

§ 86.355. Compliance Information.

No comments were received on this section; however, this section has been deleted since the information it requires is applicable only to permit applications.

§ 86.356. Criteria for Approval of Application.

§ 86.357. License Renewal Requirements.

§ 86.358. Informal Conference.

§ 86.359. Suspension and Revocation.

No comments were received on § 86.358. One commentator and IRRC requested that §§ 86.356, 86.357 and 86.359 be rewritten to be specific to surface mine operators, to reflect the Act 43 amendments to SMCRA which were pending at the time of this comment. This was also based on the commentator's understanding of the original intent of Act 173 which, for the first time, provided for licensing of underground mine operators. Additionally, IRRC recommended that § 86.359 be revised to identify specifically those violations which will result in revocation or suspension of a license.

The Act 43 amendments revised section 3.1(b) of SMCRA to clarify that the requirements for compliance with SMCRA, regulations and orders of the Department as a prerequisite to license issuance and renewal pertains only to surface mine operators. Appropriate changes have been made to §§ 86.356 and 86.357 in that regard. However, neither Act 43 nor Act 173 affected section 4.3 of SMCRA which provides for suspension or revocation of licenses. Consequently, § 86.359(a) has only been revised, as recommended by IRRC, to further identify specific violations which will result in revocation or suspension of licenses.

It should be noted that, although § 86.359(a) lists a variety of causes for the Department to suspend or revoke a license, historically the Department has only done so as a last resort prior to, or in conjunction with, a bond forfeiture action. Consequently, subsection (a)(1) which refers to notice of violation has been deleted. The Board further notes that the factor most frequently contributing to bond forfeiture is bankruptcy of the operator and abandonment of all of the operator's mining activities.

§ 86.360. Fees.

IRRC suggested that this section either be revised to clarify the conditions under which a license fee is refundable, or that subsection (b) be deleted.

The Board agrees that clarification of subsection (b) is warranted and has revised it accordingly.

Chapter 87—Surface Mining of Coal

Subchapter E—Surface Coal Mines: Minimum Environmental Protection Performance Standards

§ 87.102. Hydrologic Balance: Effluent Standards.

§ 87.102(e). Postmining Pollutational Discharges.

Several comments were received on this portion of the proposed rulemaking. Although most comments focused on § 87.102, they would be equally relevant to the proposed changes in §§ 88.92 and 88.187. Several revisions to these provisions have been made in response to the comments received, as noted. In response to comments from IRRC § 87.102(e)(1) and (2) and related subsections have been rewritten to lay out a more straightforward approach for mine operators to follow when a postmining pollutational discharge occurs.

Several commentators expressed concern that the description of discharges amenable to passive treatment in proposed § 87.102(e)(2)(ii) would overlook other categories of discharges which are being successfully remediated with passive treatment technology. One commentator also

questioned the need for category (B) of this subsection, since that category would be already included in category (C).

The description of categories (A) and (B) was drawn from the authorizing language in section 4.2(j) of SMCRA. Adjustments have been made in the language of the final rulemaking to allow for other discharges to be considered for passive treatment.

Several commentators and IRRC questioned the percent-reduction approach expressed in proposed § 87.102(e)(3)(i), since it could result in more stringent effluent requirements for iron than the current Group A limitations which are based on Federal EPA regulations. Two commentators requested that a lesser reduction be allowed so long as the Group A limit for iron is achieved. One commentator suggested a specific revision to (i) to read: "The system shall reduce iron concentration by at least 70% provided that the effluent limit shall not exceed 10 mg/l or be more stringent than the Group A effluent requirements for iron in subsection (a)." One commentator suggested adopting a pollutant loading reduction approach, which would also take into consideration seasonally or intermittently high flow periods. Another commentator further suggested that the iron loading requirements be based upon the reduction needed to protect the water quality of the receiving stream.

It must first be noted that this particular regulation is intended to address technology-based effluent requirements for pollutant reduction, and that the commentator's concern over water quality-based pollutant load reduction is already addressed under § 87.102(f). The Board agrees that the proposed percent reduction requirements may impose unnecessary costs in some cases, by requiring an effluent quality which is better than the current Group A limits for iron. The language in § 87.102(e)(3)(i) has been modified to reflect a more simplified percent-reduction approach. It should also be kept in mind, however, that more stringent treatment may be required where necessary to protect receiving stream water quality.

In regard to proposed language in § 87.102(e)(3)(ii), that the passive system must produce an effluent alkalinity which exceeds the effluent acidity, one commentator noted that effluent acidity associated with unoxidized manganese (for example, mineral acidity) is not chemically available. This should perhaps be taken into account when a passive system is having difficulty achieving a net alkalinity due to the level of unoxidized manganese present.

As a general rule, the presence of unoxidized manganese should not be a problem. The Department's analysis of wetlands, which was described in the Preamble for the proposed regulations, included discharges containing acidity due to unoxidized manganese. The conclusion from the analysis is that a properly sized and constructed wetland can be expected to produce an effluent alkalinity greater than effluent acidity.

Section 87.102(e)(4)(v) has been rewritten to be grammatically consistent with the other subparagraphs.

With regard to proposed § 87.102(e)(5), two commentators expressed concern that, under some circumstances, passive treatment may prove to be effective but cannot be maintained for a 25-year period (either because of size or maintenance constraints, or both, arising from precipitate

accumulation). They suggested that systems with shorter design lives be allowed. Revised language has been included to address this concern.

IRRC reflected the concern of the above commentators on the useful life of treatment facilities, but further pointed out that Act 173 did not specify such a design criterion and suggested that this portion of the regulation be made more consistent with Act 173.

Although Act 173 is silent on this aspect, the Department believes it is important to have a criterion of this nature since these systems are intended to function for long periods of time without regular maintenance.

Two commentators questioned the provision in § 87.102(e)(6) which would only allow qualified licensed professionals to design and supervise the construction of passive treatment systems. This could exclude many highly experienced, qualified persons who are fully capable of doing so but who have had educational and professional backgrounds (for example, environmental science, biology and the like) for which there is no licensing mechanism.

The Board agrees and has modified the language in this subsection.

One commentator suggested adding a provision to the regulations which allows the Department to amend effluent limits for postmining discharges with passive treatment systems operating in compliance with the requirements in § 87.102(e) and related sections of other chapters.

The language in subsection (e)(1) and (2) would allow for the permit amendments to be made.

One commentator questioned why the Department had not proposed alternative effluent limitations in Chapters 89 and 90 (relating to underground mining of coal; and coal refuse disposal). The commentator pointed out that discharges from the activities are covered under the definition of "surface mining activities" in SMCRA.

In originally proposing the changes to Chapters 87 and 88, the Department was focusing upon surface mining operations, which have historically been the source of most postmining discharges for which passive treatment appears to be a viable long-term treatment process. In response to the commentator's concern, the Department reviewed EPA's effluent limitation guideline regulations for coal mining activities (40 CFR 434) and discussed this question with EPA personnel familiar with 40 CFR 434.

The effluent limitation provisions for the postmining activity discharges, as outlined in 40 CFR 434, apply up until the time of bond release under Federal SMCRA. When EPA originally developed 40 CFR 434, it was with the firm understanding that SMCRA bond release occurs once mining and reclamation activity (backfilling, regrading, mine sealing, structure demolition and revegetation) was complete. EPA also assumed that postmining discharges might occur during the interim time frame between cessation of active mining and release of bonds, but did not contemplate postmining discharges existing after that point in time. The best professional judgment (BPJ) analysis which the Department carried out relative to postmining discharges from surface mining activities

would be generally relevant to any other type of postmining discharge which can be adequately treated using passive treatment technology. Based on these considerations, the Department believes that this BPJ rulemaking process can be extended to cover postmining pollutional discharges from underground mining activities and coal refuse disposal operations, where discharges can be adequately treated using passive treatment. Appropriate changes are therefore being made to §§ 88.292, 89.52 and 90.102 (relating to anthracite refuse disposal activities; bituminous underground mining; and bituminous coal refuse disposal). Anthracite deep mining activities are addressed through existing cross references in § 88.493 to § 89.52.

One commentator expressed concern over the impact of these postmining discharge bonding and treatment requirements to preexisting discharges in the anthracite region of this Commonwealth.

Neither Act 173 nor the proposed rulemaking were aimed at making operators suddenly liable for discharges which existed prior to commencement of mining activities. The mechanisms to address the preexisting discharges are contained in Chapter 87, Subchapter F and Chapter 88, Subchapter G. The discharges are a separate category of regulated activity.

One commentator also expressed concern that the proposed definition of "postmining pollutional discharge" refers to "mine drainage" which does not comply with applicable requirements of § 87.102 and the like. The commentator further pointed out that some naturally-occurring waters in the anthracite region exhibit some characteristics of "mine drainage" and was concerned that these regulations would create liability on the part of anthracite mine operators for discharges of naturally-occurring waters.

The definitions in section 3 of SMCRA and § 86.142 are not intended to create liabilities. The definition of "postmining pollutional discharge" in § 86.142 has been modified to delete reference to §§ 87.207 and 88.507 which relate to preexisting discharge situations.

F. *Benefits, Costs and Compliance*

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

Benefits

Mine Operator Licensing

SMCRA has required licensing of surface mine operators for many years. Under the Act 173 amendments to SMCRA, underground mine operators must also be licensed. The licensing and annual license renewal process is also used to obtain updated ownership and control information for each mine operator, as required by OSM's regulations. This is convenient for operators and the Department. The new licensing provisions will also increase revenues to the Surface Mining Reclamation and Conservation Fund by approximately \$30,000 per year. This will help the Department in carrying out a re-mining incentives program under the Act 173 amendments to SMCRA.

New Bond Instruments

By including certain types of life insurance policies, annuities and trust funds as acceptable forms of bonding, the Department is providing mine operators with more flexibility to address their financial obligations under SMCRA. Also, the use of annuities and trust funds will greatly enhance the Department's ability to ensure long-

term funding for treatment of postmining discharges of mine drainage from various types of coal mining activities.

Bond Release—General

The primary benefit of these changes is to allow the Department, or a third party (such as a surety company), to initiate the bond release process if the permittee (that is, the mine operator) has not. The Department is currently holding bonds for many mine sites eligible for bond release, but cannot release the bonds because the permittee has not made a request. The primary beneficiaries of these changes will be banks and surety companies which have been maintaining those bond instruments. This will also enable the Department to reduce its inventory of releasable bond instruments.

Phased Deposit of Collateral Bond

Under the proposed rulemaking, a permittee would no longer be able to receive the interest accruing on phased deposits of collateral as it accrues. The interest would become part of the bond. On the other hand, by having the accrued interest retained along with the collateral on deposit with the Department, the process of achieving the full bond amount will be expedited.

Escrow of Forfeited Surety Bond

In the past, when a surety company had appealed a bond forfeiture it was able to retain the bond principal (and accrued interest) during the course of appeal proceedings and negotiations. The Act 173 amendments require that the bond principal be turned over to the Department to be placed in an interest bearing escrow account. The Department is now entitled to retain the interest if the surety company loses the appeal. If the surety company prevails, the bond principal and accrued interest will be paid to the surety company. The Department expects that this proposed new procedure will help both to resolve the appeals, and to achieve the necessary degree of site reclamation in a more timely fashion.

Liability Insurance

The proposed amendments to the insurance regulations will help insure that the public is adequately covered against loss, damage or bodily injury. The proposed amendments will require that the insurance company provide the Department with a notice prior to the termination or nonrenewal of a policy. This will provide the Department and the mining industry with more time to rectify the problem or to find a replacement policy without a lapse in coverage. The increases in insurance coverage dollar amounts will benefit both the industry and the public.

Technology-Based Effluent Requirements for Postmining Pollutional Discharges

Passive treatment technology is a cost-effective environmentally-sound approach to achieve technology-based effluent requirements. It will greatly reduce the long-term (50 year) treatment costs for postmining discharges and related bond amounts which must be posted by operators.

Passive treatment may not be an option in some cases, particularly where the relative size and quality of the discharge and the receiving stream would necessitate more stringent effluent requirements. In these cases, more conventional mine drainage treatment techniques would be needed.

In developing this aspect of the proposed rulemaking, the Department prepared a technical report entitled,

"Best Professional Judgment Analysis for the Treatment of Postmining Discharges From Surface Mining Activities" (8/94). In that report comparisons were made between the annual 25-year costs of conventional treatment versus passive treatment.

Based on those comparisons, the annual 25-year cost of passive treatment is expected to be between 15-50% of the cost of conventional treatment. For more acidic postmining discharges the initial cost of constructing a passive treatment system may be significantly higher than for a conventional system, but the annual operation and maintenance costs are substantially lower for a passive treatment system. For less-acidic postmining discharges, the construction costs are comparable. For alkaline postmining discharges the construction cost for passive treatment could be lower than for conventional treatment.

Based on the number of older mining activity sites with postmining discharges, and the Department's general estimates of the costs of treatment for those discharges, it would appear that the use of passive treatment technology could save between \$9.1-15.4 million in annual treatment costs.

Compliance Costs

Mine Operator Licensing

As described under the Benefits section of this Preamble, the new licensing provisions are expected to impose additional costs upon licensed coal mine operators of approximately \$30,000 per year. Many small anthracite mine operators will experience a subsequent drop in fee from \$500 to \$50 for a new license and from \$300 to \$50 for renewal. Most bituminous surface coal mine operators will experience no increase in initial license fee and a \$200 increase in license renewal fee. Bituminous underground operators will now pay \$1,000 for both their initial license and annual license renewal.

New Bond Instruments

There are no additional costs associated with these provisions.

Bond Release—General

There are no additional costs associated with these provisions.

Bonding and Bond Release for Postmining Discharge Situations

As described in the Preamble to the proposed rulemaking (25 Pa.B. 5885) the problem of postmining pollutional discharges is primarily a historic problem associated with coal mining activity permits issued prior to the mid-1980's. Many mine operators which originally had sites with postmining pollutional discharges have since abandoned those sites and have forfeited whatever reclamation bonds were associated with those sites. Those operators are no longer allowed to mine coal in this Commonwealth or in any other state. These amendments will, therefore, not have a direct impact on those operators.

Other operators with older sites having postmining discharges have elected to continue in the coal mining business and have been continuously treating their discharges in order to avoid bond forfeiture and to retain the legal ability to obtain new permits. There are currently about 130 operators in this situation. It is these operators who will continue to experience the financial impact of treating postmining discharges. Since the proposed language dealing with bond releases for postmining dis-

charges has been removed from final rulemaking, there will be no change in compliance costs.

Phased Deposit of Collateral Bond

These revisions are not expected to have a significant economic impact upon the mining industry, and may actually help certain operators to more quickly achieve the goal of phased deposit of collateral bond.

Escrow of Forfeited Surety Bond

These revisions should not impose an economic impact on the surety industry.

Liability Insurance

In conjunction with developing the proposed rulemaking, the Department made some inquiries and found that insurance companies assess premium costs in different ways. One company assesses its costs for the current insurance amounts at a minimum of \$2,000 annually for up to 60,000 tons of coal mined, plus approximately \$3.10 to \$3.30 per 100 tons of additional coal mined. The premium cost for the new insurance amounts would be a minimum of \$4,000 annually for up to 70,000 tons of coal mined, plus \$3.10 to \$3.30 per 100 tons of additional coal mined. A second company assesses premium costs based on payroll. For the current insurance amounts the cost would be \$12 per \$1,000 of payroll. For the proposed new insurance amounts the cost would be \$13.851 per \$1,000 of payroll.

Technology-Based Effluent Requirements for Postmining Pollutional Discharges

These amendments do not create new liability or new costs for mine operators with postmining discharges. The costs of achieving technology-based requirements for discharges which can be adequately treated using passive treatment technology are expected to be substantially lower than the corresponding costs to construct, operate and maintain conventional mine drainage treatment facilities. The primary reasons for this are the much lower operation and maintenance costs associated with passive treatment.

Compliance Assistance Plan

The Department expects to hold a series of meetings with the coal industry and other interested parties to review and discuss these amendments.

The Department also anticipates organizing technical seminars for its own staff, the public and industry personnel to review various principles and practices associated with constructing, operating and maintaining passive treatment systems for postmining pollutional discharges.

Paperwork Requirements

There should be little or no additional paperwork requirements associated with these amendments.

G. Sunset Review

These amendments will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 5, 1995, the Department submitted a copy of the proposed amendment to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the

Department also provided IRRC and the Committees with copies of the comments as well as other documentation.

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

This final-form regulations were deemed approved by the House and Senate Environmental Resources and Energy Committee on September 29, 1997. IRRC met on October 9, 1997, and deemed approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

I. Findings

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 25 Pa.B. 5885 (December 16, 1995).

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order

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

(a) The regulations of the Department, 25 Pa. Code, Chapters 86—90, are amended by amending §§ 86.1, 86.142, 86.151, 86.152, 86.156—86.158, 86.161, 86.168, 86.171, 86.174, 86.175, 86.182, 86.195, 87.102, 88.92, 88.187, 88.292 89.52 and 90.102; by adding §§ 86.351—86.359; and by deleting §§ 87.11—87.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

(e) This order shall take effect immediately upon publication.

JAMES M. SEIF,
Chairperson

(Editor's Note: Proposals amending §§ 86.149 and 86.172, included in the proposed rulemaking at 25 Pa.B. 5885, have been withdrawn by the Board.

The following sections, amended by this document, were not included in the proposal at 25 Pa.B. 5885: 86.1, 88.292, 89.52 and 90.102.

A proposal to amend §§ 86.1, 86.152, 86.156, 86.171, 86.182 and 86.195, amended by this document, remains outstanding at 27 Pa.B. 730 (February 8, 1997). A proposal to amend §§ 86.174, 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102, amended by this document, remains outstanding at 27 Pa.B. 2255 (May 3, 1997).)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 5561 (October 25, 1997).)

Fiscal Note: Fiscal Note 7-285 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.1. Definitions.

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

* * * * *

Passive treatment system—A mine drainage treatment system which does not require routine operational control or maintenance. The term includes biological or chemical treatment systems, alone or in combinations, as approved by the Department, such as artificially constructed wetlands, cascade aerators, anoxic drains or sedimentation basins.

Postmining pollutional discharge—A discharge of mine drainage emanating from or hydrologically connected to the permit area, which may remain after coal mining activities have been completed, and which does not comply with the applicable effluent requirements described in § 87.102, § 88.92, § 88.187, § 88.292, § 89.52 or § 90.12. The term includes minimal-impact postmining discharges, as defined in section 3 of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3).

* * * * *

Subchapter F. BONDING AND INSURANCE REQUIREMENTS

GENERAL PROVISIONS

§ 86.142. Definitions.

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

* * * * *

Annuity—A financial instrument which provides a sum payable periodically over a length of time.

* * * * *

Trustee—One in whom some estate, interest or power in or affecting property of any description is vested for the benefit of another.

Trust fund—A fund held by a trustee which provides moneys to address specific reclamation or pollution abatement requirements, or both, associated with a mining activity.

AMOUNT AND DURATION OF LIABILITY

§ 86.151. Period of liability.

(a) Liability under bonds posted for a coal surface mining activity shall continue for the duration of the mining activities and its reclamation as provided in the acts, regulations adopted thereunder and the conditions of the permit and for 5 additional years after completion of augmented seeding, fertilization, irrigation or other work necessary to achieve permanent revegetation of the permit area.

(b) Liability under bonds posted for the surface effects of an underground mine, coal preparation activity or other long-term facility shall continue for the duration of the mining operation or use of the facility, its reclamation as provided in the acts, regulations adopted thereunder and the conditions of the permit, and for 5 years thereafter, except for:

(1) The risk of water pollution for which liability under the bond shall continue for a period of time after completion of the mining and reclamation operation. This period of time will be determined by the Department on a case-by-case basis.

(2) The risk of subsidence from bituminous underground mines for which liability under the bond shall continue for 10 years after completion of the mining and reclamation operation.

(c) Liability under bonds posted for coal refuse disposal activities shall continue for the duration of the activities and for 5 years after the last year of augmented seeding and fertilizing and other work to complete reclamation to meet the requirements of the acts, regulations adopted thereunder, the conditions of the permit and to otherwise protect the environment. Liability under the bond related to the risk of water pollution from activities shall continue for a period of time after completion of the coal refuse disposal activities. This period of time will be determined by the Department on a case-by-case basis.

(d) The extended period of liability which begins upon completion of augmenting seeding, fertilization, irrigation or other work necessary to achieve permanent revegetation of the permit area shall include additional time taken by the permittee to repeat augmented seeding, fertilization, irrigation or other work under a requirement by the Department but may not include selective husbandry practices approved by the Department, such as pest and vermin control, pruning, repair of rills and gullies or reseeding or transplanting, or both, which constitute normal conservation practices within the region for other land with similar land uses. Augmented seeding, fertilization, irrigation and repair of rills and gullies performed at levels or degrees of management which exceed those normally applied in maintaining use or productivity of comparable unmined land in the surrounding area, would necessitate extending the period of liability.

(e) A portion of a permit area requiring extended liability may be separated from the original area and bonded separately upon approval by the Department. Before determining that extended liability should apply to only a portion of the original permit area, the Department will determine that the area portion is:

(1) Not significant in extent in relation to the entire area under bond.

(2) Limited to a distinguishable contiguous portion of the permit area.

(f) If the Department approves a long-term intensive agricultural postmining land use, in accordance with § 87.159, § 88.133, § 88.221, § 88.334, § 88.381, § 88.492, § 89.88 or § 90.165, the 5-year period of extended liability shall commence at the date of initial planting for the long-term intensive agricultural land use.

(g) If the Department issues a written finding approving a long-term intensive agricultural land use, the operation shall be exempt from the requirements of § 87.147(b), § 88.121(b), § 88.209(b), § 88.322(b), § 88.492, § 89.86 or § 90.150(b). A finding does not constitute a grant of an exception to the bond liability periods of this section.

(h) The bond liability of the permittee shall include only those actions which the operator is obliged to take under the permit, including completion of the reclamation plan so that the land will be capable of supporting a postmining land use approved under § 87.159, § 88.133, § 88.221, § 88.334, § 88.381, § 88.492, § 89.88 or § 90.166. Implementation of an alternate postmining land use approved under these sections which is beyond the control of the permittee need not be covered by the bond.

(i) If an area is separated under subsection (e), that portion shall be bonded separately, and the applicable period of liability, in accordance with this section, shall begin again. The amount of bond on the original bonded area may be adjusted in accordance with § 86.152 (relating to adjustments).

(j) Release of any bond under this section does not alleviate the operator's responsibility to treat discharges of mine drainage emanating from or hydrologically connected to the site, to the standards in the permit, the act, The Clean Streams Law, the Federal Water Pollution Control Act and the rules and regulations thereunder.

§ 86.152. Bond adjustments.

(a) The Department may require a permittee to deposit additional bonding if the methods of mining or operation change, standards of reclamation change or the cost of reclamation, restoration or abatement work increases so that an additional amount of bond is necessary. This requirement shall only be binding upon the permittee and does not compel a third party, including surety companies, to provide additional bond coverage.

(b) A permittee may request reduction of the required bond amount upon submission of evidence to the Department that warrants a reduction of the bond amount by proving that the permittee's method of operation or other circumstances will reduce the maximum estimated cost to the Department to complete the reclamation, restoration or abatement responsibilities.

(c) Bond adjustments which involve unaffected portions of a permit area upon which no reclamation liability has been incurred or permits that have not been activated and upon which no reclamation liability has been incurred, and bond adjustments which are based on revisions of the cost estimates of reclamation, are not subject to the procedures of §§ 86.170—86.172 (relating to scope; procedures for seeking release of bond; and criteria for release of bond), except as provided in § 86.172(b) and (c).

FORM, TERMS AND CONDITIONS OF BONDS AND INSURANCE

§ 86.156. Form of the bond.

(a) The Department will accept the following types of bonds:

- (1) A surety bond.
- (2) A collateral bond.
- (3) A combination surety and collateral bond as provided in § 86.160 (relating to surety/collateral combination bond), for coal surface mining activities.
- (4) A phased deposit of collateral bond as provided in § 86.161 (relating to phased deposits of collateral), for long-term mines, long-term facilities and coal refuse disposal activities.
- (5) Subsidence insurance as provided in § 86.162 (relating to subsidence insurance in lieu of bond), for risk of subsidence from bituminous underground mines.

(b) A financial or other institution which issues or provides annuities, trust funds, letters of credit, certificates of deposit, life or property and casualty insurance or surety bonds, shall certify in writing to the Department that it will immediately notify the Department and the permittee, if permissible under the law, of any action filed either alleging the insolvency or bankruptcy of the institution, or permittee or alleging violations which would result in suspension or revocation of its charter or license to do business in this Commonwealth.

(c) A permittee executing a bond shall certify in writing to the Department that it will immediately notify the Department, if permissible under the law, of action filed alleging the insolvency or bankruptcy of the permittee.

§ 86.157. Special terms and conditions for surety bonds.

Surety bonds are subject to the following conditions:

- (1) The Department will not accept the bond of a surety company which has failed or unduly delayed in making payment on a forfeited surety bond.
- (2) The Department will not accept the bond of a surety company unless the bond is not cancellable by the surety for reasons including, but not limited to, nonpayment of premium or bankruptcy of the permittee during the period of liability.
- (3) The Department will not accept a single bond from a surety company for a permittee if the single bond is in excess of the surety company's maximum single risk exposure as provided in The Insurance Company Law of 1921 (40 P. S. §§ 341—991), unless the surety company complies with The Insurance Company Law of 1921 for exceeding the maximum single risk exposure.
- (4) The Department will provide in the bond that the amount shall be confessed to judgment upon forfeiture.
- (5) The bond shall provide that the surety and the permittee shall be jointly and severally liable.
- (6) The bond shall provide that the surety will give prompt notice to the permittee and the Department of a notice received or action filed alleging the insolvency or bankruptcy of the surety, or alleging violations of regulatory requirements which could result in suspension or revocation of the surety's license to do business.
- (7) The Department will accept only the bond of a surety authorized to do business in this Commonwealth when the surety bond is signed by an appropriate official

of the surety as determined by the Department. If the principal place of business of the surety is outside this Commonwealth, the surety bond shall be signed by an authorized resident agent of the surety.

(8) The bond shall provide that liability on the bond may not be impaired or affected by a renewal or extension of the time for performance, or a forbearance or delay, in declaring or enforcing forfeiture of the bond. In the event of forfeiture, the surety shall have the option, subject to the consent and approval of the Department, to cover or perform the principal's obligation on the bond, in lieu of paying the bond amount to the Department. The surety shall notify the Department within 30 days of receiving the Department's notice of forfeiture of the surety's intent to perform the principal's obligation under the bond. If the surety does not notify the Department within the 30-day period, the Department may proceed with enforcing the forfeiture and collecting the bond.

§ 86.158. Special terms and conditions for collateral bonds.

(a) The Department will obtain possession of and keep in custody collateral deposited by the permittee until authorized for release or replacement as provided in this subchapter.

(b) Collateral bonds pledging negotiable government securities are subject to the following conditions:

- (1) The Department may determine the current market value of government securities for the purpose of establishing the value of the securities for bond deposit.
- (2) The current market value is at least equal to the amount of the required bond amount.
- (3) The Department may periodically revalue the securities and may require additional amounts if the current market value is insufficient to satisfy the bond amount requirements for the facility.

(4) The operator may request and receive the interest accruing on governmental securities with the Department as the interest becomes due and payable. The Department will not make interest payments for postforfeiture interest accruing during appeals, and after resolution of the appeals, when the forfeiture is adjudicated and decided in favor of the Commonwealth.

(c) A collateral bond pledging certificates of deposit is subject to the following conditions:

- (1) The Department will require that certificates of deposit be assigned to the Department, in writing, and the assignment recorded upon the books of the bank issuing the certificates.
- (2) The Department will not accept an individual certificate of deposit for denominations in excess of \$100,000, or maximum insurable amount as determined by the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.
- (3) The Department will require the banks issuing these certificates of deposit to waive rights of setoff or liens which they have or might have against those certificates.
- (4) The Department will only accept automatically-renewable certificates of deposit.
- (5) The Department will require the permittee to deposit sufficient amounts of certificates of deposit, to assure that the Department will be able to liquidate those certificates prior to maturity, upon forfeiture, for the amount of the bond required by this subchapter.

(6) The Department will only accept certificates of deposit from banks or banking institutions licensed or chartered to do business in the United States.

(7) The Department will not accept certificates of deposit from banks which have failed or unduly delayed in making payment on defaulted certificates of deposit.

(8) The permittee is not entitled to interest accruing after forfeiture is declared by the Department unless the forfeiture declaration is ruled invalid by a court having jurisdiction over the Department, and the ruling is final.

(d) A collateral bond pledging a letter of credit is subject to the following conditions:

(1) The letter of credit shall be a standby letter of credit issued by a Federally-insured or equivalently protected bank or banking institution, chartered or authorized to do business in the United States which agrees to jurisdiction within this Commonwealth.

(2) A letter of credit is irrevocable. The Department may accept a letter of credit which is irrevocable for a term of a year if:

(i) The letter of credit is automatically renewable for additional terms unless the bank gives at least 90 days prior written notice to the Department and the permittee of its intent to terminate the credit at the end of the current term.

(ii) The Department has the right to draw upon the credit before the end of its term and convert it into a cash collateral bond, if the permittee fails to replace the letter of credit with other acceptable bond within 30 days of the bank's notice to terminate the credit.

(3) The letter shall be payable to the Department in part or in full upon demand and receipt from the Department of a notice of forfeiture issued in accordance with §§ 86.180—86.182 and 86.185—86.190, or demand for payment under paragraph (2)(ii).

(4) The Department will not accept letters of credit from a bank for a permittee, on permits held by that permittee, in excess of 10% of the bank's capital surplus account as shown on a balance sheet certified by a certified public accountant.

(5) A letter of credit written by Commonwealth banks or other institutions is governed by:

(i) The laws of the Commonwealth, including 13 Pa.C.S. §§ 1101—9507 (relating to Uniform Commercial Code).

(ii) The current version of the *Uniform Customs and Practices for Documentary Credits*, published by the International Chamber of Commerce.

(iii) A bank or other institution outside this Commonwealth which writes letters of credit, shall agree to be governed by the documents identified within this subsection.

(6) Letters of credit shall provide that the bank will give prompt notice to the permittee and the Department of notices received or actions filed alleging the insolvency or bankruptcy of the bank, or alleging violations of regulatory requirements which could result in suspension or revocation of the bank's charter or license to do business.

(7) The Department will not accept letters of credit from a bank that has failed or unduly delayed in making payment on a defaulted letter of credit.

(e) A collateral bond in the form of a life insurance policy is subject to the following conditions:

(1) The policy shall be fully paid and noncancellable with a cash surrender value irrevocably assigned to the Department at least equal to the amount of the required bond, and which may not be borrowed against and may not be utilized for any other purpose.

(2) The policy shall be a single-premium, ordinary whole life policy.

(3) The policy shall be designed so that in the event of the death of the insured, the Department receives from the proceeds of the policy an amount equal to the amount of the bond. The Department will hold the proceeds as cash collateral until release of all or part of the bond is authorized by the Department.

(4) The insurance company shall be licensed by the Insurance Commissioner to do business in this Commonwealth or be designated by the Insurance Commissioner as an eligible surplus lines insurer.

(5) The policy shall bear no liens, loans or encumbrances, and none shall become effective without the prior written consent of the Department.

(6) The person applying for the permit or the permittee, once the permit is issued, shall own the policy.

(7) The Department will maintain possession of the policy until authorized for bond release or replacement.

(f) A collateral bond in the form of an annuity or trust fund is subject to the following conditions:

(1) The amount of the trust fund or annuity shall be determined and set by the Department. The amount shall be that amount determined by the Department as necessary to meet the bonding requirements established by the Department for a permittee.

(2) The trust fund or annuity shall be in a form and contain terms and conditions as required by the Department. At a minimum, trust fund or annuity shall provide that:

(i) The Department is irrevocably established as the beneficiary of the trust fund or of the proceeds from the annuity.

(ii) Investment objectives of the trust fund or annuity shall be specified by the Department.

(iii) Termination of the trust fund or annuity may occur only as specified by the Department.

(iv) Release of money to the permittee from the annuity or trust fund may be made only upon written authorization of the Department.

(3) A financial institution serving as a trustee or issuing an annuity shall be a State-chartered or National bank or other financial institution with trust powers or a trust company with offices located in this Commonwealth and whose activities are examined or regulated by a State or Federal agency. An insurance company issuing an annuity shall be licensed or authorized to do business in this Commonwealth by the Insurance Commissioner or be designated by the Insurance Commissioner as an eligible surplus lines insurer.

(4) Trust funds and annuities, as described in this subsection, are established under government authority for the public purpose to guarantee that moneys are available for the Department to pay for treatment of postmining pollutional discharges or reclamation of the mine site or both. Trust funds and annuities constitute

property of the Commonwealth and, as such, any earnings, profits and distributions shall have the same tax status accorded the Commonwealth.

(g) Collateral shall be in the name of the permittee, and shall be pledged and assigned to the Department free of rights or claims. The pledge or assignment shall vest in the Department a property interest in the collateral which shall remain until released under the terms of this chapter, and will not be affected by the bankruptcy, insolvency or other financial incapacity of the operator, as allowed by law. The Department will ensure that ownership rights to deposited collateral are established to make the collateral readily available upon forfeiture. The Department may require proof of ownership and other means, such as secondary agreements, as it deems necessary to meet the requirements of this chapter.

§ 86.161. Phased deposits of collateral.

A permittee for a long-term mining operation or facility may post a collateral bond for a permit area according to the following requirements:

(1) The permittee shall submit a collateral bond to the Department.

(2) The permittee shall deposit \$10,000 or 25%, whichever is greater, of the total amount of bond determined under §§ 86.148—86.152 (relating to amount and duration of liability) in approved collateral with the Department.

(3) The permittee shall submit a schedule agreeing to deposit a minimum of 10% of the remaining amount of bond, in approved collateral in each of the next 10 years or in a proportion so that final payment is made by the date required by the Department. The entire bond amount shall be submitted by the operator no later than the actual or expected completion of operations at the mine or the facility. An annual payment becomes due on the anniversary date of the issuance of the permit, unless otherwise established by the Department. A payment shall be accompanied by appropriate bond documents required by the Department. Interest accumulated by phased deposits of collateral shall become part of the bond, and may be used to reduce the amount of the final phased deposit.

(4) The Department may require additional bonding if the Department determines that a higher bond amount is necessary. The increase in the total bond amount required shall proportionately increase the remaining annual payments. The operator shall submit a new schedule within 30 days of notice by the Department of the increase in the total bond amount due.

(5) The operator shall deposit the full amount of the bond required for the long-term operation or facility within 30 days of receipt of a written demand by the Department to accelerate deposit of the bond. The Department may make the demand when the Department determines that the purposes of this section, this chapter or the acts, have not been met, including, but not limited to, when one of the following occurs:

(i) The operator has failed to make a deposit of bond amount when required according to the schedule for the deposit.

(ii) The operator has violated the requirements of the acts, this chapter, other terms or conditions of the permit or orders of the Department.

(iii) The actual or expected completion of operations of the mine or the facility will occur prior to the expiration of the 10-year period determined under this section.

(6) The Department will not accept phased deposit of collateral as bond for long-term operation or facility when the Department determines that the purposes of this section, this chapter or the acts have not been met, including, but not limited to, the following:

(i) The operator has failed to pay the Department, when due, permit or reclamation fees, fines, penalties or other payments, or has failed to deposit bond amounts with the Department when due.

(ii) The operator has indicated a pattern or history of violations of applicable statutes, this chapter, the terms and conditions of the permit or orders of the Department, even if later corrected, which demonstrate a lack of ability or intention to comply with the requirements applicable to long-term mining operations or facilities.

§ 86.168. Terms and conditions for liability insurance.

(a) A permittee shall submit proof of liability insurance coverage before a permit or license is issued. The proof may consist of either a certificate filed at the time of license application and renewal thereof, or, otherwise annually filed with the Department certifying that the permittee has a public liability insurance policy in force covering all of the permittee's mining and reclamation operations in this Commonwealth.

(b) The insurance shall be written on an occurrence basis and shall provide for bodily injury and property damage protection in a total amount determined by the Department on a case by case basis, and adequate to compensate persons injured or property damaged as a result of the permittee's mining and reclamation operation and entitled to compensation under Pennsylvania law.

(c) The insurance shall include and the certificate shall provide a rider covering bodily injury and property damage from the use of explosives if explosives are to be used by the permittee and loss or diminution in quantity or quality of public or private sources of water. The limits of the rider shall be at least equivalent to the limits of the general liability portion of the policy.

(d) The insurance shall include a rider requiring that the insurer notify the Department 30 days prior to substantive changes being made in the policy, or prior to termination or failure to renew.

(e) Minimum insurance coverage for bodily injury shall be \$500,000 per person and \$1 million aggregate; and minimum insurance coverage for property damage shall be \$500,000 for each occurrence and \$1 million aggregate.

(f) The insurance coverage shall be maintained in full force for the duration of the permittee's mining and reclamation operation. The permittee shall submit proof of the coverage annually. If a permittee fails to maintain the insurance, the Department will issue a notice of intent to suspend the license or permit. The notice will allow the permittee or licensee 30 days from receipt of the notice to submit proof of insurance coverage. If proof is not submitted within the 30-day period, the Department will suspend the license or permit.

(g) A bond or an individual insurance policy as required under subsection (c) for each permit may be provided in lieu of liability insurance to cover replacement or restoration of water supplies.

RELEASE OF BONDS**§ 86.171. Procedures for seeking release of bond.**

(a) The permittee, or another person having an interest in the bond, may file an application with the Department to release all or part of the bond liability applicable to a permit or designated phase of permit area after reclamation, restoration and abatement work in a reclamation stage, as defined in § 86.172 (relating to criteria for release of bond) has been completed on the permit area or designated phase of a permit area subject to the following conditions:

* * * * *

(b) At the time of filing an application under this section, the permittee shall advertise the filing of the application in a newspaper of general circulation in the locality of the permit area. The advertisement shall:

* * * * *

(6) State whether any postmining pollutional discharges have occurred and describe the type of treatment provided for the discharges.

(7) State that written comments, objections and requests for a public hearing or informal conference may be submitted to the appropriate office of the Department, provide the address of that office and the closing date by which comments, objections and requests shall be received.

* * * * *

(f) Departmental review and decision will be as follows:

* * * * *

(4) The notice of the decision shall state the reasons for the decision, recommend corrective actions necessary to secure the release and notify the permittee and the interested parties of their right to request a public hearing in accordance with subsection (h).

(g) If the permittee is unwilling or unable to request bond release, and if the criteria for bond release have been satisfied, the Department may release the bond by following the procedures of subsections (a)(2), (b), (d)—(f).

(h) Following receipt of the decision of the Department under subsection (f), the permittee or an affected person may appeal. Appeals shall be filed with the EHB under section 4 of the Environmental Hearing Board Act of 1988 (35 P. S. § 7514) and the requirements of Chapter 1021 (relating to practice and procedures).

§ 86.174. Standards for release of bonds.

(a) When the entire permit area or a portion of a permit area has been backfilled and regraded to the approximate original contour or approved alternative, and when drainage controls have been installed in accordance with the approved reclamation plan, Stage 1 reclamation standards have been met.

(b) When the entire permit area or a portion of the permit area meets the following standards, Stage 2 reclamation has been achieved:

(1) Topsoil has been replaced and revegetation has been established in accordance with the approved reclamation plan and the standards for the success of revegetation are met.

(2) The reclaimed lands are not contributing suspended solids to stream flow or runoff outside the permit area in excess of the requirements of the acts, regulations thereunder or the permit.

(3) If prime farmlands are present, the soil productivity has been returned to the required level when compared with nonmined prime farmland in the surrounding area, to be determined from the soil survey performed under the reclamation plan approved in Chapters 87—90.

(4) If a permanent impoundment has been approved as an alternative postmining land use, the plan for management of the permitted impoundment has been implemented to the satisfaction of the Department.

(c) When the entire permit area or a portion of the permit area meets the following performance standards, Stage 3 reclamation has been achieved:

(1) The permittee has successfully completed mining and reclamation operations in accordance with the approved reclamation plan so that the land is capable of supporting postmining land use approved under §§ 87.159, 88.133, 89.88 and 90.166.

(2) The permittee has achieved compliance with the requirements of the acts, regulations thereunder, the conditions of the permit and the applicable liability period under § 86.151 (relating to period of liability) has expired.

(d) Additional standards for release of bonds for underground mining operations are as follows: release of the bond posted for mine subsidence, 10 years after completion of mining and reclamation.

§ 86.175. Schedule for release of bond.

(a) The Department will not release any portion of the liability under bonds applicable to a permit area or designated phase of a permit area until it finds that the permittee has complied with §§ 86.171, 86.172 and 86.174 (relating to procedures for seeking release of bond; criteria for release of bond; and standards for release of bonds).

(b) The amount of bonds applicable to a permit area or designated phase of a permit area which may be released shall be calculated on the following basis:

(1) Release of an amount not to exceed 60% of the total bond amount on the permit area or designated phase of a permit area upon completion and approval by the Department of Stage 1 reclamation.

(2) Release of an additional amount of bond on the permit area or designated phase of a permit area upon completion and approval by the Department of Stage 2 reclamation but retaining an amount of bond coverage sufficient to cover the cost of reestablishing vegetation and reconstructing drainage structures if completed by a third party and for the period specified for permit liability in § 86.151 (relating to period of liability).

(3) Release of the remaining portion of the total bond on the permit area or designated phase of a permit area after standards of Stage 3 reclamation have been attained.

§ 86.182. Procedures.

(a) If forfeiture of the bond is required, the Department will:

(1) Send written notification by mail to the permittee, and the surety on the bond of the Department's determination to forfeit the bond and the reasons for the forfeiture.

(2) Advise the permittee and surety of their right to appeal to the EHB under section 4 of the Environmental Hearing Board Act of 1988 (35 P. S. § 7514).

(3) Notify the surety of the requirement to pay the amount of the forfeited bond over to the Department within 30 days after notice by certified mail from the Department. The money shall be held in escrow with any interest accruing to the Department pending the resolution of any appeals. If it is determined, by a court of competent jurisdiction, after exhaustion of appeals, that the Commonwealth was not entitled to all or a portion of the amount forfeited, the interest shall accrue proportionately to the surety in the amount determined to be improperly forfeited by the Department.

(4) Proceed to collect on the bond as provided by applicable laws for the collection of defaulted bonds or other debts, consistent with this section, if timely appeal is not filed or if an appeal is filed and the appeal is unsuccessful.

(b) The written determination to forfeit the bond, including the reasons for forfeiture, shall be a final decision by the Department.

(c) The Department will forfeit bonds deposited for a permit area, including designated phases of a permit area and amended permit areas, except for that portion of the bond which has been released as provided in §§ 86.170—86.172 (relating to scope; procedures for seeking release of bond; and criteria for release of bond). Liability on every bond posted for a permit area, designated phase of a permit area, or an amendment thereof, shall cover violations within the permit area or resulting from mining of the permit area.

(d) In lieu of paying the amount of the forfeited bond within 30 days after notice, a surety may reclaim the forfeited site upon the consent and approval of the Department. The surety shall notify the Department of its intent to reclaim the site within 30 days after the notice of forfeiture. The notification shall include a time frame within which the surety will submit a proposal which describes both the reclamation work to be done and a schedule for completion of the reclamation. Subject to the Department's approval of the time frame and the subsequent reclamation proposal, the Department and the surety will enter into a consent order and agreement specifying the terms of the reclamation work to be done.

(e) If the Department declares a collateral bond forfeited, it will pay, or direct the State Treasurer to pay, the collateral funds into the Surface Mining Conservation and Reclamation Fund. If upon proper demand and presentation, the banking institution or other person or municipality which issued the collateral refuses to pay the Department the proceeds of a collateral undertaking, such as a certificate of deposit, letter of credit or government negotiable security, the Department will take appropriate steps to collect the proceeds.

(f) The Department will use funds collected from bond forfeiture to complete the reclamation plan, or remaining portion thereof, on the permit area or increment to which bond coverage applies.

(g) If the amount forfeited is:

(1) Insufficient to pay for the full cost of reclamation, the operator shall be liable for remaining costs. The Department may complete, or authorize completion of, the reclamation of the bonded area and may recover from the operator all costs of reclamation in excess of the amount forfeited.

(2) More than the amount necessary to complete the reclamation, the excess funds will be used by the Depart-

ment, as approved by the Secretary, for any of the purposes provided in section 18(a) of the act (52 P. S. § 1396.18(a)).

Subchapter G. CIVIL PENALTIES FOR COAL MINING ACTIVITIES

GENERAL PROVISIONS

§ 86.195. Penalties against corporate officers.

(a) The Department may assess a civil penalty against a corporate officer who participates in a violation or whose misconduct or intentional neglect causes or allows a violation.

(b) Whenever the Department issues an order to an operator for failing to abate violations contained in a previous order, it will send by certified mail to each corporate officer listed in the surface mining operator's license application under § 86.353 (relating to identification of ownership), or to each corporate officer listed in a coal mining activities application under § 86.62 (relating to identification of interests), a copy of the failure to abate order and a notice of the officer's liability under this section. If the violations are not abated within 30 days of issuance of the failure to abate order, the Department may assess a civil penalty against each officer receiving the notice provided by this subsection.

Subchapter K. MINE OPERATOR'S LICENSE

Sec.	
86.351.	License requirement.
86.352.	Mine operator's license application.
86.353.	Identification of ownership.
86.354.	Public liability insurance.
86.355.	Criteria for approval of application.
86.356.	License renewal requirements.
86.357.	Informal conference.
86.358.	Suspension and revocation.
86.359.	Fees.

§ 86.351. License requirement.

A person who intends to mine coal as an operator within this Commonwealth shall first obtain a mine operator's license from the Department.

§ 86.352. Mine operator's license application.

Application for license shall be made in writing on forms prepared and furnished by the Department and contain information pertaining to:

- (1) Identification of ownership.
- (2) Public liability insurance.
- (3) Compliance information.

§ 86.353. Identification of ownership.

The application shall indicate whether the applicant is a corporation, partnership, sole proprietorship, association or other business entity. For all entities, the application shall contain the following information, as applicable, for each person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1 (relating to definitions) except that the submission of a Social Security number is voluntary:

- (1) The name, address, Social Security number and employer identification number of every:
 - (i) Officer.
 - (ii) Partner.
 - (iii) Associate.
 - (iv) Shareholder of at least 10% of the voting stock.
 - (v) Director.

(vi) Other person performing a function similar to a director of the applicant.

(vii) Person having the ability to commit the financial or real property assets or working resources of an entity.

(viii) Person who has another relationship with the applicant which gives the person authority directly or indirectly to determine the manner in which mining is conducted.

(ix) Person who owns or controls the persons specified in subparagraphs (i)—(viii), either directly or indirectly through intermediary entities.

(2) For each person listed in paragraph (1), the following:

(i) The title of the person's position.

(ii) The date the position or stock ownership was assumed, and if applicable, the date of departure from the position or the date of sale of stock.

(iii) The percentage of ownership.

(iv) The location in the organizational structure.

(v) The relationship to the applicant.

(3) The following related entity information:

(i) The names of companies who, under the definition of "owned or controlled" or "owns or controls" in § 86.1, own or control the applicant or who are owned or controlled by the applicant and provide the following information for each entity:

(A) Identifying numbers, including Employer Identification numbers, Federal or State permit numbers and Mine Safety and Health Administration (MSHA) numbers with the date of issuance for each permit.

(B) The application number or other identifier of and the regulatory authority for any other pending mining operation permit application filed by the entity in any other state.

(C) The name, address, Social Security number and Employer Identification Number of every officer, partner, associate, principal shareholder, director or other person performing a function similar to director of the applicant, including the title of the person's position and the date the position was assumed, and if applicable, the date of departure from the position or date of sale of stock.

(ii) For each person listed in paragraph (1), who is, or has been, associated with another company as an owner or controller, under the definition of "owned or controlled" and "owns or controls" in § 86.1, within the 5-year period preceding the date of application, provide the following information:

(A) The name of each entity they are, or were, associated with.

(B) The identifying numbers, including Employer Identification numbers, Federal or State permit numbers and MSHA numbers with the date of issuance for each permit.

(C) The application number or other identifier of and the regulatory authority for other pending mining operation permit applications filed by the entity with which the person is affiliated in other states.

§ 86.354. Public liability insurance.

The applicant shall provide a certificate of insurance for the term of the license covering all surface mining activities of the applicant in this Commonwealth and in accordance with § 86.168 (relating to terms and conditions for liability insurance).

§ 86.355. Criteria for approval of application.

(a) The Department will not issue, renew or amend the license of any person who mines coal by the surface mining method if, after investigation and an opportunity for an informal conference, it finds one or more of the following:

(1) The applicant has failed, and continues to fail, to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by a written notice from the Department of a declaration of forfeiture of a person's bonds. The Department will consider the applicant to be in compliance, for purposes of determining whether the license will be issued, renewed or amended, when the applicant is in compliance with a schedule approved by the Department in writing.

(2) The applicant has shown a lack of ability or intention to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by written notice from the Department of a declaration of forfeiture of a person's bonds.

(3) The applicant has a partner, associate, officer, parent corporation, subsidiary corporation, contractor or sub-contractor which has failed and continues to fail to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by a written notice from the Department of a declaration of forfeiture of a person's bonds. The Department will consider the applicant to be in compliance, for purposes of determining whether the license shall be issued, renewed or amended, when the conduct is being corrected to the satisfaction of the Department in accordance with a schedule approved by the Department in writing.

(4) The applicant has a partner, associate, officer, parent corporation, subsidiary corporation, contractor or sub-contractor which has shown a lack of ability or intention to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree, or as indicated by a written notice from the Department of a declaration of forfeiture of a person's bonds.

(b) The Department will issue a notice of intention not to issue, renew or amend a license for the reasons in subsection (a).

(c) Prior to the final action of not issuing, renewing or amending a license, the Department will notify the applicant, in writing, of the intention not to issue, renew or amend the license, and the opportunity for an informal conference.

(d) A person who opposes the Department's decision on issuance, renewal or amendment of a license has the burden of proof.

(e) For the purposes of this section, "adjudicated proceeding" means a final unappealed order of the Department or a final order of the EHB or other court of competent jurisdiction.

§ 86.356. License renewal requirements.

(a) A person licensed as a mine operator shall renew the license annually according to the schedule established by the Department.

(b) The application for renewal shall be made at least 60 days before the current license expires.

(c) If the Department intends not to renew a license of any person who mines coal by the surface mining method, the Department will notify the licensee a minimum of 60 days prior to expiration of the license. Nothing in this section prevents the Department from not renewing the

license for violations occurring or continuing within this 60-day period if the Department provides an opportunity for an informal conference.

§ 86.357. Informal conference.

(a) If the applicant requests an informal conference, the applicant shall, within 15 days of receipt of notice under § 86.355(c) (relating to criteria for approval of application), request, in writing, that the Department hold an informal conference to provide the applicant with an opportunity to informally discuss the Department's intention not to issue, renew or amend the license.

(b) If the applicant requests an informal conference under this section, the license shall remain in effect until the Department has made its decision after the informal conference.

§ 86.358. Suspension and revocation.

(a) The Department may suspend or revoke a license for the following reasons:

- (1) Failure to comply with an order of the Department for which a supersedeas has not been granted.
- (2) Failure to comply with the conditions of a permit.
- (3) Failure to comply with the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1391.1—1396.19a) or the regulations thereunder.
- (4) Failure to maintain public liability insurance.

(b) If the Department intends to revoke or suspend a license, it will provide an opportunity for an informal conference before suspending or revoking a license. The Department will notify the licensee of its intent to revoke or suspend a license and of the opportunity for an informal conference at least 15 days prior to revoking or suspending the license, unless the Department determines that a shorter period is in the public interest.

§ 86.359. Fees.

(a) The application for licensure or renewal of licensure shall be accompanied by a fee of \$50 in the case of persons mining 2,000 tons or less of marketable coal per year, a fee of \$500 in the case of persons mining more than 2,000 or up to 300,000 tons of marketable coal per year and a fee of \$1,000 for all others.

(b) A fee may be refunded at the applicant's request if the application is withdrawn prior to the Department deciding to issue or deny the license. Once the Department notifies the applicant of its final decision concerning issuance or denial of a license or renewal, the fee is not refundable.

CHAPTER 87. SURFACE MINING OF COAL

Subchapter B. (Reserved)

§§ 87.11—87.21 (Reserved).

Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 87.102. Hydrologic balance: effluent standards.

* * * * *

(e) *Postmining pollutional discharges.*

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c), (d) or (f). The discharger shall also take whatever measures are necessary and

available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c) or (f). If the untreated discharge can be adequately treated using a passive treatment system, paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (a), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In addition to achieving the effluent requirements of paragraphs (2) and (3), the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(5) The passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with this title, including Chapters 91—93, 95, 97, 101 and 102.

CHAPTER 88. ANTHRACITE COAL**Subchapter B. SURFACE ANTHRACITE COAL
MINES: MINIMUM ENVIRONMENTAL
PROTECTION PERFORMANCE STANDARDS****§ 88.92. Hydrologic balance: effluent standards.**

* * * * *

(e) Postmining pollutional discharges.

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including any modifications authorized or required under subsection (c), (d) or (f). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c) or (f). If the untreated discharge can be adequately treated using a passive treatment system, paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (a), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In addition to achieving the effluent requirements of paragraphs (2) and (3), the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(5) The passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with Chapters 91—93, 95, 97, 101 and 102.

**Subchapter C. ANTHRACITE BANK REMOVAL
AND RECLAMATION: MINIMUM
ENVIRONMENTAL PROTECTION PERFORMANCE
STANDARDS****§ 88.187. Hydrologic balance.**

* * * * *

(e) Postmining pollutional discharges.

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including any modifications authorized or required under subsection (c), (d) or (f). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c) or (f). If the untreated discharge can be adequately treated using a passive treatment system, paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (a), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In addition to achieving the effluent requirements of paragraphs (2) and (3), the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(5) The passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with Chapters 91—93, 95, 97, 101 and 102.

Subchapter D. ANTHRACITE REFUSE DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.292. Hydrologic balance: effluent standards.

* * * * *

(e) *Postmining pollutional discharges.*

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c), (d) or (f). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c) or (f). If the untreated discharge can be adequately treated using a passive treatment system, paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (a), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In addition to achieving the effluent requirements of paragraphs (2) and (3), the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(5) The passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with this title, including Chapters 91—93, 95, 97, 101 and 102.

CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

Subchapter B. OPERATIONS

§ 89.52. Water quality standards, effluent limitations and best management practices.

* * * * *

(f) *Postmining pollutional discharges.*

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (e), (g) or (h). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (c), including modifications authorized or required under subsection (e) or (h). If the untreated discharge can be adequately treated using a passive treatment system, paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (c), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In addition to achieving the effluent requirements of paragraphs (2) and (3), the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(5) The passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

(g) *Single facilities for sediment and erosion control.* If a single facility is used for sediment and erosion control facilities and treatment facilities covered by this section, the concentration of each pollutant in the combined discharge may not exceed the most stringent limitations for that pollutant applicable to a component waste stream of the discharge.

(h) *Additional requirements.* In addition to the requirements of subsections (c)—(g), the discharge of water from the permit area shall comply with this title, including Chapters 91—93, 95, 97, 101 and 102.

(i) *Responsibility.* The permittee is permanently responsible for discharges which are encountered or are affected by or connected with the mining or reclamation activities.

(j) *Exemption.* The Department may grant an exemption to subsection (b) only if the person who conducts the operation demonstrates, and the Department finds, in writing, that:

(1) Sedimentation ponds or treatment facilities are not needed to achieve the effluent limitations in subsections (c)—(f) and the water quality standards in Chapter 93.

(2) There is no mixture of surface runoff with drainage from underground mine workings.

(3) The disturbed area is small for drainage from areas affected by surface facilities.

CHAPTER 90. COAL REFUSE DISPOSAL

Subchapter D. PERFORMANCE STANDARDS FOR COAL REFUSE DISPOSAL

§ 90.102. Hydrologic balance: water quality standards, effluent limitations and best management practices.

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(e) *Postmining pollutional discharges.*

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c), (d) or (f). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (c) or (f). If the untreated discharge can be adequately treated using a passive treatment system, paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (a), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In addition to achieving the effluent requirements of paragraphs (2) and (3), the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(5) The passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

(f) *Additional requirements.* In addition to the requirements of subsections (a)—(e), the discharge of water from coal refuse disposal activities shall comply with this title, including Chapters 91—93, 95, 97, 101 and 102.

(g) *Abatement plan.* If water from a coal refuse disposal area is discharged into a mine for treatment with the drainage from the mine, that mine may not be closed or sealed until an approval for the abatement of the discharges from the coal refuse disposal area is granted by the Department. The abatement plan, including necessary permit applications, shall be submitted to the Department at least 18 months prior to the anticipated closure date of the mine to assure that necessary facilities and measures will be implemented prior to the mine closure or sealing.

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