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PENNSYLVANIA BULLETIN

Volume 27
Saturday, May 10, 1997 • Harrisburg, Pa.
Number 19
Pages 2277—2402

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Environmental Quality Board
Underground Mining—
Mine Subsidence Control

See Part III page 2379 for the
Environmental Quality Board
Mine Subsidence Control,
Subsidence Damage Repair
and Water Supply Replacement

Part I

Agencies in this issue:

The Courts
Board of Pardons
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of General Services
Environmental Hearing Board
Environmental Quality Board
Fish and Boat Commission
Human Relations Commission
Insurance Department
Pennsylvania Public Utility Commission
State Ethics Commission
Turnpike Commission

Detailed list of contents appears inside.

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

No. 270, May 1997

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BULLETIN

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Pennsylvania Bulletin

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

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

SUBSCRIPTION INFORMATION: (717) 766-0211
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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.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

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Mine Subsidence Control

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Replacement

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

INTEREST ON LAWYERS TRUST ACCOUNT BOARD [204 PA. CODE CH. 81] Regulations of IOLTA

These regulations are to be read and applied in connection with the Pennsylvania Rules of Professional Conduct. Nothing in these regulations shall be construed to relieve a lawyer of any provision of the Pennsylvania Rules of Professional Conduct. Where these regulations contain directives pertaining to the Interest on Lawyers Trust Account program which are more specific than those set forth in the Pennsylvania Rules of Professional Conduct, the provisions of these regulations shall control.

The Pennsylvania Interest on Lawyers
Trust Account Board
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Harrisburg, PA 17108-1025
(717) 238-2001 Telephone
(717) 238-2003 Fax

QUESTIONS AND ANSWERS CONCERNING PENNSYLVANIA IOLTA

Statement of Purpose

The following is a representation of the questions most frequently asked of the Pennsylvania Interest on Lawyers Trust Account Board (the "IOLTA Board") and the answers given. Some of the answers paraphrase the actual Rules of Professional Conduct or Regulations of the IOLTA Board. Reference should be made to the Rules and to the Regulations when appropriate.

What is the Basic Concept of IOLTA?

Clients and others frequently transfer monies to lawyers to hold. When the amount is large or if the funds will be held for an extended period of time, lawyers invest them for the benefit of the owner. But when the funds are small or expected to be held for a short time, they cannot practically be invested to benefit the owner of the funds. These funds are "qualified funds."

Rule 1.15 of the Pennsylvania Rules of Professional Conduct, as amended on July 17, 1996, created a mandatory IOLTA program which requires lawyers to pool nominal and short term funds in interest-bearing IOLTA accounts. The result is that funds that would otherwise earn no interest can be put to constructive use.

The lawyer's bank transfers the interest earned on IOLTA accounts, no less frequently than quarterly, to the IOLTA Board. The Board distributes the IOLTA funds for the delivery of civil legal assistance to the poor and disadvantaged, educational legal clinical programs and internships administered by law schools, the administration of justice, and for the administration and development of the IOLTA program.

How do lawyers comply with the IOLTA requirements of Rule 1.15?

An "Enrollment Form for Lawyers and Law Firms" can be used to direct the financial institution to open or

convert all of the lawyer's pooled fiduciary trust accounts to interest-bearing IOLTA accounts. Submit the second copy of the enrollment form, along with a list of all the lawyers who use the IOLTA accounts in the regular course of their practice, to the IOLTA Board.

On an annual basis as part of the licensing process, lawyers are required to certify compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of beneficial owners and others and the maintenance of their IOLTA accounts.

What will happen if a lawyer does not comply with Rule 1.15?

If a lawyer does not comply with the requirements outlined in Rule 1.15 of the Pennsylvania Rules of Professional Conduct, he or she will be subject to the same disciplinary penalties as any lawyer who does not comply with any of the other requirements for the practice of law in Pennsylvania.

Are any exemptions from IOLTA participation allowed?

Yes, but only upon exemption granted by the IOLTA Board. Write to the IOLTA Board if you believe any of the permitted exemptions apply. Exemptions will be granted if:

(A) the nature of the lawyer's practice does not require the routine maintenance of a trust account in Pennsylvania.

(B) the establishment of an IOLTA account would work an undue hardship on the lawyer or would be extremely impractical, such as the absence of an approved financial institution in the lawyer's geographical area; or

(C) the lawyer's historical annual trust account experience, based on information from the depository institution in which the lawyer deposits trust funds, demonstrates the service charges on the IOLTA account would significantly and routinely exceed any interest generated.

What fiduciary funds are qualified to be placed in IOLTA accounts?

Qualified funds are fiduciary monies received by a lawyer that in the good faith judgment of the lawyer, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of administering a segregated account.

A lawyer will not be liable for damages or held to have breached any fiduciary duty or responsibility because monies are deposited in an IOLTA account pursuant to the lawyer's judgment in good faith that the monies deposited were qualified funds for deposit in an IOLTA account.

Who pays taxes on the interest income earned on IOLTA accounts?

Nobody. The Internal Revenue Service (IRS) has ruled that there are no tax consequences to the beneficial owner, the lawyer or the IOLTA Board. Also, there is no IRS reporting requirement for the lawyer, financial institution or beneficial owner since all IOLTA accounts will use the Tax Identification Number of the IOLTA Board.

May lawyers still open a separate account for beneficial owners' funds?

Certainly. In the past, lawyers have soundly exercised their discretion in determining whether a given trust deposit was of sufficient size or duration to justify its placement in a separate interest-bearing account, with the interest payable to the owner. Rule 1.15 does not affect the lawyer's discretion in this matter. Indeed, the Rule amendment requires lawyers to decide whether a separate interest-bearing account should be established to benefit the beneficial owner of the funds.

How does the IOLTA program affect financial institutions?

Financial institutions are not mandated to participate in IOLTA. However, financial institutions that wish to be depositories into which lawyers can deposit fiduciary funds, must be approved by the Supreme Court of Pennsylvania. A list of approved financial institutions can be obtained from the IOLTA Board. It is anticipated that all approved financial institutions will offer IOLTA accounts.

IOLTA accounts are interest-bearing checking accounts with interest paid at no less than the financial institution's rate paid on negotiable order of withdrawal (NOW) or super-negotiable order of withdrawal (Super NOW) accounts. The financial institutions remit the interest at least quarterly to the IOLTA Board. The financial institutions must also notify the lawyer of the service charges or fees deducted, and the amount remitted from the lawyer's IOLTA account.

Where do IOLTA funds go?

Interest earned on IOLTA accounts may be used only for the following purposes:

- (1) delivery of civil legal assistance to the poor and disadvantaged;
- (2) educational legal clinical programs and internships administered by law schools;
- (3) the administration of justice; and
- (4) the administration and development of the IOLTA program.

All disbursements and allocations of IOLTA funds are subject to the prior approval of the Supreme Court of Pennsylvania.

Who is the IOLTA Board?

The IOLTA Board is the Pennsylvania Interest on Lawyers Trust Account Board composed of nine members appointed by the Supreme Court of Pennsylvania. The members are selected exclusively from a list provided to the Court by the Pennsylvania Bar Association. Three names are submitted on the list for each vacancy on the IOLTA Board.

What if a lawyer mistakenly deposits funds which are not qualified funds into an IOLTA account?

As long as the lawyer used good faith judgment, the lawyer will not be liable for placing non-qualified funds into an IOLTA account.

May all lawyers in a law firm use the same IOLTA account?

Yes. If a law firm established an IOLTA account, each lawyer who deposits all qualified funds in that account will be deemed to comply with IOLTA. This account must

be set up according to IOLTA regulations. However, each lawyer is ultimately responsible to ensure that he or she is in compliance with IOLTA.

Can a lawyer deposit qualified funds into a credit union or brokerage account?

Generally no. Most IOLTA accounts, if maintained at credit unions and brokerages, would not be insured. Since all IOLTA accounts must be insured, only those approved depository institutions which insure IOLTA accounts can be used as depositories for qualified funds.

What if a lawyer only practices law for part of the year?

The lawyer must comply with the IOLTA rules, even if he or she only practices law for part of the year.

What types of legal employment are excluded from IOLTA?

A lawyer whose employment does not result in the handling of fiduciary funds will generally be excluded from IOLTA. Examples include corporate or governmental lawyers, judges, and law school professors as long as they do not maintain a private practice.

What are some factors which should be used to determine whether funds are qualified funds?

Factors which can be used to determine which funds are qualified funds include: (1) the cost to the lawyer of establishing and maintaining account(s) benefiting beneficial owners; (2) the depository institution service charges; (3) the minimum deposit requirements; (4) the accounting fees; (5) the tax reporting requirements; (6) the nature of the transaction(s) or proceedings(s) involved; and (7) the likelihood of delay in the relevant transaction(s) or proceeding(s).

Is a lawyer responsible for establishing interest-bearing accounts for funds held for non-legal services provided by the lawyer?

If lawyer-provided non-legal services are not distinct from legal services offered, then the lawyer must place all funds held in a fiduciary capacity in interest-bearing accounts, regardless of whether the funds resulted from legal or non-legal services.

What happens if a lawyer violates the rules of IOLTA?

The Board will refer to the Office of Disciplinary Counsel the names of attorneys who do not comply with IOLTA.

Who pays the service charges for IOLTA accounts?

Account service charges on an IOLTA account will be paid by offsetting the service charges against interest earned on that account. If service charges exceed the interest earned, then the excess service charge will be offset against interest earned on other IOLTA accounts maintained at the same depository institution. Bank charges pertaining to the lawyer's practice (e.g. check printing charges, overdraft charges, charges for temporary extensions of credit, etc.) and costs billable to others (e.g. overdraft charges on deposited items, certified checks, wire transfers, etc.), will be the responsibility of the lawyer.

How can I find out more about IOLTA?

For additional information concerning IOLTA, contact the office of the IOLTA Board by calling (717) 238-2001. The Board's fax number is (717) 238-2003.

Annex A

TITLE 204. JUDICIAL SYSTEM

GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. PROFESSIONAL CONDUCT

Subchapter B. RULES FOR INTEREST ON LAWYERS TRUST ACCOUNTS

Preamble: Statement of Purpose

Rule 1.15 of the Pennsylvania Rules of Professional Conduct ("Pa.R.P.C.") has, since the adoption of the Rules of Professional Conduct, required lawyers to segregate property of beneficial owners from the lawyer's own property, and by extension, not to profit by use of property belonging to beneficial owners. This provision of the Pa.R.P.C. is for the protection of beneficial owners, designed to ensure the ethical conduct of lawyers, and may not be waived by the beneficial owner. Recent amendments to Pa.R.P.C. 1.15 mandate the maintenance of IOLTA accounts for certain funds received by a lawyer in a fiduciary capacity. IOLTA generates income where formerly there was none; this income will aid the citizens of the Commonwealth of Pennsylvania by improving access to the civil legal system by those who otherwise could not afford legal representation, improving the legal educational system in Pennsylvania via funding for legal clinical programs and internships, and assisting in the general administration of justice in Pennsylvania.

Section 1. Definitions.

The following words and phrases when used in these regulations shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Beneficial Owner—The client or third party whose funds are in the custody of a lawyer.

Board—The Pennsylvania Interest on Lawyer Trust Account Board.

Depository institution—A financial institution approved by the Supreme Court of Pennsylvania pursuant to Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."). Generally, a depository institution will be a bank, bank and trust company, savings and loan association, savings bank or foreign banking institution authorized to do business in the Commonwealth of Pennsylvania, whose deposits are insured by the Federal Deposit Insurance Corporation or an alternate share insurer, and who has been specifically approved as a financial institution within the meaning of Pa.R.D.E. 221.

Fiduciary account—Any account maintained in a financial institution in which or with respect to which a lawyer holds the funds of a beneficial owner, including, but not limited to an IOLTA account, in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or as an escrow agent or other fiduciary, having been selected as a result of a client-lawyer relationship.

Fiduciary capacity—In a representative capacity; not beneficially owned by the holder thereof.

Fiduciary funds—Funds received by a lawyer in a fiduciary capacity from or on behalf of a beneficial owner.

Good faith—Honesty in fact in the conduct or transaction concerned.

Interest on Lawyer Trust Account or IOLTA Account—An unsegregated interest-bearing checking account with a depository institution for the deposit of qualified funds by a lawyer.

Lawyer—A member in good standing of the bar of the Supreme Court of Pennsylvania, who is not an active or senior member of the judiciary. The term "lawyer" also includes a partnership of lawyers, a professional association of lawyers, and a professional corporation or other organization whose members or shareholders are engaged in the practice of law.

Member of the Judiciary—An individual who has been admitted to the Pennsylvania Bar and who has been appointed or elected and is serving as a judicial official of any state or of the United States of America and whose position prohibits the individual from the practice of law within the territorial jurisdiction when the individual serves as a judge. This term shall not include a lawyer who is permitted to and who voluntarily chooses to maintain active lawyer status in Pennsylvania so long as the judicial position does not prevent him or her from practicing law in Pennsylvania.

Qualified Funds—Funds, whether cash, check, money order, or other negotiable instrument received by a lawyer in a fiduciary capacity which, in the good faith judgment of the lawyer, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of administering a segregated account. Qualified funds include funds received by a lawyer, as a lawyer, from any person.

Regulations—These regulations adopted by the Board, and approved by the Supreme Court of Pennsylvania, as they may be amended from time to time.

Section 2. Scope.

(a) All lawyers who maintain a place of practice in the Commonwealth of Pennsylvania and who handle fiduciary funds must comply with Pa. R.P.C. 1.15(d) unless and to the extent an exemption is granted pursuant to Pa.R.P.C. 1.15(e) and Section 6 of these regulations.

(b) Each lawyer must register his or her IOLTA account with the Disciplinary Board of the Supreme Court of Pennsylvania annually.

Section 3. Lawyers.

(a) A lawyer shall comply with these regulations and participate in IOLTA if the lawyer is actively licensed and meets one or both of the requirements set forth in (i) or (ii) of this Section 3(a):

(i) Practices law in Pennsylvania: The lawyer practices law from an office within the Commonwealth of Pennsylvania. If a lawyer primarily practices outside of Pennsylvania but also has an office within the Commonwealth, then the lawyer must maintain qualified funds generated in Pennsylvania within the Commonwealth unless an exemption is granted.

(ii) Maintains a fiduciary account for the practice of law: The lawyer holds funds of a beneficial owner in connection with his or her professional practice. If the lawyer provides services of a non-legal nature which are not distinct from his or her legal services, then the lawyer must maintain funds received in connection with non-legal services as fiduciary funds.

Nothing herein shall be construed to require a lawyer who does not receive funds of a beneficial owner to maintain an IOLTA account.

(b) Law Firm Compliance: A lawyer may use an IOLTA in common with other lawyers in his or her firm, whether organized as a partnership, professional association, professional corporation, limited liability company or partnership, or other form of organization. However, each lawyer has an individual duty to comply with Pa.R.P.C. and these regulations.

(i) A law firm may register its IOLTA account and submit a list of all lawyers in the firm who use the IOLTA account for the maintenance of all qualified funds entrusted to the attorney. Each lawyer using the IOLTA account for the deposit of all qualified funds entrusted to him or her will be in compliance with IOLTA.

(c) Newly admitted lawyer: A lawyer newly admitted to the bar of the Supreme Court of Pennsylvania must comply with these regulations within sixty (60) days of admission to the bar.

(d) Change of employment: A lawyer who changes employment status must comply with these regulations within sixty (60) days of the change, unless the lawyer no longer meets the requirements of subsections (a)(i)—(ii) of this Section 3.

(e) Subsequent eligibility: Any lawyer not having met the requirements of subsections (a)(i)—(ii) of this Section 3, who subsequently meets the requirements of subsections (a)(i)—(ii) must comply with these regulations within sixty (60) days of subsequent eligibility.

Section 4. Fiduciary Funds.

(a) Fiduciary funds are funds received by a lawyer in a fiduciary capacity from or on behalf of a beneficial owner. Pa.R.P.C. 1.15 requires the lawyer to maintain funds of a beneficial owner separate from the lawyer's own property, and to safeguard the funds appropriately. A lawyer may not personally profit from fiduciary funds. Fiduciary funds subject to these regulations arise from the practice of law or from an activity described in Pa.R.P.C. 5.7.

(i) Arising from the practice of law: Fiduciary funds subject to these regulations are generated in connection with the lawyer's professional practice. Pa.R.P.C. 5.7 provides that all non-legal services which are not distinct from legal services are subject to Pa.R.P.C. Funds received in connection with non-legal services described in Pa.R.P.C. 5.7(a) are subject to Pa.R.P.C. 1.15(d). Factors which should be used to determine whether non-legal services are distinct from legal services include:

(1) whether funds received in connection with the non-legal services are maintained completely separate from funds received in connection with legal services;

(2) whether the attorney has advised the beneficial owner in clear, unambiguous terms that the attorney is acting in a non-legal capacity, and holding funds in a capacity other than as an attorney;

(3) whether the beneficial owner can reasonably expect to have the protection of the client-lawyer relationship cover the entire matter;

(4) whether the lawyer performs both legal and non-legal services from the same office; and

(5) whether the lawyer uses different letterhead in connection with legal and non-legal services.

(ii) Not arising from the practice of law: Some funds handled routinely by a lawyer, such as title insurance premiums or loan proceeds of a beneficial owner received by the lawyer in a non-lawyer capacity for immediate disbursement are not fiduciary funds, so long as the lawyer discharges his or her duty under Pa.R.P.C. 5.7 and

distinguishes funds received in a non-lawyer capacity from those received in the lawyer's capacity as such.

(b) Subaccounting refers to a process whereby fiduciary funds are segregated by the lawyer or the lawyer's depository institution by beneficial owner, and interest on each subaccount is separately calculated, reported, and paid to the beneficial owner. Subaccounting attributes all of the interest earned on the fiduciary account to the beneficial owners.

(i) Nothing in these regulations shall be construed to prohibit a lawyer from maintaining and administering a separate subaccount for each beneficial owner from whom fiduciary funds are received.

(ii) A lawyer who directly maintains a subaccounting system for fiduciary funds must comply not only with Pa.R.P.C. regarding such funds, but must also comply with applicable laws and regulations of the United States and of the Internal Revenue Service in particular.

(iii) Nothing in these regulations shall be construed to prohibit a lawyer from delegating to a depository institution the responsibility for maintaining and administering a separate subaccount for each beneficial owner from whom the lawyer receives fiduciary funds.

(c) Qualified funds: The lawyer should apply an economic benefits test to determine whether fiduciary funds are qualified funds. Fiduciary funds are not qualified funds if the lawyer will hold the funds for such a length of time, or if the fiduciary funds are of sufficient amount that the interest generated on the funds will exceed the cost of administering a segregated account for the benefit of the beneficial owner.

(i) Law firm compliance v. lawyer responsibility: A lawyer who is an employee or member of a law firm that maintains an approved IOLTA account is presumed to be in compliance with IOLTA regulations when the lawyer uses only the law firm approved IOLTA account for the deposit of all qualified funds entrusted to him or her. However, the lawyer is ultimately responsible to assure that he or she is in compliance with Pa. R.P.C. 1.15 and these regulations.

(ii) Good faith judgment: A lawyer must use good faith judgment in determining whether fiduciary funds are qualified funds. A lawyer will not be liable for damages or be held to have breached a fiduciary duty because of funds deposited into an IOLTA account pursuant to the lawyer's judgment in good faith that the funds were qualified funds.

(iii) Nominal fiduciary funds: Funds that when considered alone are not large enough to earn interest for the beneficial owner thereof are qualified funds.

(iv) Funds held for a short time: Funds which are not expected to be held for sufficient time to provide interest for the beneficial owner are qualified funds.

(v) Factors which should be used to determine whether funds can reasonably be expected to generate interest for the beneficial owner include:

(1) the cost to the lawyer of establishing and maintaining account(s) benefitting beneficial owners;

(2) the account and bank service charges of the depository institution in which the account is maintained;

(3) the minimum deposit requirements of the depository institution in which the account is maintained;

(4) accounting fees incurred in connection with the funds;

(5) tax reporting requirement costs incurred in connection with the funds;

(6) the nature of the transaction(s) or proceeding(s) involved; and

(7) the likelihood of delay in the relevant transaction(s) or proceeding(s).

(d) Generally, a pooled fiduciary account which has a daily average balance of less than \$3,500 will be exempt from IOLTA.

(e) Examples of fiduciary funds and qualified funds:

(i) Estates, trusts, guardianships, etc.: Not all fiduciary funds are qualified funds. Generally speaking, fiduciary funds held by a lawyer as a personal representative, trustee, guardian, attorney-in-fact or the like will not be qualified funds because the funds will either be in such an amount or held for such a period of time that interest generated on the funds will justify the expense of administering a segregated account.

(ii) Conveying accounts/real estate closings: Funds generated from real estate closings may be qualified funds, depending on whom the lawyer represents and whether the funds are nominal or held for a short period of time. Generally, these funds are held for a short period of time and are not expected to provide interest for the beneficial owner.

(iii) Advanced costs, fees, and refundable retainer accounts: Such advances are qualified funds when they are nominal or held for a short period of time, and will remain qualified funds until earned/expended by the lawyer and thereby removed from the IOLTA account.

(iv) Proceeds from dispute settlements/lawsuits: Generally settlement funds are qualified funds if the settlement proceeds are nominal or held for a short period of time. If settlement proceeds are not qualified funds, they must be placed in interest-bearing status for the beneficial owner of the funds.

Section 5. Approved Depository Institutions.

The Supreme Court of Pennsylvania, pursuant to Pa.R.D.E. 221 publishes a list of approved depository institutions. All lawyers must deposit fiduciary funds in an account with an approved depository institution, unless the funds are not qualified funds and an agreement exists between the beneficial owner and the lawyer to use another investment vehicle. Any interest earned under the IOLTA program must be remitted to the Board at least every quarter. Moreover, each depository institution must send a report to the Board as well as to the lawyer showing the interest and account service charges concerning the IOLTA account.

(a) Depository institutions without IOLTA accounts: All qualified funds must be deposited into an approved depository institution which offers IOLTA accounts.

(b) Acceptable account title: The lawyer must specifically identify an IOLTA account with the words "IOLTA Trust Account" or "IOLTA Escrow Account" and the name of the lawyer or the law firm who maintains the account in the main title of the account.

(c) Acceptable title on checks/deposit slips: The word "IOLTA" need not be placed on checks or deposit slips.

(d) Interest rates: The rate of interest payable on an IOLTA account shall not be less than the rate paid by the depository institution on negotiable order of withdrawal accounts (NOW) or super negotiable order of withdrawal (Super NOW) accounts.

(e) Credit unions: IOLTA accounts maintained in credit unions are generally not insured. Therefore, IOLTA accounts must not be established in a credit union unless only funds of members of the credit union are deposited into the account.

Section 6. Exclusion and Exemptions from IOLTA Participation.

Certain lawyers, because of their employment, are excluded from Pa.R.P.C. 1.15. A lawyer who does not receive funds of a beneficial owner is excluded from IOLTA. Examples include lawyers employed full time in a corporate capacity, by local, state or federal government, as a law clerk, professor, or as a member of the judiciary. A lawyer who does not have an office in Pennsylvania, does not maintain fiduciary funds in depository institutions in the Commonwealth, and who is not otherwise required to maintain fiduciary funds in the Commonwealth is excluded from Pa.R.P.C. 1.15. A lawyer who is retired or no longer practices law need not maintain an IOLTA account.

Pa.R.P.C. 1.15(e) permits limited exemptions from the requirements of Pa.R.P.C. 1.15(d). No exemption is automatic, although exemptions will be routinely granted under specified circumstances. The Board may declare a lawyer exempt from the requirement of maintaining an IOLTA account; alternatively, a lawyer may submit a written request for exemption. Exemptions may be granted only with respect to the maintenance of an IOLTA account for qualified funds; no other exemptions from Pa.R.P.C. 1.15(d) will be granted.

(a) Low balance account: Any pooled fiduciary account which historically, generally based upon 12 consecutive months of activity, has an average daily balance of Three Thousand Five Hundred (\$3,500) Dollars or less will be exempt from being an IOLTA account. The Board may exempt from IOLTA, without application, a low balance account. A lawyer requesting an exemption based on a low balance account must, as a part of the written request for exemption, include an account analysis or written statement that demonstrates the amount of the average daily balance.

(b) Account service charges routinely exceed interest: Some fiduciary accounts may have an average daily balance of more than \$3,500, but because of the account service charges or the interest rates of the depository institution, the charges will exceed interest earned on the account. In these cases, an exemption may be requested. A lawyer requesting an exemption based on these circumstances must, as part of the written request for exemption, include an account analysis or written statement that clearly shows the interest earned, or the interest that would have been earned, on the account each month for the past 12 months, plus the account service charges imposed on the account for each of the last 12 months.

(c) Extreme impracticality: Under limited circumstances it would be unduly burdensome for a lawyer to maintain an IOLTA account. When claiming undue hardship, the lawyer should provide appropriate details demonstrating undue hardship. An example includes the lack of an approved depository institution that offers IOLTA accounts in the lawyer's geographical location.

(d) Interest waived by beneficial owner: An exemption from IOLTA will not be granted based on an agreement between a lawyer and beneficial owner purportedly waiving the beneficial owner's right to interest or granting the lawyer the power to direct interest earned on fiduciary accounts to the lawyer or to another person of the

lawyer's choice. A beneficial owner may direct the lawyer to remit interest earned on fiduciary funds of that beneficial owner to a third party of the beneficial owner's choice, but interest earned under these circumstances would not be considered earned on qualified funds, and would create tax reporting responsibilities on the part of the lawyer.

(e) Other compelling and necessitous reasons: A lawyer who demonstrates a compelling and necessitous reason for not complying with IOLTA may request an exemption.

Lawyers exempt from maintenance of an IOLTA account are reminded that all other provisions of Pa.R.P.C. regarding property of beneficial owners, as well as all provisions of Pa. R.D.E. remain applicable to the lawyer.

Section 7. Requests for Reconsideration.

(a) If the Board denies a lawyer's request for an exemption from maintenance of an IOLTA account, the lawyer may, within 30 days of written notice of denial from the Board, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail additional facts, if any, not brought before the Board in the request for exemption, as well as the reasons, if any, why an exemption should be granted.

(b) If the Board has determined that a lawyer is exempt from the requirement of maintaining an IOLTA account, the lawyer may, within 30 days of written notice from the Board that the lawyer is exempt, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail facts, if any, why the lawyer should maintain an IOLTA account, and the manner, if any, in which the Board and the purposes of the IOLTA program will be furthered by the lawyer's maintenance of an IOLTA account.

(c) Notice shall be deemed to have been given to a lawyer under the provisions of subsections (a) and (b) of this Section 7 upon the deposit by the Board, postage prepaid, with the United States Postal Service of its written determination regarding the exemption, if any, of the lawyer from IOLTA.

(d) The Board may form a committee to determine exemptions from IOLTA or to reconsider exemption denials or determinations.

Section 8. Annual Certification of Compliance with Pa.R.P.C. 1.15.

On or before July 1 of each year, each lawyer who is required by Pa.R.D.E 219 to pay an annual fee must also file with the Administrative Office a signed statement on the prescribed form stating his or her familiarity and compliance with Pa.R.P.C. 1.15 of the Pennsylvania Rules of Professional Conduct in regards to handling funds, maintaining IOLTA accounts and Pa.R.D.E. 221.

(a) Generally: This statement should include:

- (i) The name of the account;
- (ii) The account number of each account;
- (iii) The identification of all IOLTA accounts and IOLTA-exempted accounts; and;
- (iv) A certification as follows:

[1996-1997 language] "I am familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others. I certify that all fiduciary accounts that I maintain in Pennsylvania are in financial institutions that have been approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pa.R.D.E. 221 (relating to mandatory overdraft notification). I further certify the information provided is true. If any statements are false, I realize I am subject to discipline by the Supreme Court."

[1997-1998 language] "I am familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA accounts and with Rule 221 Pa.R.D.E. regarding the mandatory reporting of overdraft on fiduciary accounts. I further certify the information provided is true. If any statements are false, I realize I am subject to discipline by the Supreme Court."

Section 9. Service Charges on IOLTA Accounts.

Depository institutions may impose reasonable service charges for the administration of IOLTA accounts. A depository institution may not deduct service charges from the principal balance in an IOLTA account.

(a) IOLTA account service charges: Depository institutions may assess reasonable service charges for IOLTA accounts. Such charges, as well as regular account maintenance fees and transaction charges, can be deducted against the total amount of interest to be paid on all IOLTA accounts maintained in that depository institution, (i.e., if IOLTA account of lawyer "A" earns \$8.00 in interest for the period and service charges are \$10.00 for the same period, the depository institution must report \$8.00 of interest earned and \$8.00 of service charges imposed against lawyer "A's" account interest. The remaining \$2.00 may be paid from interest accrued on other IOLTA accounts).

(b) Business costs: All costs associated with check printing, overdraft charges, charges for a temporary extension of credit and similar bank charges shall not be assessed against any accrued interest earned on an IOLTA account. The lawyer maintaining the account shall be responsible for these costs.

(c) Costs billable to others: All costs for services such as overdrafts on deposited items, stopped payments, certified checks, and wire transfers at the request of the lawyer or a beneficial owner shall not be assessed against interest earned on an IOLTA account. The lawyer or the beneficial owner shall be responsible for these costs.

Section 10. Violations.

The Board will refer to the Office of Disciplinary Counsel the name, address and circumstances surrounding any lawyer who, not being exempted from the maintenance of an IOLTA account, fails or refuses to comply with Pa.R.P.C. 1.15(d) and these regulations.

[Pa.B. Doc. No. 97-726. Filed for public inspection May 9, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 13—COMMERCE AND TRADE

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[13 PA. CODE CHS. 9, 11, 13, 41, 53 AND 71]

Repeal of 13 Pa. Code Chapters 9, 11, 13, 41, 53 and 71

The Department of Community and Economic Development (Department) under the authority of section 2501-B of The Administrative Code of 1929 (71 P. S. § 2501-B) deletes Chapters 9, 11, 13, 41, 53 and 71, which have become obsolete.

Introduction

In accordance with Executive Order 1996-1, the Department evaluated all of its existing regulations to determine if they are consistent with the general principles laid out in Executive Order 1996-1. During its initial review, the Department determined that Chapters 9, 11, 13, 41, 53 and 71 are obsolete, because the programs contained in these chapters have ceased operations. Rescinding these chapters from 13 Pa. Code is the first step in the evaluation process.

Analysis

Chapter 9 (Site Development). The Site Development Act (73 P. S. §§ 361—367) authorized the Department to make grants to eligible municipalities, municipal authorities, industrial development agencies or State agencies for the construction, rehabilitation, alteration, expansion or improvement of the following site development projects: water facilities, sewage collection lines, channel realignment, access roads and the acquisition of land and existing improvements located in distressed areas. The Site Development Act authorized the Secretary of the Department (Secretary) to promulgate regulations necessary to effectuate the activities under the act. The Infrastructure Development Act (73 P. S. §§ 393.21—393.33) repealed in its entirety the Site Development Act. For this reason, the Department is deleting Chapter 9.

Chapter 11 (Community Facilities). The Community Facilities Program (Program) was originally authorized and funded under section 101 of the Race Horse Industry Reform Act (4 P. S. § 325.101) and the predecessor act thereto. In 1983, the statutory provisions relating to the Program were repealed, but the General Assembly continued to fund the Program through an annual line-item appropriation to the Department. In the Department's effort to streamline and consolidate grant programs, the Program was eliminated. For this reason, the Department is deleting Chapter 11.

Chapter 13 (Site Recovery). The act of July 6, 1972 (P. L. 1989, No. 18-A) (Act 18-A) provided emergency and disaster relief in connection with the tropical storm and flood damage of June 1972. Under the authority of Act 18-A, the Executive Authorization of August 21, 1972, provided funds to the Department for emergency flood relief expenditures. The sole purpose of the site recovery program was to provide disaster assistance to industrial areas which were damaged by the flood. Eligible recipients had to apply for disaster assistance by October 1,

1973. Because the program ceased operations over 20 years ago, the Department is deleting Chapter 13.

Chapter 41 (Statistics and Information). The act of April 20, 1921 (P. L. 193, No. 108) (71 P. S. §§ 971—975) established within the Department a Bureau of Statistics whose function was to collect, compile and publish statistics and useful data and information relating to labor, coal mining, oil and gas production, manufacturing industries, commercial operations, public service companies, municipalities, maritime interest and other business in this Commonwealth. Because there no longer exists within the Department a Bureau of Statistics and the previously mentioned functions are not performed by any other office or bureau within the Department, the Department is deleting Chapter 41.

Chapter 53 (Nursing Home Loan Agency). The Nursing Home Loan Agency Law (62 P. S. §§ 1521.101—1521.501) created the Pennsylvania Nursing Home Loan Agency for the purpose of providing financial assistance in the form of a loan to nursing homes and personal care boarding homes to make safety improvements to bring them into compliance with State and Federal safety standards. The Secretary served as Chairperson of the Agency. Under the authority of the act, the Agency issues regulations establishing eligibility requirements. Since the Agency is no longer making loans, the Department is deleting Chapter 53.

Chapter 71 (Sunny Day). The act of July 1, 1985 (P. L. 120, No. 32) (71 P. S. §§ 3741.101—3741.205), known as the Sunny Day Fund Act, established the Sunny Day Fund (Fund). The moneys in the Fund were made available to the Governor and the Department for the purpose of attracting industrial, manufacturing or research and development enterprises to this Commonwealth. The Department promulgated statements of policy, under the authority of the Commerce Law, establishing eligibility requirements. The Job Enhancement Act (73 P. S. §§ 400.101—400.5107) repealed in its entirety the Sunny Day Fund Act. Therefore, the Department is deleting Chapter 71.

Fiscal Impact

(a) There will be no fiscal impact to the Commonwealth.

(b) There will be no fiscal impact to political subdivisions.

(c) There will be no fiscal impact to the public.

Paperwork

The rulemaking eliminates all paperwork requirements currently existing under the chapters being deleted.

Notice

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240)(45 P. S. § 1204(3)) (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are "in the circumstances impracticable, unnecessary, or contrary to the public interest." The proposed rulemaking procedures in this instance are impracticable and unnecessary because it eliminates obsolete regulations.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 26, 1997, the Department

submitted a copy of this rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House Business and Economic Development Committee and the Chairperson of the Senate Community and Economic Development Committee. On the same date, this rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committees on April 16, 1997. IRRC met on April 18, 1997, and approved the rulemaking.

Effective Date

These deletions will become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

A sunset date is not necessary, since this rulemaking deletes obsolete regulations and statements of policy.

Contact Person

For an explanation of this rulemaking contact Jill B. Busch, Deputy Chief Counsel, Office of Chief Counsel, 416 Forum Building, Harrisburg, PA 17120 (717) 783-8452.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable and unnecessary because this rulemaking eliminates obsolete regulations.

(2) Public notice of intention to adopt this rulemaking has been omitted under section 204 of the CDL and the regulation thereunder 1 Pa. Code § 7.4.

Order

The Department orders that:

(a) The regulations of the Department, 13 Pa. Code Chapters 9, 11, 13, 41, 53 and 71, are amended by deleting §§ 9.1—9.3, 9.11—9.13, 9.31—9.34, 9.51—9.55, 9.61—9.66, 11.1—11.3, 11.11—11.13, 11.31—11.34, 11.51—11.55, 11.61—11.66, 13.1—13.3, 13.11—13.14, 13.21—13.25, 13.31—13.34, 41.1, 41.2, 41.11—41.19, 53.1—53.4 and 71.1—71.6 to read as set forth in Annex A.

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

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

THOMAS B. HAGEN,
Secretary

Fiscal Note: 4-63. No fiscal impact; (8) recommends adoption.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2213 (May 3, 1997).)

Annex A

TITLE 13. COMMERCE AND TRADE

PART I. DEPARTMENT OF COMMERCE

CHAPTER 9. (Reserved)

CHAPTER 11. (Reserved)

CHAPTER 13. (Reserved)

CHAPTER 41. (Reserved)

CHAPTER 53. (Reserved)

CHAPTER 71. (Reserved)

[Pa.B. Doc. No. 97-727. Filed for public inspection May 9, 1997, 9:00 a.m.]

Title 37—LAW

BOARD OF PARDONS

[37 PA. CODE CH. 81]

[Correction]

General Provisions

A typographical error occurred in the name of the Secretary of the Board of Pardons in the document which appeared at 27 Pa.B. 1929, 1932 (April 19, 1997). The correct spelling of the name of the Secretary is Nelson R. Zullinger.

[Pa.B. Doc. No. 97-589. Filed for public inspection April 18, 1997, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 29, 1997.

BANKING INSTITUTIONS

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 4-22-97 | PeoplesBank, A Codorus Valley Company Glen Rock York County | 2701 Eastern Blvd. York Springettsbury Twp. York County | Opened |
| 4-25-97 | Fulton Bank Lancaster Lancaster County | Garden Spot Village Retirement Community 433 S. Kinzer Avenue New Holland Earl Township Lancaster County | Approved |
| 4-28-97 | Wilmington Trust of Pennsylvania West Chester Chester County | 402 Lancaster Ave. Haverford Montgomery County | Approved |
| 4-28-97 | Wilmington Trust of Pennsylvania West Chester Chester County | One Liberty Place 1650 Market St., 51st Flr. Philadelphia Philadelphia County | Approved |
| 4-28-97 | Northwest Savings Bank Warren Warren County | 104 East Main Street Lock Haven Clinton County | Filed |
| 4-28-97 | Union Bank and Trust Company Pottsville Schuylkill County | Weis Supermarket Rte. 61 and St. Clair Ave. Pottsville Schuylkill County | Filed |

Branch Consolidations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 3-10-97 | Jefferson Bank Haverford Montgomery County | <i>To:</i> Old York Road and Washington Lane Jenkintown Montgomery County <i>From:</i> 616 Old York Road Jenkintown Montgomery County | Effective |
| 3-10-97 | Jefferson Bank Haverford Montgomery County | <i>To:</i> 401 City Line Ave. Bala Cynwyd Montgomery County <i>From:</i> 100 Presidential Blvd., North Bala Cynwyd Montgomery County | Effective |

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 4-28-97 | Penn Security Bank & Trust Company Scranton Lackawanna County | <i>To:</i> Corner of Sanderson Ave. and E. Market St. Scranton Lackawanna County | Approved |

NOTICES

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---------------------|--|---------------|
| | | <i>From:</i> E. Market St. and Boulevard Ave. Scranton Lackawanna County | |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 4-25-97 | Summit Bank Bethlehem Northampton County | Valmont Plaza 270 Susquehanna Blvd. West Hazleton Luzerne County | Approved |
| 4-25-97 | Summit Bank Bethlehem Northampton County | 640 Hamilton Mall Allentown Lehigh County | Approved |

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Conversions**

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 3-27-97 | Local 98 I.B.E.W. Credit Union Philadelphia Philadelphia County | Philadelphia | Effective |
| | <i>To:</i> Local 98 IBEW Federal Credit Union Philadelphia Philadelphia County | | |

Represents conversion from State-chartered credit union to a Federally-chartered credit union.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-728. Filed for public inspection May 9, 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 proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

Following the 30-day comment period, the 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, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Richard Adams at (717) 327-3666. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

Northcentral Region: Environmental Program Manager, Water Management, 200 Pine Street, Williamsport, PA 17701-6510, telephone (717) 327-3666.

PA 0009725. SIC: 3399, **Jersey Shore Steel Company**, P. O. Box 5055, Jersey Shore, PA 17740, Pine Creek Township, **Clinton County**.

This proposed action is for an amendment of an NPDES permit for an existing discharge of industrial contact and noncontact cooling water to an drainage ditch to west branch Susquehanna River in Pine Creek Township, Clinton County. This action is necessary because the permittee has proposed to construct an outfall line to convey the discharge to the West Branch Susquehanna River.

The receiving stream is classified for the following uses: warm water 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 Pennsylvania American Water Company located at Milton on the west branch Susquehanna River, 48 miles below the point of discharge.

Outfall 001: The proposed effluent limits, based on a design flow of 0.3 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|---------------------------------|---|
| Flow | monitor | | |
| Total Suspended Solids | 55 | 145 | 185 |
| Oil and Grease | 15 | | 30 |
| Temperature | monitor | | |
| Total Iron | monitor | | |
| pH | 6.0—9.0 at all times | | |

Other Conditions: none.

The EPA waiver is in effect.

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

PA 0027065. Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Lackawanna River in Archbald Borough, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Water Authority located on the Susquehanna River.

Outfall 001

The proposed effluent limits based on a design flow of 6.0 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 4 | | 8 |
| (11-1 to 4-30) | 12 | | 24 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Copper | monitor and report | | |
| Total Lead | monitor and report | | |
| Total Zinc | monitor and report | | |

Point Sources 002 through 017 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are, at this time, no specific effluent limitations of these discharges.

The EPA waiver is not in effect.

PA 0063703. Sewerage, **Thomas E. Little**, R. R. 4, Box 89A, Dalton, PA 18414.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary of the south branch of the Tunkhannock Creek, Benton Township, **Lackawanna County**.

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

Outfall 001

The proposed effluent limits based on a design flow of 0.0004 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|---|
| CBOD ₅ | 10 | 20 |
| Total Suspended Solids | 20 | 40 |
| Fecal Coliform | 200/100 ml as a geometric mean | |
| pH | 6.0—9.0 standard units at all times | |
| Total Residual Chlorine | monitor and report | |

The EPA waiver is in effect.

PA 0027073. Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Lackawanna River in Moosic Borough, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Water Authority located on the Susquehanna River.

The proposed effluent limits based on a design flow of 1.0 mgd are:

Outfall 001

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 30.0 | 45.0 | 60 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | | |
| Fecal Coliform | 200/100 ml as a geometric mean | | |
| (5-1 to 9-30) | 2,000/100 ml as a geometric mean | | |
| (10-1 to 4-30) | 6.0—9.0 standard units at all times | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Residual Chlorine | 1.0 | | 2.3 |
| Total Copper | monitor and report | | |
| Total Lead | monitor and report | | |
| Total Zinc | monitor and report | | |

Point Sources 002 through 005 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are, at this time, no specific effluent limitations of these discharges.

The EPA waiver is not in effect.

PA 0027090. Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Lackawanna River in Throop Borough, **Lackawanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Danville Water Authority located on the Susquehanna River.

Outfall 001

The proposed effluent limits based on a design flow of 7.0 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 30.0 | 45.0 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 4.5 | | 9.0 |
| (11-1 to 4-30) | 13.5 | | 27.0 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | | |
| Fecal Coliform | 200/100 ml as a geometric mean | | |
| (5-1 to 9-30) | 2,000/100 ml as a geometric mean | | |
| (10-1 to 4-30) | 6.0—9.0 standard units at all times | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Residual Chlorine | 0.5 | | 1.2 |
| Total Copper | monitor and report | | |
| Total Lead | monitor and report | | |
| Total Zinc | monitor and report | | |

Point Sources 002 through 025 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are, at this time, no specific effluent limitations on these discharges.

The EPA waiver is not in effect.

PA 0053147. Sewerage, **Upper Saucon Sewage Treatment Authority**, c/o Raymond J. Janesch, Chairperson, 5500 Camp Meeting Road, Center Valley, PA 18034.

This proposed action is for renewal and transfer of an NPDES permit to discharge treated sewage into north branch of Saucon Creek in Upper Saucon Township, **Lehigh County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is Keystone Water Company Yurdley District located on the Delaware River.

Outfall 001

The proposed effluent limits based on a design flow of 2.0 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | | | |
| (5-1 to 10-31) | 10 | 15 | 20 |
| (11-1 to 4-30) | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 3 | 4.5 | 6.0 |
| (11-1 to 4-30) | 9 | 13.5 | 18 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | | |
| Fecal Coliform | 200/100 ml as a geometric mean | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Chlorine Residual | monitor and report | | |
| 1st Month through 36th Month | 0.5 | | |
| 37th Month through Expiration | 1.0 | | |

Other Requirements. Total Residual Chlorine, Whole Effluent Toxicity Testing and Sludge Disposal.

The EPA waiver is not in effect.

PA 0062774. Industrial waste, SIC: 5541, **Pilot Corporation**, P. O. Box 10146, Knoxville, TN 37939-0146.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into an Unnamed Tributary to Nescopeck Creek in Sugarloaf Township, **Luzerne County**.

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

Outfall 001

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---|-----------------------------------|---------------------------------|---|
| Total Recoverable Petroleum Hydrocarbons | monitor only | | |

This permit is also subject to Special Conditions regarding control and treatment of petroleum product contaminated stormwater runoff.

The EPA waiver is in effect.

PA 0011762. Industrial waste, SIC: 3471, **American Nickeloid Company**, 129 Cherry Street, Walnutport, PA 18088.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater and noncontact cooling water into the Lehigh River in Walnutport Borough, **Northampton County**. This is an existing discharge.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Northampton Borough Water Authority located on the Lehigh River.

The proposed effluent limits for monitoring point 101, based on a design flow of 0.0432 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|--|---------------------------------|---|
| Total Dissolved Solids | 4,000 | 8,000 | 10,000 |
| Total Suspended Solids | 30 | 60 | 75 |
| Oil and Grease | 15 | | 30 |
| Total Copper | 2.07 | 3.38 | |
| Total Lead | 0.43 | 0.69 | |
| Total Zinc | 1.48 | 2.61 | |
| Total Cadmium | 0.26 | 0.69 | |
| Total Chromium | 1.71 | 2.77 | |
| Total Cyanide | 0.65 | 1.20 | |
| Total Nickel | 2.38 | 3.98 | |
| Total Silver | 0.24 | 0.43 | |
| Total Toxic Organics | | 2.13 | |
| pH | within limits of 6.0—9.0 standard units at all times | | |

The proposed effluent limits for Outfall 001

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

The EPA waiver is in effect.

PA 0062855. Industrial waste, SIC: 4941, **Mary-D Community Association**, c/o John J. Nortavage, 34-36 Forest Lane, Mary-D, PA 17952.

This proposed action is for renewal of an NPDES permit to discharge treated filter backwash wastewater into Swift Creek in Schuylkill Township, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pottstown Borough Water Authority located on the Schuylkill River.

Outfall 001

The proposed effluent limits based on a design flow of 0.00038 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Daily Maximum (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-------------------------------------|---------------------------------|---|
| Total Suspended Solids | 30 | 60 | |
| Total Aluminum | 4.0 | 8.0 | |
| Total Iron | 2.0 | 4.0 | |
| Total Manganese | 1.0 | 2.0 | |
| pH | 6.0—9.0 standard units at all times | | |

The EPA waiver is in effect.

PA 0061468. Sewerage, **Ronald L. Albert**, Liberty Mobile Home Park, R. R. 3, Box 205, Montrose, PA 18801-8809.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an Unnamed Tributary to Snake Creek in Liberty Township, **Susquehanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is on Snake Creek at the Pennsylvania/New York border.

Outfall 001

The proposed effluent limits based on a design flow of .03 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|-------------------------------------|
| CBOD ₅ | 25.0 | 50.0 |
| Total Suspended Solids | 30.0 | 60.0 |
| NH ₃ -N | | |
| (5-1 to 10-31) | 4.0 | 8.0 |
| (11-1 to 4-30) | 12.0 | 24.0 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | |
| Fecal Coliforms | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | |
| pH | 6.0—9.0 standard units at all times | |
| Total Residual Chlorine | | |
| First 36 Months | monitor and report | |
| Months 37 through 60 | 0.3 | 0.8 |

The EPA waiver is in effect.

PA 0027081. Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Lackawanna River in Clinton Township, **Wayne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is The Danville Water Authority located on the Susquehanna River.

Outfall 001

The proposed effluent limits based on a design flow of 0.7 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|------------------------------|-------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 10 | | 20 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Residual Chlorine | .9 | | 2.1 |
| Total Copper | monitor and report | | |
| Total Lead | monitor and report | | |
| Total Zinc | monitor and report | | |

The EPA waiver is in effect.

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

PA 0222259. Sewage, **Heckathorne United Methodist Church**, R. D. 1, Box 289AA, Heckathorne Church Road, Seneca, PA 16346.

This application is for a new NPDES permit to discharge treated sewage to an Unnamed Tributary of Halls Run in Cranberry Township, **Venango 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 Emlenton Water Company on the Allegheny River located at river mile 90 which is 51.50 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.000750 mgd, are:

Outfall No. 001

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Weekly Average</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------------------|-------------------------------------|---------------------------|---|
| Flow | monitor and report | | |
| CBOD ₅ | 10 | | 20 |
| TSS | 20 | | 30 |
| Fecal Coliforms (5-1 to 9-30) | 200/100 ml as a geometric average | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | | |
| pH | 6.0—9.0 at all times | | |

The EPA waiver is in effect.

PA 0222305. Sewage, **Andy Confer**, R. D. 2, Box 79, Pittsfield, PA 16340.

This application is for a new NPDES permit to discharge sewage to Caldwell Creek in Deerfield Township, **Warren County**. This is a new discharge.

The receiving water is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 54 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.0008 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> |
|-------------------------------|-----------------------------------|---------------------------------|---|
| CBOD ₅ | 10 | | 20 |
| TSS | 20 | | 40 |
| Fecal Coliforms (all year) | 200/100 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 0030295. Sewage. **Commodore Perry School District**, 3002 Perry Highway, Hadley, PA 16130-2699.

This application is for renewal of an NPDES Permit to discharge treated sewage to Millner Run in Perry Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Greenville Municipal Authority intake on the Shenango River located at Greenville, approximately 16 miles below point of discharge.

The proposed effluent limits, based on a design flow of 0.0092 mgd, are:

Outfall No. 001

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 50 |
| TSS | 30 | 60 |
| Ammonia-Nitrogen (5-1 to 10-31) | 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) | 5,800/100 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.

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

PA 0002887. Industrial waste, SIC: 3547, **Union Electric Steel Corporation**, P. O. Box 465, Carnegie, PA 15106.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from flame hardening operations in Carnegie Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the West View Municipal Authority, located at West View, 9.0 miles below the discharge point.

Outfall 005: existing discharge, design flow of 0.000454 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| TSS | | | 31 | 60 | |
| Oil and Grease | | | 15 | | 30 |
| Cadmium | | | 0.19 | 0.38 | 0.47 |
| Chromium | | | 1.71 | 2.77 | |
| Copper | | | 1.18 | 2.36 | 2.95 |
| Lead | | | 0.43 | 0.69 | |
| Nickel | | | 0.21 | 0.42 | 0.52 |
| Silver | | | 0.009 | 0.018 | 0.022 |
| Zinc | | | 0.77 | 1.55 | 1.92 |
| Cyanide | | | 0.65 | 1.20 | |
| TTO | | | | 2.13 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

PA 0003107. Industrial waste, SIC: 3321, **Anchor Glass Acquisition Corporation**, P. O. Box 30182, Tampa, FL 33630-3182.

This application is for renewal of an NPDES permit to discharge furnace drain water, cooling tower blowdown and stormwater from Anchor Glass Plant in South Connellsville, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, classified as a high quality, cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Western Pennsylvania Water Company, located at Uniontown.

Outfalls 001 and 006: existing discharge, design flow of 0.3 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow | monitor and report | | | | |
| Total Suspended Solids | | | 30 | 60 | |
| Oil and Grease | | | 15 | 30 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 013: new discharge (stormwater)

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Oil and Grease | | | monitor and report | | |
| pH | | | monitor and report | | |

Outfalls 004, 007 through 012: new discharges.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| | Discharge consists solely of uncontaminated stormwater runoff | | | | |

The EPA waiver is in effect.

PA 0004839. Industrial waste, SIC: 3399, **Kennametal, Inc.**, P. O. Box 231, Latrobe, PA 15650.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from the Kingston Plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Loyalhanna Creek and unnamed tributary of Loyalhanna Creek, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 201: existing discharge, design flow of 0.0471 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | 110 | | | | |
| Suspended Solids | report | | | 60 | |
| Dissolved Solids | report | | | 1,000 | |
| Copper | report | | | 0.6 | |
| Iron, Dissolved | report | | | 7.0 | |
| Zinc | report | | | 4.0 | |
| Molybdenum | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 001: existing discharge

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| This outfall shall consist solely of the wastewaters from Outfall 201 and uncontaminated stormwater runoff. | | | | | |

Outfalls 002, 003, 004, 005: existing discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|--|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| These outfalls are permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations on these outfalls. | | | | | |

The EPA waiver is in effect.

PA 0006769. Industrial waste, SIC: 3273, **Sheesley Supply Company, Inc.**, 837 Horner Street, Johnstown, PA 15902.

This application is for renewal of an NPDES permit to discharge treated process water from Sheesley Supply Company in Johnstown, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Stony Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Saltsburg Municipal Water Authority, approximately 43 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.004 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow | monitor and report | | | | |
| Total Suspended Solids | 2.6 | | 30 | 60 | |
| Oil and Grease | | | 15 | | 30 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 002: new discharge, design flow of 0.00004 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow | monitor and report | | | | |
| Total Suspended Solids | 2.6 | | 30 | 60 | |
| Oil and Grease | | | 15 | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

PA 0090948. Industrial waste, SIC: 4953, **CBF, Inc.**, R. D. 1, Box 266, McClellandtown, PA 15458.

This application is for renewal of an NPDES permit to discharge treated leachate and stormwater from a municipal landfill in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, tributary of Dunlap Creek, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Brownsville Water Company, located on the Monongahela River, 19 miles below the discharge point.

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

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | 0.014 | | | | |
| CBOD-5 Day | 1.2 | 2.4 | 10 | 20 | 25 |
| Total Suspended Solids | 1.2 | 2.4 | 10 | 20 | 25 |
| Total Dissolved Solids | monitor/report | | | | |
| Ammonia Nitrogen (5-1 to 10-31) | 0.17 | 0.35 | 1.5 | 3.0 | 4.0 |
| (11-1 to 4-30) | 0.52 | 1.0 | 4.5 | 9.0 | 11.0 |
| Fecal Coliforms | | | 200/100 ml 2,000/100 ml | | 1,000/100 ml |
| Antimony | 0.005 | 0.009 | 0.040 | 0.080 | 0.100 |
| Arsenic | 0.006 | 0.012 | 0.050 | 0.100 | 0.130 |
| Chromium | 0.015 | 0.030 | 0.125 | 0.250 | 0.313 |
| Copper | 0.003 | 0.006 | 0.023 | 0.046 | 0.058 |
| Lead | 0.0008 | 0.0016 | 0.007 | 0.014 | 0.018 |
| Mercury | | | | nondetectable | |
| Nickel | 0.018 | 0.035 | 0.150 | 0.300 | 0.375 |
| Selenium | 0.001 | 0.002 | 0.012 | 0.024 | 0.030 |
| Zinc | 0.020 | 0.040 | 0.157 | 0.314 | 0.393 |
| Total Phenols | 0.004 | 0.008 | 0.034 | 0.068 | 0.085 |
| Aluminum | 0.140 | 0.280 | 1.2 | 2.4 | 3.0 |
| Barium | 0.470 | 0.930 | 4.0 | 8.0 | 10.0 |
| Boron | 0.760 | 1.520 | 6.5 | 13.0 | 16.25 |
| Cobalt | 0.006 | 0.012 | 0.050 | 0.100 | 0.125 |
| Iron | 0.175 | 0.350 | 1.5 | 3.0 | 3.75 |
| Dissolved Iron | 0.14 | 0.29 | 1.24 | 2.48 | 3.10 |
| Manganese | 0.12 | 0.24 | 1.0 | 2.0 | 2.5 |
| 1,1 Dichloroethane | | | 0.090 | 0.180 | 0.225 |
| Methylene Chloride | | | 0.100 | 0.200 | 0.250 |
| Toluene | | | 0.050 | 0.100 | 0.125 |
| Diethyl Phthalate | | | 0.025 | 0.050 | 0.063 |
| Acetone | | | 0.110 | 0.220 | 0.275 |
| P-Cressol | | | 0.050 | 0.100 | 0.125 |
| 2-Hexanone | | | 0.015 | 0.030 | 0.038 |
| Methyl Ethyl Ketone | | | 0.210 | 0.420 | 0.525 |
| Methyl Isobutyl Ketone | | | 0.015 | 0.030 | 0.038 |
| 1-Propanol | | | 0.550 | 1.10 | 1.38 |
| 2-Propanol | | | 0.540 | 1.08 | 1.35 |
| Total Xylenes | | | 0.010 | 0.020 | 0.025 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 002: existing discharge

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | monitor/report | | | | |

Outfall 003: existing discharge

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | monitor/report | | | | |

The EPA waiver is in effect.

PA 0093181. Industrial waste, SIC: NA, **Industrial Waste, Inc.**, P. O. Box 406, Darlington, PA 16115.

This application is for renewal of an NPDES permit to discharge treated leachate from Darlington Waste Disposal Site in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, State Line Creek, classified as a high quality, cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is not applicable.

Outfall 001: existing discharge, design flow of 0.24 mgd. Interim Effluent Limitations

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|--------------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Total Suspended Solids | | | 30 | 60 | |
| Ammonia Nitrogen (5-1 to 9-30) | | | 3.0 | 6.0 | |
| (10-1 to 4-30) | | | 4.5 | 9.0 | |
| Manganese | | | 1.0 | 2.0 | |
| Cadmium | | | 0.001 | 0.002 | |
| Copper | | | 0.012 | 0.002 | |
| Lead | | | 0.005 | 0.01 | |
| Nickel | | | 0.10 | 0.20 | |
| Hexavalent Chromium | | | 0.01 | 0.02 | |

Outfall 001: existing discharge, design flow of 0.24 mgd. Interim Effluent Limitations

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Phenols | | | 0.01 | 0.02 | |
| Free Cyanide | | | 0.005 | 0.01 | |
| Iron | | | 1.5 | 3.0 | |
| Dissolved Solids | | | 2,000 | 4,000 | |
| Sulfate | | | 600 | 1,200 | |
| Thallium | | | 0.01 | 0.02 | |
| Nitrate and Nitrite | | | 20 | 40 | |
| Selenium | | | 0.005 | 0.01 | |
| Zinc | | | 0.08 | 0.16 | |
| Total Residual Chlorine | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

Outfall 001: existing discharge, design flow of 0.24 mgd. Final Effluent Limitations

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|--------------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Total Suspended Solids | | | 30 | 60 | |
| Ammonia Nitrogen (5-1 to 9-30) | | | 3.0 | 6.0 | |
| (10-1 to 4-30) | | | 4.5 | 9.0 | |
| Manganese | | | 1.0 | 2.0 | |
| Cadmium | | | 0.001 | 0.002 | |
| Copper | | | 0.012 | 0.002 | |
| Lead | | | 0.005 | 0.01 | |
| Nickel | | | 0.10 | 0.20 | |
| Hexavalent Chromium | | | 0.01 | 0.02 | |

Outfall 001: existing discharge, design flow of 0.24 mgd. Final Effluent Limitations

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|---------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Phenols | | | 0.01 | 0.02 | |
| Free Cyanide | | | 0.005 | 0.01 | |
| Iron | | | 1.5 | 3.0 | |
| Dissolved Solids | | | 2,000 | 4,000 | |
| Sulfate | | | 261 | 522 | |
| Thallium | | | 0.01 | 0.02 | |
| Nitrate and Nitrite | | | 20 | 40 | |
| Selenium | | | 0.005 | 0.01 | |
| Zinc | | | 0.08 | 0.16 | |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Residual Chlorine | | | 0.5 | 1.25 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

PA 0095176. Industrial waste, SIC: 3511, **Elliott Turbomachinery Company, Inc.**, North Fourth Street, Jeannette, PA 15644-0800.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Jeannette facility in Jeannette, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Brush Creek, classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation.

Outfall 001, 004, 007, 009, 011, 012, 013, 014, 019, 020, 021, 022, 023, 027, 028, 029, 030, 031, 032, 033, 034: new and existing discharge.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| These outfalls are permitted to discharge uncontaminated stormwater runoff and/or groundwater from areas in and around the facility. There are at this time no specific effluent limitations on these outfalls. | | | | | |

Outfall 002: existing discharge, design flow of 0.0144 mgd

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 003: existing discharge, design flow of 0.0953 mgd (interim limits).

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | monitor and report | | | | |
| Suspended Solids | | | 31 | 60 | |
| Oil and Grease | | | 15 | | 30 |
| Cadmium | | | 0.0014 | 0.0028 | |
| Chromium | | | 1.71 | 2.77 | |
| Copper | | | 0.013 | 0.026 | |
| Lead | | | 0.43 | 0.69 | |
| Nickel | | | 0.187 | 0.374 | |
| Silver | | | 0.24 | 0.43 | |
| Zinc | | | 1.48 | 2.61 | |
| Cyanide | | | 0.65 | 1.20 | |
| TTO | | | | 2.13 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 003: existing discharge, design flow of 0.0953 mgd (final limits).

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | monitor and report | | | | |
| Suspended Solids | | | 31 | 60 | |
| Oil and Grease | | | 15 | | 30 |
| Cadmium | | | 0.0014 | 0.0028 | |
| Chromium | | | 1.71 | 2.77 | |
| Copper | | | 0.013 | 0.026 | |
| Lead | | | 0.0038 | 0.0076 | |
| Nickel | | | 0.187 | 0.374 | |
| Silver | | | 0.0031 | 0.0062 | |
| Zinc | | | 0.089 | 0.176 | |

NOTICES

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Cyanide | | | 0.65 | 1.20 | |
| TTO | | | | 2.13 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 005: existing discharge, design flow of 0.001 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 006: existing discharge, design flow of 0.0025 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 008: existing discharge, design flow of 0.0505 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 015: existing discharge, design flow of 0.0505 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 018: existing discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| pH | 6.0—9.0 | | | | |

Outfall 024: existing discharge, design flow of 0.0007 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 025: existing discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | 110 | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 026: existing discharge, design flow of 0.0007 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | 110 | | | | |
| Zinc | monitor and report | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 035: new discharge, design flow of 0.0144 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Temperature (°F) | 110 | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

PA 0095737. Industrial waste, CIS: 3317, **Pittsburgh Tube Company**, 2060 Pennsylvania Avenue, Monaca, PA 15061.

This application is for renewal of an NPDES permit to discharge treated cooling water and untreated stormwater from the Darlington Plant in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to North Fork of Little Beaver Creek, classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the City of East Liverpool Ohio's intake on the Ohio River, over 15 miles below the discharge point.

Outfall 001: existing discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|--|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| To consist solely of uncontaminated stormwater and emergency overflow (with internal outfall limits) of recirculating cooling water. | | | | | |

Other Conditions: Residual waste, stormwater runoff, control floating solids, chemical additives, submission of information, notification of emergency overflow, analytical requirements, mass limit condition, temperature condition, study site for potential discharge points and report to DEP.

Outfall 101: existing discharge.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | monitor and report | | | | |
| Total Suspended Solids | 0.36 | 0.72 | | | 10 |
| Oil and Grease | 0.12 | 0.30 | | | 10 |
| Lead | 0.0018 | 0.0054 | | | 0.03 |
| Zinc | 0.0012 | 0.0036 | | | 0.02 |
| Dissolved Solids | | | 500 | | 1,250 |
| Temperature (°F) | 90 | | | | |
| pH | not less than 6.0 nor greater than 9.0 standard units | | | | |

Outfall 201: existing discharge.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|---|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | monitor and report | | | | |
| Total Suspended Solids | 0.36 | 0.72 | | | 10 |
| Oil and Grease | 0.12 | 0.30 | | | 10 |
| Lead | 0.0018 | 0.0054 | | | 0.03 |
| Zinc | 0.0012 | 0.0036 | | | 0.02 |
| Dissolved Solids | | | 500 | | 1,250 |
| Temperature (°F) | | | | | 90 |
| pH | not less than 6.0 nor greater than 9.0 standard units | | | | |

Outfall 002: existing discharge.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|---|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| | Outfall to consist solely of uncontaminated stormwater. | | | | |

The EPA waiver is in effect.

PA 0205214. Industrial waste, SIC: 4953, **Joseph J. Brunner, Inc.**, R. D. 1, Zelienople, PA 16063.

This application is for issuance of an NPDES permit to discharge treated process and untreated stormwater from the Joseph J. Brunner Municipal Waste Landfill in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Brush Creek and an unnamed tributary to Brush Creek, classified as warm fisheries with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Beaver Falls Municipal Authority, located in Beaver Falls, 32.0 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.011 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|--------------------|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| BOD | 9.2 | 18.4 | 100 | 200 | 250 |
| TSS | 9.2 | 18.4 | 100 | 200 | 250 |
| Ammonia (as N) | 1.8 | 3.6 | 20 | 40 | 50 |
| TRC | 0.045 | 0.09 | 0.5 | 1.0 | 1.25 |
| Antimony | 0.041 | 0.083 | 0.45 | 0.9 | 1.125 |
| Arsenic | 0.005 | 0.009 | 0.05 | 0.1 | 0.125 |
| Beryllium | 0.0004 | 0.0008 | 0.005 | 0.01 | 0.0125 |
| Cadmium | 0.0004 | 0.0008 | 0.005 | 0.01 | 0.0125 |
| Chromium | 0.011 | 0.023 | 0.125 | 0.25 | 0.312 |
| Copper | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| Lead | 0.003 | 0.006 | 0.036 | 0.072 | 0.09 |
| Nickel | 0.014 | 0.028 | 0.150 | 0.3 | 0.375 |
| Selenium | 0.007 | 0.014 | 0.075 | 0.15 | 0.18 |
| Silver | 0.0009 | 0.0018 | 0.010 | 0.02 | 0.025 |
| Thallium | 0.009 | 0.018 | 0.1 | 0.2 | 0.25 |
| Zinc | 0.09 | 0.18 | 1.0 | 2.0 | 2.5 |
| Cyanide, Total | 0.0018 | 0.0036 | 0.02 | 0.04 | 0.05 |
| Barium | 0.027 | 0.054 | 0.3 | 0.6 | 0.75 |
| Phosphorus | 0.18 | 0.36 | 2.0 | 4.0 | 5.0 |
| Boron | 0.27 | 0.54 | 3.0 | 6.0 | 7.5 |
| Cobalt | 0.0014 | 0.009 | 0.05 | 0.1 | 0.125 |
| Iron | 0.32 | 0.64 | 3.5 | 7.0 | 8.75 |
| Manganese | 0.092 | 0.184 | 1.0 | 2.0 | 2.5 |
| Tin | 0.073 | 0.147 | 0.8 | 1.6 | 2.0 |
| Aluminum | 0.025 | 0.05 | 0.275 | 0.55 | 0.687 |
| Vanadium | 0.001 | 0.002 | 0.009 | 0.018 | 0.023 |
| Benzene | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| Chlorobenzene | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| Chloroform | 0.0009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| 1,1 Dichloroethane | 0.008 | 0.016 | 0.09 | 0.18 | 0.225 |
| Methyl Chloride | 0.009 | 0.018 | 0.1 | 0.2 | 0.25 |
| Toluene | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| 1,2 Trans Dichloroethylene | 0.003 | 0.006 | 0.03 | 0.06 | 0.075 |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| 1,1,1 Trichloroethane | 0.009 | 0.018 | 0.1 | 0.2 | 0.25 |
| Phenol | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| Butylbenzylphthalate | 0.0009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| 2 Chloronaphthalene | 0.0009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| Diethylphthalate | 0.002 | 0.004 | 0.025 | 0.05 | 0.0625 |
| Isophorone | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| Lindane | 0.0009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| 4,4 DDT | 0.009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| Acetone | 0.01 | 0.02 | 0.109 | 0.218 | 0.273 |
| 2-Butanone (MEK) | 0.02 | 0.04 | 0.21 | 0.42 | 0.525 |
| 1,2,3 Trichloropropane | 0.009 | 0.018 | 0.10 | 0.2 | 0.25 |
| Xylenes | 0.0009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| Tetrahydrofuran | 0.002 | 0.004 | 0.025 | 0.05 | 0.0625 |
| p-Cresol | 0.004 | 0.009 | 0.05 | 0.1 | 0.125 |
| 2-Hexanone | 0.001 | 0.002 | 0.015 | 0.03 | 0.0375 |
| Methyl Isobutyl Ketone | 0.001 | 0.002 | 0.015 | 0.03 | 0.0375 |
| Methylene Bromide | 0.0009 | 0.0018 | 0.01 | 0.02 | 0.025 |
| Methylene Chloride | 0.009 | 0.018 | 0.1 | 0.2 | 0.25 |
| Acrylonitrile | | | 0.04 | 0.08 | 0.1 |
| 1,1 Dichloroethylene | | | 0.04 | 0.08 | 0.1 |
| Vinyl Chloride | | | 0.013 | 0.026 | 0.0325 |
| Benzidine | | | 0.00007 | 0.00014 | 0.000175 |
| Benzo(a)Anthracene | | | 0.002 | 0.004 | 0.005 |
| Benzo(a)Pyrene | | | 0.002 | 0.004 | 0.005 |
| 3,4 Benzofluoranthene | | | 0.002 | 0.004 | 0.005 |
| Benzo(k)Fluoranthene | | | 0.002 | 0.004 | 0.005 |
| Chrysene | | | 0.002 | 0.004 | 0.005 |
| Dibenzo(a,h)Anthracene | | | 0.002 | 0.004 | 0.005 |
| Hexachlorobenzene | | | 0.0005 | 0.001 | 0.00125 |
| Indeno(1,2,3,c,d)Pyrene | | | 0.002 | 0.004 | 0.005 |
| N Nitrosodimethylamine | | | 0.0005 | 0.001 | 0.00125 |
| Chlordane | | | 0.0003 | 0.0006 | 0.00075 |
| Dieldrin | | | 0.00007 | 0.00014 | 0.000175 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |
| Chemical Oxygen Demand | monitor and report | | | | |
| CBOD ₅ | monitor and report | | | | |
| Oil and Grease | monitor and report | | | | |
| Total Suspended Solids | monitor and report | | | | |
| Total Dissolved Solids | monitor and report | | | | |
| Total Organic Carbon | monitor and report | | | | |
| Barium | monitor and report | | | | |
| Cadmium | monitor and report | | | | |
| Chromium | monitor and report | | | | |
| Lead | monitor and report | | | | |
| Mercury | monitor and report | | | | |
| Magnesium (total) | monitor and report | | | | |
| Magnesium (dissolved) | monitor and report | | | | |
| Selenium | monitor and report | | | | |
| Silver | monitor and report | | | | |
| Ammonia | monitor and report | | | | |
| Arsenic | monitor and report | | | | |
| Cyanide (total) | monitor and report | | | | |
| Nitrate-Nitrite | monitor and report | | | | |
| Iron (dissolved) | monitor and report | | | | |
| pH | monitor and report | | | | |

Other Conditions: Control of floating materials, oil, grease, scum, effective disinfection to control disease producing organisms, total residual chlorine minimization, monitoring of untreated leachate quantity and quality, control of stormwater runoff, management of leachate discharge rates, control of leachate during low stream flow.

The EPA waiver is in effect.

PA 0026506, Amendment No. 2. Sewage, **West Mifflin Sanitary Sewer Municipal Authority** 1302 Lower Bull Run Road, West Mifflin, PA 15122.

This application is for amendment of an NPDES permit to discharge treated sewage from the Thompson Run Sewage Treatment Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Thompson 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 PA American Water Company, Becks Run Station.

Outfall 001: existing discharge, new design flow of 4.0 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 Day | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.0 | 3.0 | | 4.0 |
| (11-1 to 4-30) | 3.0 | 4.5 | | 6.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| Issue date to expansion date | 1.0 | | | 3.3 |
| Expansion date through expiration date | .01 | | | .03 |
| Dissolved Oxygen | not less than 5.0 mg/l | | | |
| pH | 6.0—9.0 | | | |

Other Conditions: None

The EPA waiver is not in effect.

PA 0093432. Sewage, **West Penn Power Company**, 300 Pleasant Valley Road, Connellsville, PA 15425-9700.

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

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

Outfall 001: existing discharge, design flow of 0.0005 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 25 | | | 50 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| 1st month—36th month | monitor and report | | | |
| 37th month—expiration | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0095982. Sewage, **Albert Gallatin Area School District**, 10 West Church Street, Masontown, PA 15461.

This application is for issuance of an NPDES permit to discharge treated sewage from Albert Gallatin North Junior High School Sewage Treatment Plant in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of north branch Browns 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 Carmichaels Municipal Water Authority located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.02 mgd.

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

| Parameter | Concentration (mg/l) | | | |
|---|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| Ammonia Nitrogen (5-1 to 10-31) | 2.5 | | | 5 |
| (11-1 to 4-30) | 7.5 | | | 15 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine 1st month—36th month | monitor and report | | | |
| 37th month—expiration | 0.3 | | | 0.7 |
| Dissolved Oxygen | not less than 4 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA 0217603. Sewage, **Cyprus Cumberland Resources Corp.**, 145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370.

This application is for issuance of an NPDES permit to discharge treated sewage from the Cyprus Cumberland Mine Bathhouse STP in Whiteley Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Patterson Run, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Marianna Municipal Water Works.

Outfall 001: new discharge, design flow of .03 mg/l

| Parameter | Concentration (mg/l) | | | |
|------------------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD-5 Day (5-1 to 10-31) | 20 | | | 40 |
| (11-1 to 4-30) | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) | 2.2 | | | 4.4 |
| (11-1 to 4-30) | 6.6 | | | 13.2 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 0.4 | | | 1.0 |
| Dissolved Oxygen | not less than 6.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

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

PA 0027031. Sewage, **West Chester Borough**, Municipal Building, 401 East Gay Street, West Chester, PA 19380.

This application is for renewal of an NPDES permit to discharge treated sewage from West Chester Borough's Goose Creek STP in West Goshen Township, **Chester County**. This is an existing discharge to Chester 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 1.67 mgd are as follows:

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------------------------|--|-----------------------|------------------------------|
| CBOD ₅ (5-1 to 10-31) | 15 | 22.5 | 30 |
| (11-1 to 4-30) | 25 | 37.5 | 50 |
| Suspended Solids | 30 | 45 | 60 |
| Ammonia (as N) (5-1 to 10-31) | 1.5 | 2.3 | 3.0 |
| (11-1 to 4-30) | 4.5 | 6.8 | 9.0 |
| Total Residual Chlorine | 0.03 | | 0.10 |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | | |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---------------------------|--|----------------------------------|---|
| Dissolved Oxygen | minimum of 5.0 mg/l at all times | | |
| pH | within limits of 6.0—9.0 standard units at all times | | |
| | | <i>Maximum Daily (mg/l)</i> | |
| Phenols, Total | 0.023 | 0.046 | 0.057 |
| Zinc, Total | 0.154 | 0.308 | 0.385 |
| Chloroform | 0.013 | | 0.156 |
| Copper, Total | monitor/report | | |
| Mercury, Total | monitor/report | | |
| Lead, Total | monitor/report | | |
| 2-Chlorophenol | monitor/report | | |
| 2,4-Dichlorophenol | monitor/report | | |
| 2,4,6-Trichlorophenol | monitor/report | | |
| Pentachlorophenol | monitor/report | | |
| 1,1,2,2-Tetrachloroethane | monitor/report | | |

The EPA waiver is not in effect.

Other Conditions:

1. Submission of DMR to the Department and EPA.
2. Conditions for future permit modification.
3. Implementation of industrial pre-treatment program requirements.
4. TMDL/WLA Analysis.
5. Minimization of Cl₂.
6. Proper sludge disposal.
7. Special Test Methods for certain pollutants.
8. Whole Effluent Toxicity-chronic biomonitoring.

**DISCHARGE OF CONTROLLED INDUSTRIAL
WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

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

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

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

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

WQM Permit No. 6297403. Sewage, **James and Charlotte Maze**, SRSTP, 205 High St., Youngsville, PA 16371. This project is for the construction of a Single Residence Sewage Treatment Plant in Sugar Grove Township, **Warren County**.

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

3597402. Sewerage. **Thomas E. Little**, R. R. 4, Box 89A, Dalton, PA 18414. Application to construct and operate a small flow treatment facility, located in Benton Township, **Lackawanna County**. Application received in the Regional Office March 10, 1997.

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

2397404. Sewerage. **Middletown Township Delaware County Sewer Authority**, P. O. Box 9, Lima, PA 19037-0009. Construction of a force main and upgrade of the pumping station to serve Middletown Township Delaware County Sewer Authority located in Middletown Township, **Delaware County**.

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 the Commonwealth. Unless otherwise indicated on the basis of pre-

liminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

Southeast Regional Office: Regional Water Management Program Manager, 555 North Lane, Lee Park, Conshohocken, PA 19428, telephone (610) 832-6131.

Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, telephone (412) 442-4028.

Southcentral Regional Office: Regional Water Management Program Manager, 1A Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

Allegheny County Conservation District, District Manager, 875 Greentree Road, Pittsburgh, PA 15220, telephone (412) 921-1999.

NPDES Permit PAS10A060-4. Stormwater. **Port Authority of Allegheny County**, 2235 Beaver Avenue, Pittsburgh, PA 15233 has applied to discharge

stormwater from a construction activity located in Carnegie Borough and the City of Pittsburgh, **Allegheny County**, to the Monongahela River.

Berks County Conservation District, District Manager, Agricultural Center, Leesport, PA 19533, telephone (610) 372-4657.

NPDES Permit PAS10C031. Stormwater. **Formula Motorsports Park**, 3151 Bittersweet Road, Center Valley, PA 18034 has applied to discharge stormwater from a construction activity located in New Morgan Borough, **Berks County**, to UNT to Hay Creek.

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

NPDES Permit PAS10D096. Stormwater. **Realen Homes Inc.**, 725 Talamore Drive, Ambler, PA 19002 has applied to discharge stormwater from a construction activity located in Lower Makefield Township, **Bucks County**, to UNT to the Delaware River.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001, telephone (412) 284-5270.

NPDES Permit PAS10E063. Stormwater. **Community Development Group of Butler County**, 601 Hansen Avenue, Box 10, Butler, PA 16001 has applied to discharge stormwater from a construction activity located in Butler Township, **Butler County**, to UNT to Connoquenessing Creek.

SAFE DRINKING WATER

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

Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.

4297503. Public water supply. **Lewis Run Borough**, 60 Main Street, Lewis Run, PA 16738. This proposal involves the construction of a 297,000 gallon water storage tank, construction of 4,750 L. F. of 12" ductile iron water transmission line; 1,350 L. F. is to convey raw water from the existing reservoir to the proposed tank in Lewis Run Borough, **McKean County**.

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

4697503. Public water supply. **Horsham Water Authority**, 617A Horsham Road, Horsham, PA 19044. This proposal involves the addition of well No. 40 to the existing water supply and distribution system in Horsham Township, **Montgomery County**.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

A. 561W001-A2. Municipal Authority of the Borough of Ebensburg, 300 West High Street, Ebensburg, PA 15931. Construction of one new water supply well, a control building and appurtenances serving Ebensburg Borough, **Cambria County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate 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 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, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection 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, telephone (610) 832-5950.

One Man Quarry, Worcester Township, **Montgomery County**. James Burnett-Herkes, RT Environmental Services, Inc., 215 West Church Rd., King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. 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

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

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

APS ID #666, AUTH ID #537: Adam J. Deitrick Transfer Station, Adam J. Deitrick & Sons Disposal & Coal Hauling, Inc. (1410 W. Sterling St., Shamokin, PA 17872-3301). Application for modification to existing transfer station located in Coal Township, **Northumberland County**, received in the Regional Office on April 11, 1997.

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

I. D. No. 101176A. Deep Valley Landfill Inc., 7111 Old Steubenville Pike, Oakdale, PA 15071. An application for Change of Ownership to a municipal waste landfill in North Fayette Township, **Allegheny County**, was received in the Regional Office on April 15, 1997.

Southcentral Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110

400556. Bridgeview Inc., (R. R. 1, Box 364, Morgantown, PA 19543). Application for modification for the addition of a 3rd Chem-Clav unit, reconfiguration of the plant, and removal of the 2,000 lb. incinerator for a site in Robeson Township, **Berks County**. Application determined to be administratively complete in the Regional Office April 18, 1997.

Ash Basin No. 5, Pennsylvania Power & Light Company, (Two North Ninth Street, Allentown, PA 18101-1179). Application for closure plan submittal for approval—Ash Basin No. 5 for a site in East Manchester Township, **York County**. Application submitted in the Regional Office April 23, 1997.

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

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

Permit I. D. No. 101657. Coplay Aggregates, Inc., P. O. Box 58, Northampton, PA 18067. An application for a Municipal Waste Processing (Construction and Demolition Waste Processing) Facility, located in Whitehall Township, **Lehigh County**. The application was received in the Regional Office on April 2, 1997 and was found to be complete on April 15, 1997.

Permit I. D. No. 101615. Commonwealth Environmental Systems Landfill, Commonwealth Environmental Systems, L. P., P. O. Box 249, Dunmore, PA 18512. A Major Permit Modification for Design Changes, which include basegrading/leachate collection zone; delete the Geomembrane Composite Liner from secondary liner system, liner, baseliner; addition of Rusmar Foam AC-667-SE; onsite soil processing plant; onsite cover soil; gas management plan; scrap metal baler and rearrangement of landfill facilities at the SW corner, at this municipal waste landfill, located in Foster Township, **Schuylkill County**. The application was received in the Regional Office on March 4, 1997 and was found to be complete on April 9, 1997.

AIR POLLUTION OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

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

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **09-330-010**
Source: Thermal Soil Remediation Plant
Company: **USA Waste of Fairless Hills, Inc.**
Location: Falls
County: **Bucks**

Applications received for Minor Source Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

OP-04-498: The Department received an Air Quality Operating Permit application from **WorldClass Processing, Inc.** (21 Century Drive, Ambridge, PA 15003) for a metal coating operation at its Ambridge Plant located in Ambridge Borough, **Beaver County**.

OP-26-227: The Department received an Air Quality Operating Permit application from **Davison Sand & Gravel Company** (400 Industrial Boulevard, New Kensington, PA 15068) for a limestone crushing operation at its Connellsville Quarry located in Connellsville Township, **Fayette County**.

OP-65-789: The Department received an Air Quality Operating Permit application from **The Quikrete Companies** (R.R. 9, Box 900, Latrobe, PA 15650) for a concrete products manufacturing operation at its Quikrete Pittsburgh located in Unity Township, **Westmoreland County**.

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

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

30-305-019: The Department intends to issue an Air Quality Operating Permit to **Consolidation Coal Company** (1800 Washington Road, Pittsburgh, PA 15241) for a coal preparation plant at its Robena Preparation Plant located in Greensboro Borough, **Greene County**.

65-307-079: The Department intends to issue an Air Quality Operating Permit to **Kennametal, Inc.** (P. O.

Box 231, Latrobe, PA 15650) for dust collectors on the jet mill at its Kingston Plant located in Derry Township, **Westmoreland County**.

65-305-049: The Department intends to issue an Air Quality Operating Permit to **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a benzene emissions control system and an ammonia still on the coke by-products recovery plant at its Monessen Coke Plant located in Monessen, **Westmoreland County**.

65-305-048: The Department intends to issue an Air Quality Operating Permit to **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for a pushing baghouse, a desulfurization unit and an excess coke oven gas flare on the coke oven battery operations at its Monessen Coke Plant located in Monessen, **Westmoreland County**.

04-309-038: The Department intends to issue an Air Quality Operating Permit to **Pennsylvania Power Company** (1 East Washington Street, P. O. Box 891, New Castle, PA 16103) for a baghouse and bin vents on the MF-lime forced oxidation system at its Shippingport Plant located in Shippingport Borough, **Beaver County**.

Notice of Intent to Issue Title V Operating Permit #32-00157

Under 25 Pa Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to **T. W. Phillips Gas and Oil Company** for the Kinter Compressor Station operating in Rayne Township, **Indiana County**. The T. W. Phillips Gas and Oil Company representative to contact regarding this application is Terry M. Mohr, Engineering Manager, 205 North Main St., Butler, PA 16001.

The Kinter compressor station is primarily used for the distribution of natural gas. As a result of the levels of nitrogen oxide emitted, Kinter is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, DEP's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #32-00157).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department

determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000, or Francis D. Condrick, Air Pollution Control Engineer II, Air Quality Control at the same address.

**Notice of Intent to Issue
Title V Operating Permit #11-00356**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to **Peoples Natural Gas Company** for the Rager Mountain/Laurel Ridge compressor station. The Rager Mountain compressor station is located in Jackson Township, **Cambria County**. The Peoples Natural Gas Company representative to contact regarding this application is William Runyan, P. E., Safety, Environmental and Compliance, 625 Liberty Avenue, Pittsburgh, PA 15222-3197.

The Rager Mtn. compressor station is primarily used for the storage and distribution of natural gas. As a result of the levels of nitrogen oxides emitted, this station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Resources, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #11-00356).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000 or Thomas J. Joseph, Air Pollution Control Engineer III, Air Quality Control, at the same address.

**Notice of Intent to Issue
Title V Operating Permit #11-00258**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to **Texas Eastern Transmission Corporation** for the Lilly Compressor Station operating in Cresson Township, **Cambria County**. The Texas Eastern Transmission Corporation representative to contact regarding this application is Charles Wait, Sr. Engineer, P. O. Box 1642, Houston, TX 77251.

The Lilly compressor station is primarily used for the storage and distribution of natural gas. As a result of the levels of nitrogen oxide emitted, Lilly is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #11-00258).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000 or R. Shawn Mendt, Air Pollution Control Engineer II, Air Quality Control, at the same address.

**Notice of Intent to Issue
State Only Operating Permit #OP-26-020**

Under 25 Pa. Code § 127.424, notice is here provided that the Department intends to issue a facility-wide State Only Operating Permit to **Commercial Stone Co., Inc.** (2200 Springfield Pike, Connellsville, PA 15425) for the Rich Hill facility operating in Bullskin Township, **Fayette County**.

Permit conditions cover all equipment located at the facility, including equipment covered in the Continuous Process Limestone Crushing Plant and the Wet suppression/Dry Collection System. Permit conditions limit fugitive and visible emissions in accordance with 25

Pa. Code 123.1 and 123.2. Maximum annual emissions (after control) are estimated at 12 tons/year PM-10.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #OP-26-020).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or a request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Sheri L. Guerrieri, APCEII, Air Quality at the same address.

**Notice of Intent to Issue
State Only Operating Permit #OP-04-682**

Under 25 Pa. Code § 127.424, notice is here provided that the Department intends to issue a facility-wide State Only Operating Permit to **Heckett Multisery** (612 North Main Street, Butler, PA 16001) for the Plant #53 facility operating in Koppel Borough, **Beaver County**

Permit conditions cover all equipment located at the facility. Maximum allowable annual emissions (after control) are established at less than 10 tons of Particulate Matter per year.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed permit (specify permit #OP-04-682).

- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, phone (412) 442-4000. For additional information contact Francis Condrick, APCE II Air Quality at the same address.

**Notice of Intent to Issue
Title V Operating Permits #24-00129 and 24-00120**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to **CNG Transmission Corporation (CNG)** for its Ardell and Benezette stations. CNG's Ardell and Benezette facilities are located in Benezette Township, **Elk County**. CNG's representative to contact concerning these applications is Sam Mathew, Engineer, 445 West Main Street, P. O. Box 2450, Clarksburg, WV 26302-2450, (304) 623-8929.

CNG's Ardell and Benezette stations are used for the transmission of natural gas along its pipeline. The air emission sources at the stations include compressor engines and turbines and smaller miscellaneous sources. The facilities are major stationary sources as defined in Title I, Part D of the Clean Air Act Amendments due to their potential to emit of Nitrogen Oxides. The facilities are therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the applications, the Department's analysis and other documents used in the evaluation of the applications are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (Ardell Station specify Permit #TV 24-00120)
(Benezette Station specify Permit #TV 24-00129)
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the

decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permits or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

**Notice of Intent to Issue
Title V Operating Permit #33-00140**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to **CNG Transmission Corporation (CNG)** for its Punxsutawney station. CNG's Punxsutawney station is located in Perry Township, **Jefferson County**. CNG's representative to contact concerning these applications is Sam Mathew, Engineer, 445 West Main Street, P. O. Box 2450, Clarksburg, WV 26302-2450, (304) 623-8929.

CNG's Punxsutawney station is used for the transmission of natural gas along its pipeline. The air emission sources at the stations include natural gas fired compressor engines and smaller miscellaneous sources. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the potential to emit of Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit #TV 33-00140).
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure,

contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

**Notice of Intent to Issue
Title V Operating Permit #16-00127**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to **Piney Creek Limited Partnership (Piney Creek)**. Piney Creek's facility is located in Piney Township, **Clarion County**. Piney Creek's representative to contact concerning this application is Kendall Reed, Plant Manager, at R. R. 2, Box 56, Clarion, PA 16214 or at (814) 226-8001.

Piney Creek's facility is primarily used for the generation of electricity. The facility's primary air emission sources include a fluidized bed combustion unit and coal and limestone handling and conveying areas. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit of sulfur oxides, nitrogen oxides, and carbon monoxide. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify Permit # TV 16-00127).
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

**Notice of Intent of Issue
Title V Operating Permit No. 15-00020**

Under 25 Pa. Code §§ 127.424 and 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to **Columbia Gas**

Transmission Corporation for the Downingtown Compressor facility. The Downingtown Compressor Station is located at 1470 Poorhouse Road, in West Bradford Township, **Chester County**.

The Downingtown facility is primarily used for compressing natural gas. As a result of the potential levels of NOx and VOCs emitted, Downingtown Compressor Station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the permit application and the draft Title V Operating Permit at the Department's Southeast Regional Office may be scheduled by contacting the Record's Management staff, at (610) 832-6000 between 8 a.m. and 4 p.m. Monday through Friday, except holidays.

A 30 day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and phone number of the person submitting the comments.
- Identification of the proposed permit (specify permit TVOP 15-00020).
- Concise statements regarding the relevancy of objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified on the decision to hold a hearing by publication in this newspaper, or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Program Manager, Department of Environmental Protection, Southeast Region—Field Operations, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428, (610) 832-6242 or Edward Jurdones Brown, Facilities Section Chief, Air Quality Program at the same address and phone number.

**Notice of Intent of Issue
Title V Operating Permit No. 15-00022**

Under 25 Pa. Code §§ 127.424 and 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to **Columbia Gas Transmission Corporation** for the Eagle facility. Eagle Compressor Station is located at 310 Fellowship Road, in Chester Springs Township, **Chester County**.

The Eagle facility is primarily used for compressing natural gas. As a result of the potential levels of NOx and VOCs emitted, Eagle Compressor Station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the permit application and the draft Title V Operating Permit at the Department's Southeast Regional Office may be scheduled by contacting the Record's Management staff, at (610) 832-6000 between 8 a.m. and 4 p.m. Monday through Friday, except holidays.

A 30 day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and phone number of the person submitting the comments.
- Identification of the proposed permit (specify permit TVOP 15-00022).
- Concise statements regarding the relevancy of objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified on the decision to hold a hearing by publication in this newspaper, or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Program Manager, Department of Environmental Protection Southeast Region—Field Operations, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428, (610) 832-6242 or Edward Jurdones Brown, Facilities Section Chief, Air Quality Program at the same address and phone number.

PLAN APPROVALS

**Notice of Intent to Approve
Plan Approval Application #PA-63-101A**

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (DEP) intends to issue a Plan Approval to the **Maple Creek Mining Company** for a coal processing operation located in New Eagle Borough, PA as described in its application received on November 8, 1996.

Based on the information provided by the applicant and on DEP's analysis of that information, these modifications will increase actual particulate emissions 0.32 ton per year (640 lbs/yr).

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In order for DEP to assure compliance with all applicable standards, DEP proposes to place the following conditions on the Plan Approval:

Special Conditions

1. This Plan Approval is for modifications to the Maple Creek Coal Preparation Plant located in New Eagle Borough, Washington County.

2. This Plan Approval and conditions shall supersede Permit No. 63-305-013.

3. The volume of the coal storage pile shall be limited to 115,000 tons under maximum conditions.

4. The company shall apply a chemical dust binder product to the stockpile as required and in conformance with vendor specifications.

5. A dust suppression system will be installed, maintained and be capable of operation at all times. The system shall, at a minimum, consist of spray heads located at conveyor transfer points, stacking tubes and at sufficient intervals along the top of the barrier to enable dust suppression applications to the entire stockpile.

6. The company shall maintain records of the frequency, time of day, size of pile and amount of chemical sprayed on the pile and make those data available to the Department upon request.

7. The company shall treat the pile through the use of a water truck with high pressure spray nozzles.

8. The company shall maintain a water line at the top of the stacking tube for use in situations that require immediate dust control.

9. The company shall not use trucks to stack or reclaim from the pile without notifying this office.

10. Covered conveyor belts shall be constructed and used to transport coal from the mine to the stockpile area, the use of railcars for this purpose shall be prohibited.

11. Additional measures may be necessary to maintain compliance with 25 Pa. Code §§ 123.1 and 123.2.

12. Noise from the facility shall be minimized through operations consistent with good engineering practices.

13. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

a) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when the operator expects to commence operation.

b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a), above.

d) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

e) The notice submitted by the Owner/Operator under subpart (a), above, prior to the expiration of this Plan

Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department of Environmental Protection at the address shown below. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed Plan Approval (specify the Plan Approval number).

- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or Thomas J. Joseph, Air Pollution Control Engineer III, Air Quality Control at the same address.

Application received for Plan Approval under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-65-891A: Firestone Building Products Company (Buncher Commerce, Park Building, Avenue A, Youngwood, PA 15697) for a foam insulation manufacturing process at its Youngwood Plant located in Youngwood Borough, **Westmoreland County**.

65-307-054C: Teldyne, Inc. (P. O. Box 151, Latrobe, PA 15650) for a EAF and AOD Vessel and Combustion at its Teldyne Allvac facility located in Derry Township, **Westmoreland County**.

PA-11-289A: OMG Americas (101 Bridge Street, Johnstown, PA 15902) for three high-speed grinding mills at its Johnstown Plant located in Johnstown, **Cambria County**.

PA-03-206A: Rosebud Mining Company (R. R. 1, Box 379A, Kittanning, PA 16201) for a coal preparation facility at its Tracy Lynne Mine facility located in Kiskiminetas Township, **Armstrong County**.

PA-04-687B: Teledyne Rodney Metals (7544 Route 18 North, P. O. Box Q, Koppel, PA 16136) for the acid pickling dip tank #4 at its Koppel Plant located in Koppel Borough, **Beaver County**.

PA-65-792A: Advanced Metallurgy, Inc. (1003 Corporate Drive, Corporate Park, Export, PA 15632) for a

baghouse on the belt and brush sanders at its Plant #5 facility located in Murrysville, **Westmoreland County**.

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements.

For additional information on the following applications contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

Northwest Regional Office: Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

PA-10-298B: The Department received a plan approval application for construction of a magnesium hammermill (805 lbs/hr) with cyclone control, by **ESM II, Inc.**, (955 Saxonburg Blvd., Clinton Industrial Park, Saxonburg, PA 16056) in Saxonburg, **Butler County**.

PA-24-022A: The Department received a plan approval application for construction of a continuous furnace for baking metal/graphite parts (600 lbs/day), by **St. Marys Carbon Company** (P. O. Box 427, St. Marys, PA 15857) in St. Marys, **Elk County**.

PA-62-153A: The Department received a plan approval application for construction of a plastic cup printing/screening process (45 million cups/year) by **Whirley Industries, Inc.** (6 Harmar Street, Warren, PA 16365), in Warren, **Warren County**.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY APPLICATIONS

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

§§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or request 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—123 and 86.31—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 permit into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52, and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity, and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received:

32970201. Britt Energies, Inc. (P. O. Box 515, Indiana, PA 15701), commencement, operation and restoration of a coal refuse reprocessing mine in Center Township, **Indiana County**, affecting 4.6 acres, receiving stream unnamed tributary to Two Lick Creek to Two Lick Creek to Conemaugh River, application received April 18, 1997.

56900111. Permit Renewal, Hoffman Mining, Inc. (R. R. 3, Box 389, Stoystown, PA 15563), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 188.6 acres, receiving stream unnamed tributaries to

Buffalo Creek and unnamed tributary to Piney Run, application received April 18, 1997.

11970102. E. P. Bender Coal Company, Inc. (P. O. Box 594, Carrolltown, PA 15722), commencement, operation and restoration of bituminous strip beneficial use of circulating fluidized bed (CFB) ash mine in Dean Township, **Cambria County**, affecting 87.0 acres, receiving stream unnamed tributaries to Brubaker Run and Tubb Run (topographic drainage for abandoned mine reclamation only), application received April 18, 1997.

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

26920103R. Hoffman Mining, Inc. (R. R. 3, Box 389, Stoystown, PA 15563). Renewal application received for continued reclamation of a bituminous surface mine located in German Township, **Fayette County**. Receiving streams: unnamed tributaries to south branch of Browns Run to North Branch of Browns Run to Browns Run to the Monongahela River. Renewal application received April 18, 1997.

03960109. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application received for commencement, operation and reclamation of a bituminous surface mine with a coal preparation plant/processing facility located in Valley Township, **Armstrong County**, proposed to affect 113.0 acres. Receiving streams: one unnamed tributary to Laurel Run, Laurel Run. Application received April 15, 1997.

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

102327-24900103-E-1. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Application for a stream encroachment to mine through unnamed tributary "A" to Boderocco Run. Receiving streams: An unnamed tributary to Boderocco Run and Boderocco Run. Application in Horton and Fox Townships, **Elk County**. Application received April 11, 1997.

37840101. Kerry Coal Company (P. O. Box 19, Portersville, PA 16051) Renewal of an existing bituminous surface strip, auger and tipple refuse disposal operation in Little Beaver and Darlington Townships, **Lawrence and Beaver Counties** affecting 655.6 acres. Receiving streams: Six unnamed tributaries to North Fork of Little Beaver Creek and North Fork of Little Beaver Creek. Application for reclamation only. Application received April 11, 1997.

33860113. Cloe Mining Company, Inc. (P. O. Box I, Grampan, PA 16838). Renewal of an existing bituminous surface strip operation in Young and Oliver Townships, **Jefferson County** affecting 311.6 acres. Receiving streams: Unnamed tributaries to Little Elk Run and Little Elk Run. Application for reclamation only. Application received April 11, 1997.

10860121. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), Renewal of an existing bituminous surface strip and auger operation in Summit Township, **Butler County**, affecting 56.2 acres. Receiving streams: Four unnamed tributaries to Bonnie Brook to Connoquenessing Creek. Application for reclamation only. Application received April 14, 1997.

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

03851601. TJS Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the Dutch Run preparation plant in Plumcreek Township, **Armstrong County**, no additional discharge. Application received March 17, 1997.

65881601. Coal Loaders, Inc. (P. O. Box 346, Ligonier, PA 15650), to renew the permit for Jubilee No. 1 in Derry Township, **Westmoreland County**, no additional discharge. Application received March 21, 1997.

03950701. Canterbury Coal Company (R. D. 1, Box 119, Avonmore, PA 15618), to revise the permit for the Refuse Area No. 6 Extension in Kiskiminetas Township, **Armstrong County** to add 28.7 permit acres, no additional discharge. Application received March 31, 1997.

56971301. Solar Fuel Company, Inc. (R. D. 1, Fridens, PA 15541), to operate the Solar No. 17 bituminous deep mine in Jenner Township, **Somerset County**, receiving stream unnamed tributary to north branch of Quemahoning Creek. Application received March 18, 1997.

56841321. Miller Springs, Inc., (300 East Main Street, Suite 400, Lexington, KY 40507), to renew the permit for the Bird bituminous deep mine in Stoneycreek and Conemaugh Townships, **Cambria and Somerset Counties** for water handling only, no additional discharge. Application received March 17, 1997.

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

Noncoal Applications Received:

37900303. Russell Minerals (Pennsylvania), Inc. (P. O. Box 510, Darlington, PA 16115). Transfer of an existing noncoal surface mining operation in Taylor Township, **Lawrence County**, affecting 53.5 acres. Receiving streams: Beaver River and unnamed tributary. Transfer from A. Medure Sand & Gravel Co., Inc. Application received April 14, 1997.

27840601. A. A. Ames & Company (17162 Shreve Run Road, Pleasantville, PA 16341). Transfer of an existing sandstone operation in Tionesta Township, **Forest County** affecting 13.0 acres. Receiving stream: Hunter Run. Transfer from A. A. Ames & Company. Application received April 8, 1997.

37820301. Vetica Construction Co. (508 Morningstar Drive, Ellwood City, PA 16117). Revision to an existing sandstone operation in New Beaver Borough, **Lawrence County** affecting 3.0 acres. Receiving streams: an unnamed tributary to Beaver River. Revision to include 2.5 additional acres of area to the permitted site making the total acreage 5.5 acres. Application received April 17, 1997.

401223-25970801-E-1. Donald Kuhl (10601 Wales Road, Erie, PA 16510). Application for a stream encroachment to use an existing access road across an unnamed tributary to Fourmile Run in Greene Township, **Erie County**. Receiving streams: An unnamed tributary to Fourmile Run. Application received April 22, 1997.

20970303. Frank Tucci, Inc. (R. D. 2, Cambridge Springs, PA 16403). Commencement, operation and restoration of a gravel operation in Rockdale Township, **Crawford County** affecting 12.0 acres. Receiving streams: Kelly Run. Application to include a stream encroachment to construct erosion and sedimentation control facilities within 100 feet of an unnamed tributary to Kelly Run and to construct a haul road across an unnamed tributary to Kelly Run. Application received April 17, 1997.

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

7574046C2. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit #PA0613029 in Southampton Township, **Cumberland**

County, receiving stream—unnamed intermittent stream. Application received April 14, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment 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 process 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 Permits, 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 provision 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.

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

E01-175. Encroachment. **Bryn Eldridge**, P. O. Box 357, Unionville, PA 19375. To construct and maintain a private bridge having a clear span of 26 feet with a minimum underclearance of 5 feet across a tributary to Beaver Creek at a site located east of SR 0194 approximately 1 mile south of Abbottstown Square (Hanover, PA Quadrangle N: 21.2 inches; W: 15.0 inches) in Berwick Township, **Adams County**.

E05-246. Encroachment. **Bedford Auto Pool, Inc.** Thomas Young, P. O. Box 29, Bedford, PA 15522. To place fill in a 0.14 acre of wetland in order to expand the parking lot of Bedford Auto Pool located about 3,700 feet southwest of Interchange 11 of I-76 (Bedford, PA Quadrangle N: 7.7 inches; W: 3.3 inches) in Bedford Township, **Bedford County**.

E05-247. Encroachment. **Bedford County Commissioners**, Norma Ickes, 230 South Juliana Street, P. O. Box 166, Bedford, PA 15522. To rehabilitate and maintain county Bridge 41 across Wills Creek on T-653 (Cunningham Drive) by replacing the timber decking located about 3,200 feet south of Hyndman Borough (Hyndman, PA Quadrangle N: 11.2 inches; W: 12.95 inches) in Hyndman Borough and Londonderry Township, **Bedford County**.

E05-248. Encroachment. **PA Department of Transportation Engineering District 9-0**, Earl Neiderheiser, PE, 1620 Juniata North Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a new single span prestressed concrete spread box beam bridge over Piney Creek having a normal span of 42.1 feet on a 50 degrees skew with a minimum underclearance of 6.7 feet on SR 0026, Section 004 located 1,500 feet upstream of its confluence with Blackberry Lick Run (Chaneyville, PA Quadrangle N: 6.85 inches; W: 4.3 inches) in Mann Township, **Bedford County**.

E07-279. Encroachment. **Sheffield Rent-It, Inc.**, Tim Sheffield, 420 Blair Street, Hollidaysburg, PA 16648. To place fill in approximately 0.35 acre of wetlands for the purpose of developing 0.5 acre of a 3.0 acres property for equipment storage located along the south side of SR 0022 about 3.0 miles west of Hollidaysburg (Frankstown, PA Quadrangle N: 13.3 inches; W: 13.0 inches) in Frankstown Township, **Blair County**.

E07-280. Encroachment. **Hollidaysburg Borough Council**, Randell Manning, Municipal Building 401 Blair Street, Hollidaysburg, PA 16648. To construct and maintain a two span pedestrian bridge across the Beaverdam Branch of the Juniata River as part of developing the Hollidaysburg Canal Basin park in the flood plain of the River located in Hollidaysburg at the termination of Canal Street (Hollidaysburg PA Quadrangle N: 9.3 inches; W: 2.8 inches) in Hollidaysburg Borough, **Blair County**.

E50-184. Encroachment. **DCNR Bureau of Forestry**, District 3, Marcus Snyder, 400 Rachel Carson State Office Bldg., 8th Floor, Harrisburg, PA 17105. To remove an existing structure and to construct a 112-inch × 75-inch CMP in the channel of a tributary to Laurel Run at a point at Laurel Run Road (Newburg, PA Quadrangle N: 22.7 inches; W: 4.5 inches) in Toboyne Township, **Perry County**.

E67-590. Encroachment. **LBS Development Corp.**, Lee Linebaugh, 30 Ram Drive, Hanover, PA 17331. To place fill in a deminimus area of wetland less than or equal to 0.05 acre for the purpose of constructing a residential home in the Timberland II subdivision on Lot 46 located south of an unnamed tributary to Oil Creek west of Mountain Drive (Hanover, PA Quadrangle N: 7.0 inches; W: 10.4 inches) in Penn Township, **York County**.

E67-593. Encroachment. **Windsor Township**, Marlene Workinger, 255 Bahn's Mill Road, P. O. Box 458, Red Lion, PA 17356, to remove an existing structure and to construct and maintain a 12 foot wide by 3.5 foot high concrete box culvert over Beaver Creek on Roackey Road approximately 1,000 feet north of Pleasant Grove Road (Red Lion, PA Quadrangle N: 4.7 inches; W: 2.8 inches) in Windsor Township, **York County**.

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

E08-315. Encroachment. **Mountain Hardwood Inc.**, R. R. 3, Box 3130, Rome, PA 18837. To remove a vegetated gravel bar 250 feet long by 31 feet wide and to restore and maintain the stream banks in the removal area for the purpose of flood control in Wysox Creek on SR 187 (Rome, PA Quadrangle N: 21.40 inches; W: 10.50 inches) in Rome Township, **Bradford County**. Stream classification is CWF; Estimated stream disturbance is more than 250 linear feet.

E14-307. Encroachment. **Timothy Hassinger**, P. O. Box 55, Aaronsburg, PA 16820. To construct and maintain a concrete water supply intake 18 inches in diameter with a 4 inch diameter PVC pipeline and control valve for the purpose of directing water to three fish ponds from an unnamed trib. to a sinkhole which eventually resurfaces and empties into Elk Creek. Also to construct and maintain a 2 inch diameter PVC pipeline with a control valve to maintain existing water flow to an exceptional value wetland (Millheim, PA Quadrangle N: 7.9 inches; W: 12.4 inches) in Haines Township, **Centre County**.

E41-403. Encroachment. **East Lycoming School District**, Cemetery St., Hughesville, PA 17737. To construct and maintain an 8 foot wide covered footbridge with a clear span of 34.5 feet and underclearance of 4.5 feet across Laurel Run at a point about 1,500 feet upstream of its confluence with Muncy Creek in Van Rensselaer Park (Picture Rocks Borough and Wolf Township, **Lycoming County**). Estimated stream disturbance is 10 feet with no wetland impact; stream classification is HQ-CWF.

E55-145. Encroachment. **Middleburg Municipal Authority**, 13 North Main St., Middleburg, PA 17842. To construct, operate and maintain a publicly owned waste water treatment plant within floodplains and wetlands associated to Middle Creek. The proposed work shall consist of excavating, filling, regrading and stabilizing within the 100-year floodplain of Middle Creek. The project is located along the northern right-of-way of SR 0522 approximately 2,000.0 feet east of intersection of SR 0522 and East Market St. (Middleburg, PA Quadrangle N: 7.7 inches; W: 5.6 inches) in Middleburg Borough, **Snyder County**. Estimated stream disturbance is zero with 0.04 acre of wetlands impacted; stream classification is Trout Stocking Fishery.

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

Permit No. E39-336. Encroachment. **Busch Building Group, Inc.** 3140-B Tilghman Street, No. 254, Allentown, PA 18104. To place fill in 0.47 acre of PEM, FO wetlands for the construction of an office building and self storage area. The project is located approximately 0.2 mile east of the intersection of S. R. 0309 and the Pennsylvania Turnpike Northeast Extension (Allentown, West, PA Quadrangle N: 20.6 inches; W: 10.3 inches) in South Whitehall Township, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

Permit No. E48-253. Encroachment. **Northeastern Equity Associates, Inc.**, 641 Market Street, Bangor, PA 18013. To reestablish an approximate 1,100 L. F. reach of a tributary to Martins Creek (TSF) and to maintain the project to original permitted configuration. The construction of this permit was authorized by Emergency Permit No. EP4897401 and consists of two 48-inch diameter R.C.P. stream enclosures, having lengths of 186 L. F. and 190 L. F. and two trapezoidal open-channel sections. The project is located on the north side of S. R. 0512 along the Consolidated Rail Corporation right-of-way, approximately 0.2 mile west of S. R. 1035 (Broad Street) (Stroudsburg, PA Quadrangle N: 0.7 inch; W: 9.3 inches) in East Bangor Borough, **Northampton County** (Philadelphia District, Army Corps of Engineers).

Permit No. E35-282. Encroachment. **Keystone Sanitary Landfill, Inc.**, P. O. Box 249, Dunmore, PA 18512-0249. To fill in 0.29 acre of PEM, PSS wetlands as part of the development of the Phase II Landfill Expansion of the Keystone Sanitary Landfill. The project is located at the

Keystone Sanitary Landfill immediately northeast of the intersection of S. R. 0081 and S. R. 0380 (Olyphant, PA Quadrangle N: 10.1 inches; W: 11.6 inches) in Dunmore and Throop Boroughs, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

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

E23-348A. Encroachment. **Kimberly Clark Tissue Company**, Front and Avenue of the States, Chester, PA 19013. To amend permit E23-348 to include the placement and maintenance of fill beneath the existing low deck pier structure and a large storage tank as a rehabilitative measure for a partially collapsed existing low deck pier structure. This site is situated 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ-PA USGS Quadrangle N: 16.80 inches; W: 15.25 inches) in Chester City, **Delaware County**.

E09-749. Encroachment. **Dee Cee Jay Inc.**, River Road, Tullytown, PA 19007. To install and maintain approximately 1,160 linear feet of riprap bank protection along the Tullytown Cove a portion of the Delaware Estuary (WWF-MF). The site is located approximately 500 feet northeast of the confluence of Martins Creek and Tullytown Cove (Trenton West PA-NJ, USGS Quadrangle N: 1.90 inches; W: 8.90 inches) in Tullytown Borough, **Bucks County**.

E23-357. Encroachment. **Toll Brothers, Inc.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006. To perform the following activities associated with the construction of the Concord Chase Residential Subdivision:

1. To construct and maintain approximately 140 linear feet of 36-inch reinforced concrete pipe culvert, associated endwalls and roadway approach fill across an unnamed tributary to the Chester Creek (TSF) for the Beech Tree Drive Crossing.

2. To construct and maintain approximately 105 linear feet of 48-inch reinforced concrete culvert, associated endwalls and roadway approach fill across an unnamed tributary to the Chester Creek (TSF) and 0.36 acre of wetland (PFO) for the Great Oak Drive crossing.

3. To construct and maintain two stormwater outfall structures to unnamed tributaries of Chester Creek.

4. To construct and maintain one 8-inch PVC sanitary sewer line and one 15-inch RCP storm sewer line associated with the Beech Tree Drive Crossing.

This site is located just northeast of the intersection of Baltimore Pike (SR 0001) and School Lane (T-312) (Media USGS Quadrangle N: 4.5 inches; W: 17.0 inches) in Concord Township, **Delaware County**.

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

E02-1188. Encroachment. **Frank Pelly**, 10431 Perry Highway, Wexford, PA 15090. To construct and maintain a 11.8 foot x 7.6 foot, 115 foot long arch pipe enclosure in Girtys Run (WWF), connecting to existing downstream and upstream culverts for an overall total length of 1,025 feet for the purpose of providing parking for proposed office building located approximately 650 feet southeast from the intersection of Babcock Boulevard and Evergreen Road (Emsworth, PA Quadrangle N: 7.7 inches; W: 4.0 inches) in Ross Township, **Allegheny County**.

E02-1189. Encroachment. **Metro Property Developers**, 300 Park Manor Drive, Pittsburgh, PA 15205. To place and maintain fill in 0.1 acre of wetlands (EM/SS) for the purpose of developing Phase III of a commercial site known as The Point At North Fayette located on Summit Park Drive approximately 3,000 feet from the Summit Park Drive Exit from Route 60 (Oakdale, PA Quadrangle N: 13.0 inches; W: 8.1 inches) in North Fayette Township, **Allegheny County**.

E11-250. Encroachment. **Jackson Township**, 513 Pike Road, Johnstown, PA 15909. To operate and maintain an 87-inch x 63-inch cnp arch culvert in Hinckston Run (CWF) on T-739 (Simmons Lane). The structure was constructed under Emergency Permit No. EP1196208. It is located approximately 3,000 feet west of SR 271, (Nanty Glo, PA Quadrangle N: 11.7 inches; W: 15.3 inches) in Jackson Township, **Cambria County**.

E30-178. Encroachment. **Greene County Board of Commissioners**, 93 East High Street, Waynesburg, PA 15370. To remove existing structure known as County Bridge No. 53 and to construct and maintain a bridge with a single 40-foot span and underclearance of 5.5 feet in Blockhouse Run (WWF) located on TR 379, 40 feet west of its intersection with SR 3007 (Holbrook, PA Quadrangle N: 1.6 inches; W: 9.85 inches) in Gilmore Township, **Greene County**.

E63-430. Encroachment. **PA Dept. of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a pre-stressed concrete box beam bridge having a normal span of 48.31 feet and an underclearance of 11.6 feet over Chartiers Creek (WWF). During construction, temporary stream diversion will be maintained in Chartiers Creek. The project is located along Country Club Road (SR 1045) approximately 600 feet south of its intersection with SR 4049 (Washington East, PA Quadrangle N: 15.7 inches; W: 16.0 inches) in Chartiers and South Srabane Townships, **Washington County**.

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

E37-112. Encroachment. **Whipple-Allen Real Estate**, P. O. Box 928, Erie, PA 16512-0928. To place fill within 0.63 acre of wetlands for development of a Senior Assisted Living Facility. The proposed facility is located on the north side of Glenmoore Boulevard approximately 1,200 feet east of the intersection of Wilmington Avenue (S. R. 0018) and Glenmoore Boulevard. This project will also include the creation of at least 0.63 acre of replacement wetlands adjacent to the proposed facility (New Castle North, PA Quadrangle N: 3.6 inches; W: 13.9 inches) located in Neshannock Township, **Lawrence County**.

DAM SAFETY

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

must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

D30-031B. Dam. **Consol Pennsylvania Coal Company** (1800 Washington Road, Pittsburgh, PA 15241-1421.) To modify, operate and maintain the Refuse Area No. 1 Dam across a Tributary to Enlow Fork (WWF) at the Bailey Mining Complex near Enon. The modification will raise the height of the existing Refuse Area No. 1 Dam 40 feet to allow for an additional 7 years of fine refuse disposal capability. The dam is located in Richhill Township, **Greene County**.

ENVIRONMENTAL ASSESSMENT

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

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

EA09-012C0. Environmental Assessment. **Dover Corporation Ltd.** (66 County Line Road, Souderton, PA 18964). To construct and maintain a non-jurisdictional dam across a Tributary to Mill Creek (TSF) for the purpose of stormwater management at the proposed Telford Chase residential development located approximately 500 feet northeast of the intersection of County Line Road (S. R. 4027) and Summit Avenue (Telford, PA Quadrangle N: 12.9 inches; W: 9.6 inches) in Telford Borough, **Bucks 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 has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

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

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

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

Permits Issued

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

NPDES Permit No. PA 0042731. Industrial waste. **Warren County Solid Waste Authority**, Warren County Courthouse, Warren, PA 16365 is authorized to discharge from a facility located in Pleasant Township, **Warren County** to an unnamed tributary to Allegheny River.

NPDES Permit No. PA 0222208. Sewage. **Fiamella Subdivision**, 10247 West Main Street, North East, PA 16428 is authorized to discharge from a facility located in Greene Township, **Erie County** to an unnamed tributary to Four Mile Creek.

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

NPDES Permit No. PA-0062880. Sewerage. **KidsPeace Corporation** (Wiley House), 5300 KidsPeace Drive, Orefield, PA 18069 is authorized to discharge from a facility located in North Whitehall Township, **Lehigh County** to Jordan Creek.

NPDES Permit No. PA-0007757. Industrial waste. **Celotex Corporation**, P. O. Box 663, Pittston, PA 18640 is authorized to discharge from a facility located in Exeter Township, **Luzerne County** to the north branch Susquehanna River.

NPDES Permit No. PA-0062847. Sewerage. **H. A. Berkheimer, Inc.**, 1883 Jory Road, Pen Argyl, PA 18072 is authorized to discharge from a facility located in Plainfield Township, **Northampton County** to Waltz Creek.

NPDES Permit No. PA-0062341. Sewerage. **Fawn Lake Forest Water Company**, P. O. Box D, Waymart, PA 18472 is authorized to discharge from a facility located in Lackawaxen Township, **Pike County** to Teedyuskung Creek.

NPDES Permit No. PA-0035611. Sewerage. **Commonwealth of Pennsylvania**, Department of Transportation, Harrisburg, PA 17120 is authorized to discharge from a facility (Rest Area #56) located in Lenox Township, **Susquehanna County** to an unnamed tributary of east branch Tunkhannock Creek.

NPDES Permit No. PA-0063401-A1. Sewerage. **Monteforte Enterprises**, R. R. 2, Box 34, New Milford, PA 18834 is authorized to discharge from a facility located in New Milford Township, **Susquehanna County** to an unnamed tributary to Nine Partners Creek.

NPDES Permit No. PA-0023736. Sewerage. **Tri-Boro Municipal Authority**, 216 East Main Street, Susquehanna, PA 18847 is authorized to discharge from a facility located in the Borough of Susquehanna Depot, **Susquehanna County** to the north branch of the Susquehanna River.

NPDES Permit No. PA-0020940. Sewerage. **Tunkhannock Borough Municipal Authority**, P. O. Box B, Tunkhannock, PA 18657 is authorized to discharge from a facility located in Tunkhannock Borough, **Wyoming County** to Tunkhannock Creek.

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

Permit No. 6597203. Industrial waste, **Koppers Industries, Inc.**, 345 Donner Avenue, Monessen, PA 15062. Construction of Coke Plant located in Monessen, **Westmoreland County** to serve the Monessen Coke Plant.

Permit No. 0497402. Sewerage, **Rochester Borough**, 300 West Park Drive, Rochester, PA 15074. Construction of Pump Station, Force Main and Sewer Line located in the Borough of Rochester, **Beaver County** to serve the Riverfront Development.

NPDES Permit No. PA0038237. Sewage, **Rostraver Township Sewage Authority**, P. O. Box 976, R. D. 4, Port Royal Road, Belle Vernon, PA 15012 is authorized to discharge from a facility located at Sweeney-Fellsburg Water Pollution Control Plant, Rostraver Township, **Westmoreland County** to Youghiogheny River.

NPDES Permit No. PA0096512. Sewage, **Mt. Morris Water and Sewage Authority**, P. O. Box 340, Mt. Morris, PA 15349 is authorized to discharge from a facility located at Mt. Morris Wastewater Treatment Plant, Perry Township, **Greene County** to Dunkard Creek.

NPDES Permit No. PA0097390. Sewage, **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123 is authorized to discharge from a facility located at Vekaplast Sewage Treatment Plant, Marion Township, **Beaver County** to Connoquenessing Creek.

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

Permit No. WQM 5997402. Sewerage. **Mr. and Mrs. Wolfe**, Prospect Hill Apartments #9-1B, Flemington, NJ 08822. Approval to construct a single family residence treatment facility, at Tioga Township, **Tioga County**.

Permit No. WQM 4789401-T1. Sewerage. **David and Cindy Pervola**, 125 Welliver Road, Danville, PA 17821. Transfer of permit was approved at Valley Township, **Montour County**.

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

NPDES Permit No. PA0031739. Sewerage. **Great Valley School District**, P. O. Box 617, Devault, PA 19432 is authorized to discharge from a facility located in East Whiteland Township, **Chester County** into an unnamed tributary of Valley Creek.

NPDES Permit No. PA0055182. Amendment No. 1. Industrial waste. **Lustig Meats**, 670 East Cherry Road, Quakertown, PA 18951 is authorized to discharge from a facility located in Richland Township, **Bucks County** into an unnamed tributary to Tohickon Creek,

NPDES Permit No. PA005729. Industrial waste. **Hewlett-Packard Company**, 2850 Centerville Road, Wilmington, DE 19808 is authorized to discharge from a facility located in New Garden Township, **Chester County** into a Dry Swale to Egypt Run and Bocktoe Creek.

NPDES Permit No. PA0050652. Sewerage. **Westtown School**, P. O. Box 1799, Westtown Road, Westtown, PA 19395-1799 is authorized to discharge from a facility located in Westtown Township, **Chester County** into the east branch of Chester Creek.

NPDES Permit No. PA0030112. Sewerage. **Methacton School District**, 1001 Kriebel Mill Road, Norristown, PA 19408-2011 is authorized to discharge from a facility located in Worcester Township, **Montgomery County** into an unnamed tributary of Skippack Creek.

NPDES Permit No. PA0050148. Amendment No. 1. Sewerage. **Warwick Township Water and Sewer Authority**, 1985 York Road, Jamison, PA 18929 is authorized to discharge from a facility located in Warwick Township, **Bucks County** into Fish Creek.

NPDES Permit No. PA0057134. Sewerage. **George and Elyse Norton**, 41 Locust Farm Drive, Thornton, PA 19373 is authorized to discharge from a facility located in Concord Township, **Delaware County** into an unnamed tributary to west branch of Chester Creek.

NPDES Permit No. PA0054267. Sewerage. **Remington Properties, Inc.**, 330 Llandrillo Road, Bala Cynwyd, PA 19004 is authorized to discharge from a facility located in Upper Hanover Township, **Montgomery County** into Macoby Creek Branch.

NPDES Permit No. PA0012432. Industrial waste. **Sunny Dell Foods**, 135 North 5th Street, Oxford, PA

19363 is authorized to discharge from a facility located in n Oxford Borough, **Chester County** into an unnamed tributary to the west branch Big Elk Creek.

NPDES Permit No. PA0056324. Amendment No. 1. Industrial waste. **Mobil Oil Corporation**, 40 Liberty Blvd., Malvern, PA 19355 is authorized to discharge from a facility located in West Whiteland Township, **Chester County** into an unnamed tributary to the west branch of Valley Creek.

NPDES Permit No. PA0053899. Industrial waste. **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, P. O. Box 1413, Morrisville, PA 19067-0327 is authorized to discharge from a facility located in Falls Township, **Bucks County** into an unnamed tributary to Biles Creek, wetlands of Delaware Estuary (Zone 2) and wetlands of Delaware Estuary (Zone 1).

NPDES Permit No. PA0057088. Industrial waste. **PECO Energy Company**, Fairless Hills Generating Station, Fairless Works, Fairless Hills, PA 19030 is authorized to discharge from a facility located in Falls Township, **Bucks County** into the Delaware River Estuary Zone 2.

NPDES Permit No. PA0054551. Sewerage. **Paul J. Matthews**, 4 Fox Run Lane, Newtown Square, PA 19073-1004 is authorized to discharge from a facility located in Willistown Township, **Chester County** into the West Tributary to Ridley Creek.

NPDES Permit No. PA0054313. Sewerage. **Judy Harris and Grant N. Ziegler**, P. O. Box 338, Springtown, PA 18081 and 5371 Bluebird Drive, New Tripoli, PA 18066 is authorized to discharge from a facility located in Springfield Township, **Bucks County** into Cooks Creek.

NPDES Permit No. PA 0057029. Industrial waste, **Hewlett-Packard Company**, 2850 Centerville Road, Wilmington, DE 19808. The facility is located at Route 41 and Starr Road in New Garden Township, **Chester County**, PA.

The following notice reflects changes to the notice published in the March 8, 1997, *Pennsylvania Bulletin*:

Effluent limits for 1,1-Dichloroethylene, Tetrachloroethylene, 1,2-Trans Dichloroethylene and Trichloroethylene are revised as follows, considering discharge to an intermittent stream:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------------|-----------------------------------|---------------------------------|---|
| 1,1-Dichloroethylene | 0.007 | 0.014 | 0.017 |
| Tetrachloroethylene | 0.005 | 0.01 | 0.012 |
| 1,2-Trans Dichloroethylene | 0.7 | 1.4 | 1.75 |
| Trichloroethylene | 0.005 | 0.01 | 0.012 |

Authorization to discharge stormwater runoff associated with industrial activities through Outfalls 002 and 003.

Permit No. 1596410. Sewerage. **Thornbury Township** (8 Township Drive, Cheyney, PA 19319-1019). Construction of a sewage treatment plant located in Thornbury Township, **Chester County** to serve Bridlewood Farm.

Permit No. 1593412. Amendment No. 1. Sewerage. **Uwchlan Township** (715 North Ship Road, Exton, PA 19341). Construction of a Disinfection system with UV

disinfection located in Uwchlan Township, **Chester County** to serve Eagleview Corporate Center.

Permit No. 2397402. Sewerage. **George and Elyse Norton** (41 Locust Farm Drive, Thornton, PA 19373). Construction of a sewage treatment plant with stream discharge located in Concord Township, **Delaware County** to serve the Norton residence.

Permit No. 1596415. Sewerage. **North Coventry Municipal Authority** (1485 East Schuylkill Road, P. O. Box 833, Pottstown, PA 19464). Construction of and expansion of a sanitary sewer system and pump station

located in North Coventry Township, **Chester County** to serve North Coventry Municipal Authority Sanitary Sewer System Expansion.

Permit No. 1596417. Sewerage. **New Garden Township Sewer Authority** (8934 Gap Newport Pike, Landenberg, PA 19350). Construction of a sewage treatment plant with spray irrigation located in New Garden Township, **Chester County** to serve East End Wastewater Treatment Plant.

Permit No. 2397401. Sewerage. **Southwest Delaware County Municipal Authority** (P. O. Box 2466). Construction of a by-pass interceptor located in Upper Chichester Township, **Delaware County** to serve Marcus Hook Creek Interceptor-Woodbrook Pump Station.

**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, telephone (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

PAS-10-C007. Individual NPDES. **Jeff Lipton**, R. R. 7, Routes 23 and 100, Pottstown, PA 19464. To implement an Erosion and Sedimentation Control Plan for the construction of residential subdivision on 81 acres in Washington Township, Bally Borough, **Berks County**. The project is located east of Route 100 at the southern end of Bally Borough (Greenville East, Pa Quadrangle N: 3.2 inches; W: 12.6 inches). Drainage will be to the West Branch of Perkiomen Creek.

PAS-10-C022. Individual NPDES. **Group One Properties Inc.**, Cross Roads Corporate Centre, 4641 Pottsville Pike, Reading, PA 19605. To implement an Erosion and Sedimentation Control Plan for a residential subdivision on 32 acres in Leesport Borough, **Berks County**. The project is located between Chestnut and Main Streets (Temple, PA Quadrangle N: 12.4 inches; W: 13.7 inches). Drainage will be to the Schuylkill River.

PAS-10-M080. Individual NPDES. **John R. Hoffman**, 2445 Hoffman Road, Greencastle, PA 17225. To implement an Erosion and Sedimentation Control Plan for a single family housing development on 39.25 acres in Peters and Montgomery Townships, **Franklin County**. The project is located 0.6 mile west of Upton Village (Williamstown, PA Quadrangle N: 10.0 inches; W: 9.8 inches). Drainage will be to unnamed tributary to West Branch Conococheague Creek.

PAS-10-O060. Individual NPDES. **NADU Construction Company**, 1730 Columbia Avenue, Lancaster, Pa 17603. To implement an Erosion and Sedimentation Control Plan for the Willow Run residential development on 50.2 acres in West Lampeter and Pequea Townships, **Lancaster County** The project is located on east side of S. R. 0272, along Peach Bottom Road (Conestoga, PA Quadrangle N: 16.6 inches; W: 2.7 inches). Drainage will be to a tributary to Pequea Creek.

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

| <i>NPDES Permit #</i> | <i>Applicant Name and Address</i> | <i>County and Municipality</i> | <i>Receiving Stream</i> |
|-----------------------|--|--------------------------------------|---------------------------------------|
| PAS101909 | Northland Inc. 416 River Ave. Williamsport, PA 17701 | Gallagher Township Clinton County | Wildcat Hollow and Twin Dam Hollow |

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

| <i>NPDES Permit #</i> | <i>Applicant Name and Address</i> | <i>County Municipality</i> | <i>Receiving Stream</i> |
|-----------------------|--|---|-----------------------------|
| PAS10-G225 | Rouse/Chamberlain, Ltd. 500 Exton Commons Exton, PA 19341 | Schuylkill Township Chester County | Pickering Creek |
| PAS10-G244 | The Hankin Group 717 Constitution Drive, Suite 201, P. O. Box G Exton, PA 19341 | Uwchlan Township Chestr County | Shamona Creek |
| PAS10-G254 | K. Hovnanian of Hershey's Mill, Inc. 1369 Troon Lane West Chester, PA 19380 | East Goshen Township Chester County | West Branch Ridley Creek |

**INDIVIDUAL PERMITS
(PAR)**

APPROVALS TO USE NPDES GENERAL PERMITS

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective 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 and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

NPDES 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 |

| <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 Salem Township | PAR212217 | Casteck, Inc. Box 1658 River Road R. R. 1 Berwick, PA 18603 | Susquehanna River | Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790 (717) 826-2553 |
| Lehigh County Bethlehem | PAR202202 | Gardner Cryogenics 2136 City Line Avenue Bethlehem, PA 18017 | Lehigh River | Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, PA 18711-0790 (717) 826-2553 |
| Northumberland Milton Boro | PAR804801 | ACT Industries, Inc. P. O. Box 109 Milton, PA 17847 | West Branch of Susquehanna River | (717) 327-3664 Northcentral |
| Columbia Co. Stillwater Boro | PAR224809 | Charles D. Roberts Co. P. O. Box 6 Stillwater, PA 17878 | Raven Creek to Fishing Creek | Northcentral |
| Columbia Co. Town of Bloomsburg | PAR 134801 | Magee Rieter Automotive System 408 West 5th Street Bloomsburg, PA 17815 | Fishing Creek | Northcentral (717) 327-3664 |
| Clearfield Co. Wallacton Twp. | PAR224824 | Wallacton Hardwoods P. O. Box 54 Wallacton, PA 16870 | UNT to Laurel Run | Northcentral (717) 327-3664 |
| Tioga Co., Tioga Township | PAG044939 | Mr. & Mrs. William Wolfe Prospect Hill Apartments #9-1B Flemington, NJ 08822 | Steam Mill Creek | (717) 327-3664 Northcentral |
| Northumberland Co. Shamokin Twp. | PAG044938 | Marie Boguslaw R. R. 1, Box 323 Paxinos, PA 17860 | Shamokin Creek | Northcentral |

| <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> |
|--|-------------------|---|--|---|
| Montour Co. Valley Twp. | PAG044936 | David and Cindy Pervola 125 Welliver Road Danville, PA 17821 | UNT of Mahoning Ck. | Northcentral (717) 327-3664 |
| Northumberland Co. Shamokin Twp. | PAG044935 | Corbett Shaffer R. R. 1, Box 197 Paxinos, PA 17860 | UNT to Shamokin Creek | Northcentral (717) 327-3664 |
| Snyder Co. Washington Twp. | PAG044937 | Richard Moore 210 West 70th Street N0 911 New York, NY 10023 | Dry Run | Northcentral (717) 327-3664 |

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Richard Shudak at (717) 826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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, telephone (717) 826-2553.

Waterford Court is located on the northeast side of Lanark Road, 1,750 feet west of the intersection of Lanark Road and Route 309, Upper Saucon Township, **Lehigh County**. This project proposes a 61 lot townhouse project on a 7.66 acre tract. An 8" PVC sewer main extension will serve the project. The proposed 15,250 gpd of sewage flows will be collected, conveyed and treated by the Upper Saucon Township Authority Municipal facilities. Upper Saucon Township will provide public water to the project.

Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110.

District Township, Berks County, 202 Weil Road, Boyertown, PA 19512. The approved plan provided for amending local ordinances to provide for replacement area testing in new land development proposing onlot disposal systems (OLDS). OLDS maintenance education, inspections, and voluntary OLDS maintenance programs will be implemented. Provisions for mandatory OLDS maintenance to replace the voluntary program are included should the voluntary system prove unsuccessful. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Colebrookdale Township, Berks County, P. O. Box 194, New Berlinville, PA 19545. The approved plan provided for implementation of plant improvements to upgrade and expand the Morysville wastewater treatment facility. A special study will be submitted to determine details and costs. Future sewer service areas 1, 2 and 3 are identified and will require public sewer service or interim onlot disposal systems (OLDS) for new land development. A sewage management Ordinance will be enacted with mandatory OLDS maintenance in areas identified as having poor soil suitability for OLDS. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Montgomery Township, Franklin County, 11364 Ft. Loudon Road, Mercersburg, PA 17236. The approved plan provided for implementation of an expanded onlot disposal system addressing the entire Township. Additionally, a standardized Small Flow Sewage Treatment Facility agreement will be used throughout the municipality. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Upper Paxton Township, Dauphin County, 506 Berrysburg Road, M. R. Millersburg, PA 17601. The approved plan provided for examination of public sewer extensions in the Route 209 area east of Millersburg. Public sewer alternatives were determined to be financially infeasible at this time. A voluntary onlot disposal system education and maintenance program is assigned to this area. If voluntary participation goals are not reached within 3 years the area will be placed in a mandatory OLDS maintenance program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan revision approval under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20)

Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110.

North Middleton Township, Cumberland County. 211 North Middleton Road, Carlisle, PA 17013. The approved plan revision (Paul McAnulty, DEP Code No. A3-21920-146-3S) provides for the installation of an artificial wetland individual residence sewage treatment plant with discharge to an unnamed tributary to the Conodoguinet Creek. The project is located on the south-east side of SR 0074 about 3/4 mile north of the intersection with SR 0944. Any required NPDES Permits or WQM permits must be obtained in the name of the applicant. Approval was granted April 21, 1997.

Dover Township, York County. Approval of a revision to the Official Sewage Plan of Dover Township, York County, 2480 West Canal Road, Dover, PA 17315. Plan approval is given for the replacement of an existing overloaded interceptor sewer line serving existing sewage flows of 460,000 GPD tributary to the Dover Township Wastewater Treatment Plant with larger diameter lines.

The project name is Ashcombe Interceptor Replacement and its DEP Code number is **A3-67915-171-3**. Approval was granted April 22, 1997.

SAFE DRINKING WATER

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

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

Permit No. 0997504. Public Water Supply, **Village II Community Association**, Samuel Cinamon, P. O. Box 641, New Hope, PA 18938. The permitting of an existing water supply system in New Hope Borough, **Bucks County**.

Type of Facility: Public Water Supply

Consulting Engineer: Weldon C. Harris & Associates, P. O. Box 1361, Doylestown, PA 18901

Permit to Construct Issued: April 18, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

The Department has received the following final reports.

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

Pennsylvania Power & Light Company (PP&L)—distribution pole #56454N46658 (Simplex Drive), City of Scranton, **Lackawanna County**. PP&L, 2 North Ninth Street, Allentown, PA has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Regional Office: Regional Solid Waste Manager, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.

Permit No. 101550. Danella Environmental Technologies, Inc., P. O. Box 28, Taylor PA 18517. This permit has been revoked because the permittee requested permit revocation, because the facility was never constructed. Facility located in Plymouth Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on April 1, 1997.

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: Regional Solid Waste Manager, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428.

Permit No. 400593. American Ref-Fuel Company, 333 Earle Ovington Boulevard, Suite 302, Uniondale, NY 11553. This permit is for the reissuance of a Waste Management permit to American Ref-Fuel Company of Delaware County L. P. from Waste Energy Resources Inc. for the continuing operation of the resource recovery facility located in the City of Chester, **Delaware County**. Permit issued in the Southeast Regional Office on April 16, 1997.

Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone: (717) 657-4588.

Permit No. 100345. (Modification) Colebrookdale Landfill, Delaware County Solid Waste Authority, (Rose Tree Park-Hunt Club, 1521 N. Providence Road, Media, PA 19063). Application for modification for a new area for soil stockpile and material storage at a site in Earl Township, **Berks County**. Permit issued in the Regional Office April 24, 1997.

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

Permit ID No. 101652. West Lebanon Site, Pitt Mining Company, R. D. No. 3, Box 95B, Shelocta, PA 15774. Operation of a municipal waste (sewage sludge) processing facility in Young Township, **Indiana County**. Permit issued by the Regional Office on April 18, 1997.

*Override Justification
West Lebanon Site*

This permit is issued overriding the objections of the Indiana County Commissioners as stated in their July 24, 1996 letter to the Department along with the objections of local residents expressed in the August 14, 1996 public hearing.

Concerns regarding the potential contamination of groundwater and surface water supplies were taken into consideration during the application review process. All waste processing activities will be conducted under roof and on a concrete pad. As requested by the Indiana County Water Authority, the permittee contracted with an independent consultant to conduct an hydrogeologic study of land application of the processed material to the demonstration plots. The study concluded that land application of the finished processed material will have no detrimental affect on the groundwater and surface water in the area.

The traffic analysis was forwarded to the Department of Transportation for their review and comment. Their review indicated a condition exists at the intersection of Township Road 692 and S. R. 156 which requires corrective action. To address this concern the permittee is required to pave a portion of Township Road 692 at that intersection.

Monitoring concerns were addressed by requiring chemical analyses monitoring of both the incoming sewage sludge and the finished processed material. Acceptance criteria were established and records must be maintained to verify the quality of the material.

Air quality concerns were addressed by requiring an air quality plan approval prior to operation of the facility and dustfall monitoring during operation.

Financial liability was addressed by requiring the permittee to post a \$62,771 closure/post closure bond.

Other issues raised have been mitigated or are outside of the purview of regulatory authority.

The Department has determined that the technical issues were adequately addressed by the addendum submission, revisions, justification material and/or permit conditions. All submitted material has been available to the host municipality and county.

AIR POLLUTION PLAN APPROVALS

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

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

63-307-023A: On April 11, 1997, a Plan Approval expiration date was extended to July 31, 1997 to **Lukens Steel Company**, (P. O. Box 494, Washington, PA 15301) for a baghouse on the two electric arc furnaces (EAF) at its Houston Plant located in Houston Borough, **Washington County**.

65-307-054B: On April 11, 1997, a Plan Approval expiration date was extended to **Teledyne, Inc.**, (P. O. Box 151, Latrobe, PA 15650) for a baghouse on the EAF Oxygen Lance and AOD Vessel at its Teledyne Allvac facility located in Perry Township, **Westmoreland County**.

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

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

PA-10-148A: On April 17, 1997, a Plan Approval was issued to **Ervin Industries, Inc.** (681 East Butler Rd., Butler, PA 16001) for modification of electric arc furnaces at Summit Township, **Butler County**.

PA-25-028A: On April 23, 1997, a Plan Approval was issued to **International Paper Company** (P. O. Box 10050, Erie, PA 16533) for the construction of a wood chipper at Erie, **Erie County**.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Applications Issued:

11850109. Permit Renewal, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319),

commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Adams Township, **Cambria County**, affecting 206.6 acres, receiving stream Paint Creek and Sulphur Creek, application received April 15, 1997, permit issued April 16, 1997.

56900111, Permit Renewal, **Hoffman Mining, Inc.** (R. D. 2, Box 389, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation, only in Brothersvalley Township, **Somerset County**, affecting 188.6 acres, receiving stream unnamed tributaries to Buffalo Creek and unnamed tributary to Piney Run, application received April 18, 1997, permit issued April 21, 1997.

11960202, **Ebensburg Power Company** (20 S. Van Buren Avenue, Barberton, OH 44203-0351), commencement, operation and restoration of a coal refuse reprocessing, topsoil mining, CFB Ash Beneficial Use mine in Cambria Township, **Cambria County**, affecting 29.8 acres, receiving stream south branch Blacklick Creek, application received October 18, 1996, permit issued April 21, 1997.

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

65920104R, **Mehalic Brothers** (R. D. 3, Box 296, Latrobe, PA 15650). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 100.0 acres. Receiving streams: unnamed tributaries to Welty Run. Renewal application received: January 28, 1997. Renewal permit issued: April 15, 1997.

26970101, **Patterson Coal Company** (R. D. 2, Box 335, Smithfield, PA 15478). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in German and Georges Townships, **Fayette County**, affecting 32.0 acres. Receiving streams: unnamed tributary to north and south branches of Browns Run; Browns Run to the Monongahela River. Application received: January 7, 1997. Permit issued: April 16, 1997.

65910106R, **Derry International, Ltd.** (P. O. Box 529, New Alexandria, PA 15670). Renewal permit issued for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 18.5 acres. Receiving streams: unnamed tributaries to Boatyard Run. Renewal application received: March 24, 1997. Renewal permit issued: April 29, 1997.

65880113R, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701). Renewal permit issued for continued operation and reclamation of a bituminous surface auger mine located in Derry Township, **Westmoreland County**, affecting 133.3 acres. Receiving streams: unnamed tributaries of Conemaugh River and unnamed tributaries of McGee Run. Renewal application received: March 6, 1997. Renewal permit issued: April 29, 1997.

63830103R, **Joseph Rostosky Coal Company** (R. D. 2, Box 112, Monongahela, PA 15063). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 86.18 acres. Receiving streams: two unnamed tributaries to North Fork of Pigeon Creek. Renewal application received: March 3, 1997. Renewal permit issued: April 29, 1997.

63850112R, **Twilight Industries** (Division of US Natural Resources, 212 State Street, Belle Vernon, PA 15012). Renewal permit issued for continued reclamation

of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 31.6 acres. Receiving streams: an unnamed tributary to the north branch of Pigeon Creek to the Monongahela River. Renewal application received: February 25, 1997. Renewal permit issued: April 29, 1997.

63850111R, **Twilight Industries** (Division of US Natural Resources, 212 State Street, Belle Vernon, PA 15012). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 29.5 acres. Receiving streams: a unnamed tributary to the north branch of Pigeon Creek to the Monongahela River. Renewal application received: February 25, 1997. Renewal permit issued: April 29, 1997.

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

33910109, **Colt Resources, Inc.** (R. D. 3, Box 48A, Clarion, PA 16214). Renewal of an existing bituminous strip operation in Oliver Township, **Jefferson County** affecting 51.5 acres. This renewal is for reclamation only. Receiving streams: Six unnamed tributaries to Big Run. Application received February 20, 1997. Permit issued April 9, 1997.

16910107, **Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface and auger operation in Porter Township, **Clarion County** affecting 157.0 acres. This renewal is for reclamation only. Receiving streams: Unnamed tributary to Leisure Run and unnamed tributary to Jack Run. Application received January 29, 1997. Permit issued April 9, 1997.

33920111, **R. B. Contracting** (R. D. 1, Box 13, Curwensville, PA 16833). Renewal of an existing bituminous surface operation in Gaskill Township, **Jefferson County** affecting 74.9 acres. This renewal is for reclamation only. Receiving streams: One unnamed tributary to Stoney Run and two unnamed tributaries of Clover Run. Application received February 24, 1997. Permit issued April 9, 1997.

16920101, **Doverspike Bros. Coal Co., Inc.** (R. D. 4, Box 271, Punxsutawney, PA 15767). Renewal of an existing bituminous surface operation in Monroe Township, **Clarion County** affecting 27.4 acres. This renewal is for reclamation only. Receiving streams: Two unnamed tributaries of Licking Creek. Application received February 10, 1997. Permit issued April 9, 1997.

33860101, **Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous surface operation in Oliver Township, **Jefferson County**, affecting 145.0 acres. This renewal is for reclamation only. Receiving streams: Unnamed tributary to Big Run. Application received January 29, 1997. Permit issued April 9, 1997.

33850107, **P&N Coal Company, Inc.** (P. O. Box 332, 240 W. Mahoning St., Punxsutawney, PA 15767). Renewal of an existing bituminous surface and auger operation in Henderson and Gaskill Townships, **Jefferson County**, affecting 211.0 acres. This permit is for reclamation only. Receiving streams: Two unnamed tributaries to east branch Mahoning Creek and east branch Mahoning Creek. Application received February 10, 1997. Permit issued April 9, 1997.

33860107, **Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous surface operation in Perry and Oliver Townships, **Jefferson County**, affecting 67.0 acres. This permit is for

reclamation only. Receiving streams: Big Run. Application received January 29, 1997. Permit issued April 9, 1997.

10970101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip operation in Mercer Township, **Butler County** affecting 40.5 acres. Receiving streams: Two unnamed tributaries to Swamp Run, One unnamed tributary to Wolf Creek and Wolf Creek, One unnamed tributary to McMurray Run. Application received: January 16, 1997. Permit Issued: April 16, 1997.

16960107. Doverspike Bros. Coal Co. (R. D. 4, Box 271, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous strip operation in Porter Township, **Clarion County** affecting 226.0 acres. Receiving streams: Rock Run and unnamed tributary to Redbank Creek. Application received: October 3, 1996. Permit Issued: April 21, 1997.

102896-16960109-E-2. Milestone Crushed, Inc. (521 South Street, Clarion, PA 16214) Application for a stream encroachment to conduct mining activities within 100 feet of and construct and maintain a haul road crossing over Dunlap Creek and a nearby wetland area in Perry Township, **Clarion County**. Receiving streams: Unnamed tributary to Dunlap Creek. Application received: March 18, 1997. Permit Issued: April 22, 1997.

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

54743007R2C3. Continental Energy Associates, (50 Tice Blvd., Woodcliff Lake, NJ 07675), correction to an existing anthracite surface mine operation to add bottom ash disposal to the operation in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres, receiving stream—West Creek. Correction issued April 23, 1997.

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

3773SM6. Lee A. Phillips (910 Rockey Grove Avenue, Franklin, PA 16323). Transfer of an existing sand and gravel operation from Margaret E. Phillips in Sugar Creek Borough, **Venango County** affecting 10.0 acres. Receiving streams: Unnamed tributary to Patchel Run and Patchel Run. Application received: April 4, 1996. Permit Issued: April 9, 1997.

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

Coal Applications Denied

26960102. William Piccolomini (213 Washington Avenue, Connellsville, PA 15425). Application denied for commencement, operation and reclamation of a bituminous surface mine located in Franklin Township, **Fayette County**, proposed to affect 45.0 acres. Receiving streams: Bolden Run to Redstone Creek. Application received: September 30, 1996. Application denied: April 23, 1997.

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

General Small Noncoal Authorizations Granted

28970801. Donald L. Weller (14112 Orchard Ridge Road, Hancock, MD 21740), commencement, operation and restoration of a small shale quarry operation in Warren Township, **Franklin County** affecting 3.0 acres, receiving stream—none. Authorization granted April 23, 1997.

58970801. Bill O'Dell (706 Railroad Street, Forest City, PA 18421), commencement, operation and restoration of a bluestone quarry operation in Warford Township,

Susquehanna County affecting 2.0 acres, receiving stream—none. Authorization granted April 25, 1997.

64970801. Walter Yanacek (R. R. 1, Box 131, Damascus, PA 18415), commencement, operation and restoration of a small quarry operation in Manchester Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Authorization granted April 25, 1997.

58970802. Gerald Mensel (R. R. 1, Box 1261, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry operation in Lenox Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Authorization granted April 25, 1997.

ABANDONED MINE RECLAMATION

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476

Bond Forfeiture Contract Awarded:

No. BF 394-101.1. Limestone Township, **Clarion County**, PA. Abandoned Mine Land Reclamation Project, R.E.M. Coal Company, Inc. Limestone Township, Clarion County, PA. Contractor: **E. M. Brown**. Amount: \$363,767.00. Date of Award: March 17, 1997.

No. BF 379-101.1. Mount Pleasant Township, **Westmoreland County**. Abandoned Mine Land Reclamation Project, Rondell Company, Mount Pleasant Township, Westmoreland County, PA. Contractor: **Casselman Enterprises, Inc.** Amount: \$71,048.50. Date of Award: January 10, 1997.

No. BF 383-101.1. North Union Township, **Fayette County**. Abandoned Mine Reclamation Project, North Union Township, Fayette County. Contractor: **Earthmovers Unlimited, Inc.** Amount: \$97,479.00. Date of Award: March 17, 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)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (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, telephone (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.)

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

E06-486. Encroachment. **Grace & Camillo's Pizza**, Camillo Ciaravino, 432 Coronet Drive, Blandon, PA 19510. To perform minor grading in the floodway of Sacony Creek at a point approximately 1,200 feet downstream of Main Street (Kutztown, PA Quadrangle N: 3.8 inches; W: 4.2 inches) in Kutztown Borough, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E22-359. Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To widen an existing bridge across the channel of Paxton Creek at a point at SR 0039 (Harrisburg East, PA Quadrangle N: 9.87 inches; W: 15.62 inches) in Lower Paxton Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E22-362. Encroachment. **909 Partners**, Jeffrey Camp, 3701 Perkiomen Avenue, Reading, PA 19606. To construct and maintain a 314 feet long 84-inch stream enclosure in the channel of a tributary to Paxton Creek and to place fill in 0.02 acre of associated wetlands at a point downstream of Elmerton Avenue (Harrisburg, PA Quadrangle N: 7.4 inches; W: 0.4 inch) in Susquehanna Township, **Dauphin County**. The amount of wetland impact is considered de minimus and wetland mitigation is not required. This permit also includes 401 Water Quality Certification.

E38-114. Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structures, construct and maintain a prestressed concrete box beam bridge having a clear span of 73 feet with a minimum underclearance of 21.6 feet across Tulpehocken Creek on SR 2019, Section 002 (Millardsville Road) (Bethel, PA Quadrangle N: 0.2 inch; W: 2.4 inches) in Jackson Township, **Lebanon County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

Permit No. E52-145. Encroachment. **Pennsylvania Department of Conservation and Natural Resources—Bureau of Forestry**, 400 Rachel Carson State Office Building, 8th Floor, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing superstructure on Bridge No. 51-7935-5119-0004, and to construct and maintain a two span timber deck on the existing stone masonry abutments and center pier across Bushkill Creek. The structure has spans of 22.5 feet and a

minimum underclearance of 6.3 feet and is located along Pine Flats Road approximately 1.5 miles west of S.R. 0402 (Twelvemile Pond, PA Quadrangle N: 21.5 inches; W: 13.5 inches) in the Delaware State Forest, District No. 19, Porter Township, **Pike County**.

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

Permit No. E09-473. Encroachment Permit. **The Doylestown Knoll Association, L. P.**, 67 West Court Street, Doylestown, PA 18901. To place and maintain fill in approximately 0.42 acre of wetlands at the Doylestown Knoll Subdivision to provide access on Brinker Drive, to place fill in an existing farm pond, to widen Lower State Road, to construct and maintain a 34 inch x 53 inch stormwater outfall in a Tributary to Neshaminy Creek and to construct and maintain utility crossings under the bed and across the channel of Neshaminy Creek and associated wetlands located approximately 1,000 feet north of the intersection of T-338 and Lower State Road (Doylestown, PA Quadrangle N: 4.7 inches; W: 4.8 inches), in Doylestown Township, **Bucks County**. This permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. All conditions specified in the original permit remain in effect and are to be complied with as part of this amendment.

Permit No. E46-757. Encroachment Permit. **Maple Village**, 2815 Byberry Road, Hatboro, PA 19040. To construct and maintain a non-scope dam in a remnant pond area and excavate the impoundment area behind this dam. This stormwater management facility will have a 0.1 acre impact on a body of water and 175 L. F. of an unnamed tributary to Pennypack Creek. The wet basin design of this facility will mitigate aforementioned impacts. Also, to construct and maintain a walking path through a de minimus area of wetland within the proposed Maple Village Development. The site is located on the northwest corner of Byberry and Orangeman's Roads (Hatboro, PA Quadrangle N: 8.00-inch; W: 12.90-inch) in Upper Moreland Township, **Montgomery County**. This permit also authorizes environmental assessment approval for a non-scope jurisdictional dam.

Permit No. E15-537. Encroachment Permit. **The Home Depot**, 3096 Hamilton Boulevard, South Plainfield, NJ 07080. To place fill in a 0.30 acre ornamental pond, and to construct, operate and maintain two trapezoidal grassed stormwater outfall channels along Valley Creek (EV) associated with the construction of a Home Depot department store. The site is located along the south side of Route 30, and about 1,000 feet east of its intersection with Route 202 (Malvern USGS Quadrangle N: 5.75 inches; W: 11.20 inches) in East Whiteland Township, **Chester County**.

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

Permit No. E53-298. Encroachment. **Paul and Catherine Snyder**, R. R. 2, Box 165, Coudersport, PA 16915. To remove the existing structure and to construct and maintain an elliptical culvert 63 inches by 87 inches by 20 feet long with fieldstone headwalls both up and downstream in the west branch of Dingman Run on the west side of Dingman Run Road approximately 3 miles north of SR 006 (Coudersport, PA Quadrangle N: 9.25 inches; W: 7.00 inches) in Eulalia Township, **Potter County**. This permit was issued under Section 105.13(e) "Small Projects."

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

E20-439. Encroachment. **Spring Township Supervisors**, R. R. 1, Box 29A, Springboro, PA 16435. To remove the existing bridge and to construct and maintain a prestressed concrete box beam bridge having a clear span of 48.5 feet and an average underclearance of 6.5 feet across Rundelltown Creek on King Road (T-479) approximately 300 feet east of S. R. 4018 at Rundell (Conneautville, PA Quadrangle N: 1.5 inches; W: 4.7 inches) located in Spring Township, **Crawford County**.

E24-196. Encroachment. **PA DCNR, Bureau of Forestry**, 400 Rachel Carson State Office Building, 8th Floor, P. O. Box 8451, Harrisburg, PA 17105-8541. To remove the existing bridge and to construct and maintain a timber bridge having a clear span of approximately 19 feet and an underclearance of 8 feet across Paige Run on Red Run Road in Elk State Forest approximately 1.6 miles northwest of S. R. 2004 (Quehanna Highway) (Driftwood, PA Quadrangle N: 3.75 inches; W: 16.75 inches) located in Benazette Township, **Elk County**. This permit also authorizes the installation, maintenance and removal of a temporary road crossing upstream of the bridge to consist of three 18-inch culverts and clean rock fill. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

DAM SAFETY

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)).

Permits Issued and Actions on 401 Certification

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

D38-101. Dam. **LGH Construction** (530 West Trout Run Road, Ephrata, PA 17522). To construct, operate and maintain a stormwater detention dam for the Arbor Gate residential development located in Jackson Township, **Lebanon County**.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

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

EA36-009CO. Environmental Assessment. **Larry Noll** (Safe Harbor Water Power Corporation, 1 Power House Road, Conestoga, PA 17516-9651). To construct and maintain a 1,500 foot skimmer wall replacing the existing flood damaged skimmer wall above the powerhouse at the Safe Harbor Dam located across the Susquehanna River (WWF). The new skimmer wall will be located 50 feet south (riverward) of the existing skimmer wall and will consist of 31 concrete piers connected by prestressed concrete stoplogs and a service deck. In addition, 50,000 cubic yards of rockfill will be used to extend the existing access levee an additional 110 feet into the river (Safe

Harbor, PA Quadrangle N:8.85 inches; W:2.65 inches) in Manor Township, **Lancaster County**.

WATER ALLOCATIONS

Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.

WA 65-298E. Water Allocation. **Highridge Water Authority, Indiana County**, PA. To extend service area into the area of Strangford, Burrell Township, Indiana County, PA. Permits issued on April 7, 1997.

SPECIAL NOTICES

Modification to Consent Order and Agreement

Millcreek Dump Site Millcreek Township, Erie County

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C.A. § 9622, and section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113), notice is hereby provided that the Department of Environmental Protection (Department) has modified its Consent Order and Agreement with Millcreek Township (Township), dated April 6, 1995, concerning the Millcreek Dump Site (Site) in Erie County, PA.

From approximately 1970 until 1981, waste containing hazardous substances was disposed at the 84.5 acre Site. On April 6, 1995, the Department entered into a Consent Order and Agreement with the Township whereby the Township, among other things, paid \$1,000 to the Hazardous Sites Cleanup Fund, and it granted the Department and the EPA access to the 4 acre parcel that the Township owns at the Site. The Parties now propose to modify the April 6, 1995 Consent Order and Agreement to include the Township's future ownership of the 64.7 acre property that lies adjacent to and south of the Site that is currently owned by Conrail (Conrail Property).

The Remedial action at the Site includes the construction of a cap over the landfill at the Site and construction of a flood retention basin. To facilitate this Remedial action, a portion of the cap and the basin must be constructed on the adjacent Conrail Property. Conrail intends to donate the Conrail Property to the Township for public use, including for any construction necessary to complete the Remedial action at the Site. The Township is willing to take ownership of the Conrail Property and is willing to grant permanent easements on the Conrail Property to facilitate the completion of the Remedial action at the Site.

The specifics concerning the Township's future ownership of the Conrail Property are set forth in the Department's Consent Order and Agreement with the Township, dated April 25, 1997. The Department will receive and consider comments on the April 25, 1997 Consent Order and Agreement for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent if the comments disclose facts or considerations which indicate that this Consent Order and Agreement is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the April 25, 1997 Consent Order and Agreement shall become final,

and it shall replace the April 6, 1995 Consent Order and Agreement, upon the filing of the Department's response to significant written comments concerning the Township's future ownership of the Conrail Property.

Copies of the April 25, 1997 Consent Order and Agreement are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Edward Orris, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Edward Orris at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

[Pa.B. Doc. No. 97-729. Filed for public inspection May 9, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the non-regulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996, edition of the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. This edition is now available on World Wide Web site, DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Basic Inventory.

Bound paper copies of the Inventory are available now for those who do not have access to the Web site. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Help Protect the Environment: Use the Web and Save Trees

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's *UPDATE* and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web site onto their computers and read them electronically. This method saves both paper and money.

Ordering Paper Copies of DEP Technical Guidance

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form; 2) Not everyone has access to the World Wide Web; and, 3) Not all DEP documents are on DEP's Web site yet.

Persons can order an unbound 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. **[Note: This is a change. DEP is now filling these orders in-house. Persons who placed an order with Elwyn, Inc. (the previous printer) on or after April 15, 1997, will have their order forwarded to DEP.]**

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

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE*, and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance—New Guidance

DEP ID: 254-2100-100 Title: Local Municipality Involvement Process Description: This policy describes a process for involvement of local municipalities in the review of municipal waste permit applications. Effective Date: February 7, 1997 Page Length: 4 pages Location: Volume 6, Tab 48. Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 254-2100-101 Title: Environmental Assessment Process Phase I Review Description: DEP will perform the Environmental Assessment prior to other technical review for applicable municipal waste permit applications. Effective Date: February 7, 1997 Page Length: 15 pages (including 10 pages Form D) Location: Volume 6, Tab 49. Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 254-2100-102 Title: Municipal Waste Facility Review—Traffic Analysis Description: DEP (in cooperation with PennDOT) will review the existing or potential impact of waste vehicles on the public health and safety,

and on the environment, including the impact upon Commonwealth highways and bridges. Effective Date: February 7, 1997 Page Length: 3 pages Location: Volume 6, Tab 50. Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 254-2100-103 Title: Process for Evaluating Daily Volume Description: This policy helps DEP staff determine whether the daily volumes authorized at existing facilities or requested in municipal waste permit applications or modifications should be reduced in order to eliminate or reduce public health and safety hazards and public nuisances, and be in compliance with environmental protection and traffic safety laws. Effective Date: February 7, 1997 Page Length: 4 pages Location: Volume 6, Tab 51. Contact: Josephine Valencia at (717) 787-9870.

Final Technical Guidance—Substantive Revision to Existing Guidance

DEP ID: 562-4180-311 Title: Civil Penalty Collections Description: DEP reviews each violation for possible assessment of a civil penalty. If a penalty is assessed, it must be collected, compromised or written off as uncollectable. Effective Date: April 1, 1997 Page Length: 4 pages Location: Volume 12, Tab 23. Contact: Michael Terretti at (717) 787-7846.

Final Technical Guidance—Minor Revisions

DEP ID: 250-3130-763 Title: Purge Water from Ground-water Sampling Description: Waste generated in the course of purging monitoring wells prior to sampling must be appropriately disposed. This is a minor revision; the program added standard elements (part of all DEP guidance) to an existing document. Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 254-2100-726 Title: Policy and Procedure for Municipal Waste Facilities Equivalency Approvals Description: DEP expedites Statewide review of these requests. This is a minor revision: the program corrected a spelling mistake. Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 400-5900-112 Title: Policy for Gasoline Fume Emergency Criteria Description: This document describes appropriate actions to be taken to protect the public health and safety and the environment when a report is received of gasoline fumes inside a residence or other structure. Effective Date: April 25, 1997 Page Length: 4 pages Location: Volume 8, Tab 15. Contact: Charles High at (717) 787-5027.

DEP ID: 400-5900-113 Title: Chlorine Safety Procedure Description: This document describes safety procedures for Department employees required to inspect facilities such as water treatment, wastewater treatment or sewage treatment plants where chlorine is stored and used. Effective Date: April 25, 1997 Page Length: 2 pages Location: Volume 8, Tab 16. Contact: Charles High at (717) 787-5027.

DEP ID: 400-5900-114 Title: Hazardous Material and Hazardous Atmosphere Safety Policy Description: This policy and procedure provides safety requirements concerning hazardous material and hazardous atmospheres for employees who carry out Field Operations programs. Effective Date: May 1, 1997 Page Length: 5 pages Location: Volume 8, Tab 17. Contact: Charles High at (717) 787-5027.

DEP ID: 400-5900-115 Title: Confined Space Safety Policy Description: This policy forbids entry into confined spaces for routine inspection duties and requires safeguards when working near confined spaces. Effective

Date: April 30, 1997 Page Length: 4 pages Location: Volume 8, Tab 18. Contact: Charles High at (717) 787-5027.

DEP ID: 400-5900-116 Title: Policy for Electrofishing Personnel and Equipment Safety Description: This policy sets forth the minimum safety requirements for Field Operations employees involved with electrofishing surveys. Effective Date: May 1, 1997 Page Length: 2 pages Location: Volume 8, Tab 19. Contact: Charles High at (717) 787-5027.

Draft Technical Guidance

DEP ID: 383-2125-108 Title: Public Water Supply Manual—Part II: Community Water System Design Standards Background: The Department's Lead and Copper Rule requires public water systems exceeding the lead or copper action level to provide corrosion control treatment (stabilization). Membrane filtration is an emerging treatment technology. These have resulted in the need for substantial revisions (Section 4.12: Membrane Filtration; Section 4.19: Stabilization; and Section 5.1: Facilities Design) to the Manual to provide design standards and guidance to the field staff, consultants and the regulated community. These revisions to this Manual were developed with significant input from the WSM Field Operations staff and, for membrane filtration, from an outside consultant. The field staff and the consultants are the primary users of the Manual. Deadline for Submittal of Comments: May 21, 1997. Contact: John J. Wroblewski or Trudy Troutman at (717) 787-9037.

Notice of Intent to Revise Technical Guidance

DEP ID: 383-2128-108 Draft Title: Public Water Supply Manual—Part IV: Noncommunity System Design Standards Background: DEP has not updated this manual since 1991 except for editorial changes. The intent is to review, revise and update the manual to reflect organizational changes, programmatic changes and current or up-to-date criteria and standards. Anticipated Effective Date: September 1, 1997 Anticipated Draft Development Date: June 30, 1997 Proposed Development and Review Process: The Technology Section staff in the Division of Drinking Water Management will develop the revised guidance. WSM Field Operations staff are to be involved in the review. The availability of the final draft for review by the public will be announced in the *Pennsylvania Bulletin* and DEP's *UPDATE*. Contact: John Wroblewski or Trudy J. Troutman at (717) 787-0122.

Notice of Intent to Remove Technical Guidance from the Inventory

DEP ID: 562-3200-204 Title: Priority Handling of Samples Background: This document describes the procedures for identifying and handling priority samples. These procedures are internal to the Department and have no effect on the public or regulated community. Anticipated Effective Date: May 30, 1997 Contact: Evan Shuster at (717) 787-7846.

Notice of Intent to Rescind Technical Guidance

DEP ID: 562-4170-318 Title: Delinquent Debt Collection/Write-off Background: This guidance has been incorporated into, and replaced by DEP ID: 562-4180-311 titled "Civil Penalty Collections." Rescission Became Effective: May 1, 1997. Contact: Michael Terretti at (717) 787-7846.

Notice of Intent to Develop Technical Guidance

DEP ID: 563-2000-103 Title: Sealing Exploratory Drill Holes Background: This guidance will clarify the Depart-

ment's interpretation of 25 Pa. Code §§ 80.54 and 86.133. The program does not intend to change sealing requirements; it intends to clarify the standards which apply in various situations. The guidance will only apply to exploratory drilling associated with underground bituminous coal mines, since these operations experience more problems with unsealed drill holes than other mining activities. Anticipated Effective Date: September 2, 1997. Anticipated Draft Development Date: May 23, 1997. Proposed Development and Review Process: Plans are to draft the guidance internally with assistance from the McMurray District Office. The draft will be circulated among district office staff, program counsel and the Policy Office. External customers including the general public, citizen advocacy groups and the industry will be provided an opportunity to comment. Contact: Harold Miller at (717) 787-3174.

Draft Title: Laboratory Reporting Instructions for Radiological Contaminants in Drinking Water Distribution Systems Background: This is a revision to an existing technical guidance that will lead to the development of a separate document with its own ID number. Previously, the drinking water radiological reporting requirements and the old chemical reporting requirements were included in a single manual. The chemical contaminant reporting requirements were revised and compiled into a separate guidance document (DEP ID: 383-3301-105). The intent of this action is to substantially revise the old manual by deleting all outdated chemical reporting information and updating the radiological requirements. This guidance document will, therefore, contain laboratory reporting instruction information for the current radiological reporting requirements only. Anticipated Effective Date: June 17, 1997 Anticipated Draft Development Date: May 5, 1997 Proposed Development and Review Process: Information Services Section Staff in the Division of Drinking Water Management will develop the revised guidance. WSM Field Operations staff and the Bureau of Laboratories certification staff will be involved in the review. Notice of the availability of the final draft will be published in the *Pennsylvania Bulletin* and DEP's *UPDATE* for public comment. Contact: R. Barry Greenawald at (717) 772-4018.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-730. Filed for public inspection May 9, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Penns Valley Conservation Association, Trout Unlimited and Pennsylvania Council of Trout Unlimited v. DEP and Con-Stone, Inc., Permittee; EHB Doc. No. 96-094-MR

The Department of Environmental Protection (Department), and Con-Stone, Inc. (Con-Stone), and Penns Valley Conservation Association (PVCA), Trout Unlimited (TU), and the Pennsylvania Council of Trout Unlimited (PT), have agreed to a Settlement of the above matter. On March 25, 1996, the Department issued to Con-Stone Noncoal Surface Mining Permit No. 14920301 for noncoal surface mining on a site in Haines Township, Centre County. In conjunction with Noncoal Surface Mining

Permit No. 14920301, the Department issued NPDES Permit No. PA0207039 (the NPDES Permit) to Con-Stone. The NPDES Permit expires on March 25, 2001. On or about April 22, 1996, PVCA, TU and PT appealed the Department's issuance of Noncoal Surface Mining Permit No. 14920301 and the NPDES Permit to Con-Stone, which appeal is docketed at EHB Docket No. 96-094-MR. The parties have agreed to a settlement, the major provisions of which include:

1. Special Condition No. 1 in Part B of Noncoal Surface Mining Permit No. 14920301 is hereby amended by the addition of the following language:

Whenever the seasonal water table rises above an elevation of 1,080 feet, the permittee is prohibited from operating any mining equipment in, or attempting to extract any stone from that area of the pit where there is standing groundwater.

Con-Stone agrees to waive its right to appeal the revised Part B, Special Condition 1, above.

2. Within 31 days of the execution of this Stipulation of Settlement, PVCA, TU and PT agree to withdraw their appeal docketed at EHB Docket No. 96-094-MR, with prejudice.

3. In the remainder of the Stipulation, the Department agrees to perform the following measures, until March 25, 2001, unless otherwise extended by mutual agreement of all of the parties.

a. The Department shall initiate a study to determine the cause of an apparent increase in suspended solids (hereinafter TSS) at Spring S26 if either the acute TSS trigger level or the chronic TSS trigger level, as defined below, is triggered based upon monitoring data collected by continuous-recording turbidity meters at two monitoring points.

b. In order to determine whether the TSS study must be performed, the Department, and only the Department, shall and will evaluate turbidity data gathered every 30 minutes by the two continuous-recording turbidity meters, which shall be set up at the two monitoring points, on a monthly basis. Electronic copies of that data will be furnished to PVCA, TU, PT and Con-Stone within 15 days of the monthly down-loading. If the information gathered by the Department indicates that either the acute or chronic TSS trigger level, as set forth below, has been exceeded, or if any verifiable information reveals any other adverse impact upon S26, the Department shall initiate a study within 7 days of the date of such determination to ascertain the cause of the increase in TSS, and to determine whether the Con-Stone mining operation described in surface mining Permit No. 14920301 has adversely affected water quality in Pine Creek. Upon the initiation of such a study, the Department shall notify all parties that such a study is being conducted. The study shall be completed within 90 days of the date that the study is initiated, and a report detailing the Department's findings will be furnished to PVCA, TU, PT and Con-Stone.

1. The acute TSS level that will require Department to initiate the study described in this subparagraph is as follows: TSS at S26 exceeds TSS at the upstream monitoring point, and TSS at the S26 monitoring point is equal to or greater than 35 mg/l, as total suspended solids.

2. The chronic TSS level that will require the Department to initiate the study described in this subparagraph is as follows: for months in which less than 5 inches of

rain falls, the monthly average turbidity at S26 exceeds the equivalent of 25 mg/l, as TSS; for months in which 5 to 10 inches of rain falls, the monthly average turbidity at S26 exceeds the equivalent of 35 mg/l, as TSS; for months in which more than 10 inches of rain falls, there shall be no chronic turbidity level trigger. The monthly average, for the purposes of this agreement, shall be the arithmetic average determined over a calendar month.

c. In order to gather information regarding the water temperature at S26, the Department shall employ a temperature monitor at S26. The Department may, at its discretion, employ an additional monitor at a mutually acceptable reference location. The Department shall provide and maintain the equipment necessary to gather information regarding temperature. Water temperature information from the monitor at S26 shall be downloaded once each month during the months of July, August, September and October. Copies of the information downloaded from that monitor during those months shall be furnished to PVCA, TU, PT and Con-Stone.

d. The Department and Con-Stone shall allow a representative from the Pennsylvania Fish and Boat Commission to accompany the Hawk Run District Office surface mine conservation inspector on inspections conducted in response to any study performed under Paragraphs a and b, above, and at that Commission's discretion, during regular monthly inspections of the Con-Stone operation at the Site for which the Department issued Noncoal Surface Mining Permit No. 14920301. In addition, the Department agrees that the representative from the Pennsylvania Fish and Boat Commission may request to schedule and accompany the Hawk Run District Office surface mine conservation inspector on a special site visit if he has a reason to believe that a violation may exist at that Site.

Copies of the full Agreement are in the hands of:

Marc A. Ross, Esquire; Assistant Counsel, DER; 400 Market Street, Ninth Floor; P. O. Box 8464; Harrisburg, PA 17105-8464;

Stephen C. Braverman, Esquire; Buchanan Ingersoll; Eleven Penn Center, 14th Floor; 1835 Market Street; Philadelphia, PA 19103-2895;

Gregory H. Knight, Esquire; 1721 North Front Street; Suite 101; Harrisburg, PA 19103-2895;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Any person believing himself aggrieved by the above Settlement has a right to appeal to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

The Environmental Hearing Board is empowered to approve this Settlement if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-731. Filed for public inspection May 9, 1997, 9:00 a.m.]

The West Company v. DEP; EHB Doc. No. 97-089-MR

The West Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to The West Company for a facility in the Borough of Phoenixville, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-732. Filed for public inspection May 9, 1997, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of Meeting

The May 21, 1997, Environmental Quality Board meeting has been cancelled. The next meeting is scheduled for June 17, 1997, in the First Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 97-733. Filed for public inspection May 9, 1997, 9:00 a.m.]

Watershed Redesignation

The Storm Water Management Act (act) (32 P. S. §§ 680.1—680.19) requires Pennsylvania counties to prepare and adopt watershed stormwater plans for designated watersheds. The intent of the act is to address the impacts of development on existing stormwater runoff

levels and recommend measures to control accelerated runoff to prevent flood damages that could occur due to those development activities.

A watershed stormwater plan includes hydrologic and hydraulic evaluation of the drainage basin, consideration of existing drainage problems, existing and proposed flood control projects and their impacts, existing government regulatory mechanisms and provides recommendations for the control of accelerated runoff as a result of development. The Department of Environmental Protection (Department) provides up to 75% funding assistance to counties for their watershed stormwater planning efforts.

Under section 14(a)(10) of the act (32 P. S. § 680.14(a)(10)) (powers and duties of the Department), the Department, in consultation with the counties, originally designated 353 watersheds in the entire Commonwealth. Those watersheds were approved by the Environmental Quality Board (Board) on May 31, 1980, with amendments on November 19, 1991, April 21, 1992, June 21, 1994, April 16, 1996 and April 15, 1997, bringing the current number of watersheds to 356.

The Department, in consultation with Cumberland County, has designated 10 watersheds within Cumberland County. Cumberland County requested the redesignation of the Yellow Breeches Creek into two separate watersheds for stormwater planning. The redesignation will enable Cumberland County to undertake watershed stormwater planning in the upper portion of the Yellow Breeches Creek without studying the entire Yellow Breeches Creek. The remaining portion of the Yellow Breeches Creek Watershed and the other designated watersheds in Cumberland County will remain the same. Cumberland County wanted to begin stormwater planning in this upper portion of the Yellow Breeches because of the severe flooding problems being experienced in this area, the support of the municipalities to undertake planning and the difficulties in completing a stormwater plan for the entire watershed.

The Department, subsequent to advertising in the *Pennsylvania Bulletin* on November 16, 1996, held a public hearing on December 18, 1996, in South Middleton Township to accept public comment. Favorable comments were received at the hearing. Only two oral objections were raised at the hearing. The first was raised by a spokesman for the Cumberland Valley Chapter Trout Unlimited who expressed the belief that stormwater planning in this watershed would result in development that may threaten the quality of the Yellow Breeches and its high quality, cold water fisheries designation. In addressing this objection, the Department made it clear during the public hearing that the redesignation for proposed act watershed planning does not encourage or dictate development levels or patterns within a watershed. Development will continue to occur in this watershed under the regulation of the local governments whether or not stormwater planning takes place. The planning, mandated by law, will help prevent degradation to the Yellow Breeches by providing the municipalities with the tools to limit the impact of stormwater runoff from development over which the Department has no jurisdiction. The objection did not appear to be directed against redesignation, but against development since stormwater planning would eventually be initiated for this watershed in its current designation anyway.

The second objection offered at the public hearing was raised by a member of the Appalachian Audubon Society, who believed that the redesignation does not encourage

regionalization, and that the entire Yellow Breeches Creek should be studied. The lower municipalities in Cumberland County, however, have not voiced support, and York County, which would have had to participate in the planning efforts with Cumberland County if redesignation had not occurred, wishes not to participate in a total watershed plan due to other priorities. The Department responded that while it would be ideal to have the entire watershed studied, starting a plan for the upper portion of the watershed to address existing problems is preferable to no watershed planning at this time.

The public comment period following the hearing concluded on January 17, 1997, but no further comments were received. The Environmental Quality Board approved this request at its public meeting on April 15, 1997.

For further information, contact Durla Lathia, Bureau of Watershed Conservation at (717) 772-4048, or E-mail at Lathia.Durla@a1.dep.state.pa.us. 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 index is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

JAMES M. SEIF,
Chairperson

LAKE ERIE BASIN

1. Lake Erie/Elk Creek
2. Conneaut Creek
3. Ashtabula River

GENESEE River BASIN

1. Genessee River

POTOMAC River BASIN

1. Potomac River*

POTOMAC River (From Somerset County to Adams County along Maryland State Line)

2. Little Wills Creek
3. Wills Creek
4. Evitts Creek
5. Little Tonoloway Creek
6. Tonoloway Creek
7. Cove Creek
8. Little Cove Creek
9. Licking Creek
10. Back Creek
11. West Branch Conococheague Creek
12. Conococheague Creek
13. Antietam Creek
14. Monocacy River

OHIO River BASIN

1. Ohio River*
2. Allegheny River*
3. Clarion River*
4. Kiskiminetas River*
5. Youghiogheny River*
6. Monongahela River*
7. Beaver River*

OHIO River (From Confluence with Allegheny River to Ohio State Line)

8. Sawmill Run
9. Robinson Run
10. Chartiers Creek
11. Lowries Run
12. Montour Run
13. Little Sewickley Creek

14. Flaugherty Run
15. Big Sewickley Creek
16. Traverse Creek
17. Service Creek
18. Raccoon Creek
19. Little Beaver Creek
20. Fish Creek
21. Wheeling Creek
22. Cross Creek

ALLEGHENY River (From Potter County to New York State Line)

23. Potato Creek
24. Oswago Creek
25. Tunungwant Creek
26. Upper Allegheny River

ALLEGHENY River (from New York State Line to Confluence with Clarion River)

27. Conewago Creek
28. Brokenstraw Creek
29. Tionesta Creek
30. Oil Creek
31. Muddy Creek
32. Cussewago Creek
33. Conneaut Outlet
34. Sugar Creek
35. French Creek
36. East Sandy Creek
37. Sandy Creek

CLARION River (From McKean County to Confluence with Allegheny River)

38. Elk Creek
39. Little Toby Creek
40. Toms, Cather, Maxwell, Blyson and McCanna Runs
41. Piney Creek
42. Deer Creek
43. Licking Creek

ALLEGHENY River (From Clarion River to Kiskiminetas River)

44. Sandy Lick Creek
45. North Fork Redbank Creek
46. Little Sandy Creek
47. Redbank Creek
48. Stump Creek
49. East Branch Mahoning Creek
50. Big Run
51. Canoe Creek
52. Elk Run
53. Little Mahoning Creek
54. Mahoning Creek
55. Pine Creek
56. Cowanshannock Creek
57. Crooked Creek
58. Glade Run

KISKIMINETAS River (from Somerset County to Confluence with Allegheny River)

59. Quemahoning Creek
60. Shade Creek
61. Paint Creek
62. Bens Creek
63. Stony Creek
64. Little Conemaugh River
65. Two Lick Creek
66. Black Lick Creek
67. Aultmans/Stewart Runs
68. Loyalhanna Creek
69. Conemaugh River
70. Blacklegs Creek

ALLEGHENY River (From Kiskiminetas River to Confluence with Ohio River)

71. Buffalo Creek
72. Bull Creek
73. Pucketa Creek
74. Deer Creek
75. Plum Creek
76. Squaw Run
77. Pine Creek
78. Girty Run

YOUGHIOGHENY River (From Somerset County to Confluence with Monongahela River)

79. Buffalo Creek
80. Coxes Creek
81. Casselman River
82. Laurel Hill Creek
83. Indian Creek
84. Jacobs Creek
85. Sewickley Creek

MONONGAHELA River (From West Virginia State Line to Confluence with Ohio River)

86. Cheat River
87. Dunkard Creek
88. Georges Creek
89. Whitley Creek
90. Muddy Creek
91. Pumpkin Run
92. South Fork Ten Mile Creek
93. Ten Mile Creek
94. Dunlan Creek
95. Redstone Creek
96. Pike Run
97. Pigeon Creek
98. Peters Creek
99. Turtle Creek

BEAVER River (From Ohio State Line to Confluence with Ohio River)

100. Little Shenango River
101. Little Neshannock Creek
102. Neshannock Creek
103. Shenango River
104. Sullivan Run
105. Breakneck Creek
106. Wolf Creek
107. Slippery Rock Creek
108. Connoquenessing Creek
109. Brady Run

SUSQUEHANNA River BASIN

1. Susquehanna River*
2. West Branch Susquehanna River*

SUSQUEHANNA River (From Susquehanna County to Bradford County along New York State Line)

3. Starrucca/Cascade Creeks
4. Drinker Creek
5. Mitchell/Denton Creeks
6. Salt Lick Creek
7. DuBois Creek
8. Snake Creek
9. Choconut Creek
10. Apalachin Creek
11. Wappasening Creek

SUSQUEHANNA River (From Potter County to Confluence with Chemung River along New York State Line)

12. Crooked Creek
13. Cowanesque River
14. Tioga River
15. Chemung River

SUSQUEHANNA River (From Confluence with Chemung River to the Confluence with West Branch Susquehanna River)

16. Sugar Creek
17. Towanda Creek
18. Wysox Creek
19. Wyalusing Creek
20. East and Middle Branch Wyalusing Creek
21. North Branch Wyalusing Creek
22. Meshoppen Creek
23. Mehoopany Creek
24. Tunkhannock Creek upstream from Nine Partners Creek
25. Tunkhannock Creek upstream from Martins Creek
26. East Branch Tunkhannock Creek
27. Martins Creek
28. South Branch Tunkhannock Creek
29. Tunkhannock Creek
30. Bowman Creek
31. Lackawanna River
32. Abrahams Creek
33. Mill Creek
34. Toby Creek
35. Solomon Creek
36. Nanticoke/Newport Creeks
37. Harvey Creek
38. Hunlock Creek
39. L. Wapwallopen/Wapwallopen Creeks
40. Nescopeck Creek
41. Briar Creek
42. Huntingdon Creek
43. Little Fishing Creek
44. Fishing Creek
45. Catawissa Creek
46. Roaring Creek
47. Sechler Run
48. Mahoning Creek

WEST BRANCH SUSQUEHANNA River (From Cambria County to Confluence with Susquehanna River)

49. Chest Creek
50. Anderson Creek
51. Central Region West Branch Susquehanna River Clearfield County
52. Clearfield Creek
53. Moshannon Creek
54. Mosquito Creek
55. Sinnemahoning/Portage Creeks
56. West Creek
57. First Fork Sinnemahoning Creek
58. Sinnemahoning Creek
59. Kettle Creek
60. Young Womans Creek
61. Spring Creek
62. Beech Creek
63. Fishing Creek/Cedar Run
64. Bald Eagle Creek
65. Reeds Run
66. Chatham Run
67. Marsh Creek
68. West Branch Pine Creek
69. Pine Creek

70. Antes Creek
71. Larry's Creek
72. Lycoming Creek
73. Grafius/Millers/McClure Runs
74. Loyalsock Creek
75. Muncy Creek
76. White Deer Hole Creek
77. White Deer Creek
78. Limestone Run
79. Buffalo Creek
80. Bull Run
81. Chillisquaqua Creek

SUSQUEHANNA River (From Confluence with West Branch Susquehanna River to the Confluence with Juniata River)

82. Shamokin Creek
83. Penns Creek
84. Middle Creek
85. Mahanoy Creek
86. Mahantago Creek (West)
87. Mahantago Creek (East)
88. Wiconisco Creek

JUNIATA River (From Centre County to Confluence with Susquehanna River)

89. South Bald Eagle Creek
90. Spruce Creek
91. Little Juniata River
92. Frankstown Branch Juniata River
93. Beaverdam Branch Juniata River
94. Shaver Creek
95. Muddy Run
96. Crooked Creek
97. Standing Stone Creek
98. Shawnee Creek
99. Shobers Run
100. Bobs Creek
101. Dunning Creek
102. Cove Creek
103. Snakespring Valley Run
104. Clear Creek
105. Shaffer Creek
106. Brush Creek
107. Sandy/Sixmile Runs
108. Yellow Creek
109. Shoup Run
110. Great Trough Creek
111. Raystown Branch Juniata River
112. Mill Creek
113. Wooden Bridge Creek
114. Sideling Hill Creek
115. Three Spring Creek
116. Blacklog Creek
117. Aughwich Creek
118. Laurel Creek
119. Honey Creek
120. Kishacoquillas Creek
121. Jacks Creek
122. East Licking Creek
123. Tuscarora Creek
124. Little Buffalo/Buffalo Creeks
125. Juniata River

SUSQUEHANNA River (From Confluence with Juniata River to Maryland State Line)

126. Little Juniata Creek
127. Sherman Creek
128. Clark Creek
129. Stony Creek

130. Fishing Creek
131. Middle Spring Creek
132. Letort Spring Run
133. Hogestown/Trindle Spring Runs
134. Conodoguinet Creek
135. Paxton Creek
136. Spring Creek (West)
137. Mountain Creek
138. Cedar Run
139. Yellow Breeches Creek (Lower)
140. Yellow Breeches Creek (Upper)
141. Quittapahilla Creek
142. Spring Creek (East)
143. Bow/Beaver/Manada Creeks
144. Swatara Creek
145. Conewago Creek
146. Little Conewago Creek
147. Conewago Creek (West)
148. East Branch Codorus Creek
149. South Branch Codorus Creek
150. Codorus Creek
151. Donegal/Little Chickies Creeks
152. Chickies Creek
153. Kreutz Creek
154. Cocalico Creek
155. Mill Creek
156. Little Conestoga Creek
157. Conestoga River
158. Pequea Creek
159. Muddy Creek
160. Conowingo Creek
161. Octoraro Creek

DELAWARE River BASIN

1. Delaware River*
2. Lehigh River*
3. Schuylkill River*

DELAWARE River (From Wayne County to Confluence with Lehigh River along New York and New Jersey State Line)

4. Equinunk Creek
5. Wallenpaupack Creek
6. Lackawaxen River
7. Shohola Creek
8. Saw Kill Creek
9. Bushkill Creek
10. McMichaels Creek
11. Broadhead Creek
12. Cherry Creek
13. Martins/Jacoby Creeks
14. Bushkill Creek

LEHIGH River (From Pike County to Confluence with Delaware River)

15. Tobyhanna Creek
16. Mud Run
17. Black Creek
18. Nesquehoning Creek
19. Mauch Chunk Creek
20. Mahoning Creek
21. Pohopoco Creek
22. Lizard Creek
23. Aquashicola Creek
24. Trout/Bertsch Creeks
25. Hokendaugua Creek
26. Coplay Creek
27. Catasauqua Creek
28. Jordan Creek
29. Little Lehigh Creek

30. Monocacy Creek
31. Saucon Creek
32. Nancy Run

DELAWARE River (From Confluence with Lehigh River to Confluence with Schuylkill River along New Jersey State Line)

33. Tohicon Creek
34. Little Neshaminy Creek
35. Neshaminy Creek
36. Poquessing Creek
37. Pennypack Creek
38. Tacony Creek (Frankford)

SCHUYLKILL River (From Carbon County to Confluence with Delaware River)

39. Little Schuylkill River
40. Sacony Creek
41. Maiden Creek
42. Tulpehocken Creek
43. Manatawny Creek
44. Pigeon Creek
45. French Creek
46. Pickering/Valley Creeks
47. Swamp Creek
48. East Branch Perkiomen Creek
49. Skippack Creek
50. Perkiomen Creek
51. Valley Creek
52. Stony Creek (Sawmill Run)
53. Mill Creek/Rock Run/Gully Creek/Arrowmink Creek
54. Wissahickon Creek

DELAWARE River (From Confluence with Schuylkill River to Delaware State along New Jersey State Line)

55. Cobbs Creek
56. Darby Creek
57. Crum Creek
58. Ridley Creek
59. Chester Creek
60. East Branch Brandywine Creek
61. West Branch Brandywine Creek
62. Sucker Run
63. White Clay Creek (Christina River)
64. Red Clay Creek
65. Brandywine Creek
66. Big Elk Creek (Chesapeake Bay)
67. Little Elk Creek
68. Northeast Creek

DESIGNATED WATERSHEDS BY COUNTIES

ADAMS COUNTY

1. Conewago Creek
2. Monocacy River
3. Conococheague Creek
4. Antietam Creek
5. Mountain Creek

ALLEGHENY COUNTY

1. Pine Creek
2. Chartiers Creek
3. Deer Creek
4. Bull Creek
5. Turtle Creek
6. Sawmill Run
7. Squaw Run
8. Ohio River
9. Robinson Run
10. Peters Creek
11. Montour Run

12. Lowries Run
13. Girty Run
14. Plum Creek
15. L. Sewickley Creek
16. Big Sewickley Creek
17. Flaugherty Run
18. Monongahela River
19. Youghioghny River
20. Allegheny River
21. Raccoon Creek
22. Connoquenessing Creek
23. Pucketa Creek
24. Breakneck Creek

ARMSTRONG COUNTY

1. Cowanshannock Creek
2. Glade Run
3. Kickiminetas River
4. Allegheny River
5. Pine Creek
6. Crooked Creek
7. Mahoning Creek
8. Redbank Creek
9. Buffalo Creek
10. Blacklegs Creek
11. L. Sandy Creek

BEAVER COUNTY

1. Raccoon Creek
2. Service Creek
3. Traverse Creek
4. Connoquenessing Creek
5. Ohio River
6. Big Sewickley Creek
7. Beaver River
8. Brady Run
9. Little Beaver Creek
10. Slippery Rock Creek
11. Flaugherty Run

BEDFORD COUNTY

1. Dunning Creek
2. Yellow Creek
3. Bobs Creek
4. Shobers Run
5. Shoup Run
6. Raystown Br., Juniata River
7. Snakespring Valley Run
8. Little Wills Creek
9. Cove Creek
10. Clear Creek
11. Shaffer Creek
12. Potomac River
13. Wills Creek
14. Shawnee Creek
15. Brush Creek
16. Frankstown Br. Juniata River
17. Evitts Creek
18. Sandy/Sixmile Runs

BERKS COUNTY

1. Tulpehocken Creek
2. Schuylkill River
3. Maiden Creek
4. Sacony Creek
5. Manatawny Creek
6. Little Lehigh Creek
7. Perkiomen Creek
8. Swamp Creek
9. Conestoga River

10. Swatara Creek
11. French Creek
12. L. Schuylkill River

BLAIR COUNTY

1. Beaverdam Br. Juniata River
2. L. Juniata River
3. Frankstown Br. Juniata River
4. South Bald Eagle Creek
5. Yellow Creek
6. Bobs Creek
7. Moshannon Creek
8. Clearfield Creek

BRADFORD COUNTY

1. Sugar Creek
2. Towanda Creek
3. Wysox Creek
4. Susquehanna River
5. Chemung River
6. Wyalusing Creek
7. Loyalsock Creek
8. Tioga River
9. Mehoopany Creek
10. North Branch Wyalusing Creek
11. Wappasening Creek
12. Apalachin Creek

BUCKS COUNTY

1. Neshaminy Creek
2. L. Neshaminy Creek
3. Tohickon Creek
4. Perkiomen Creek
5. E. Br. Perkiomen Creek
6. Delaware River
7. Poquessing Creek
8. Pennypack Creek
9. Saucon Creek

BUTLER COUNTY

1. Connoquenessing Creek
2. Slippery Rock Creek
3. Wolf Creek
4. Allegheny River
5. Sullivan Run
6. Breakneck Creek
7. Bull Creek
8. Buffalo Creek
9. Deer Creek

CAMBRIA COUNTY

1. L. Conemaugh River
2. Conemaugh River
3. Stony Creek
4. Paint Creek
5. Blacklick Creek
6. Bens Creek
7. W. Br. Susquehanna River
8. Chest Creek
9. Clearfield Creek
10. Frankstown Br. Juniata River
11. L. Juniata River
12. Bobs Creek

CAMERON COUNTY

1. Sinnemahoning Portage Creek
2. West Creek
3. Sinnemahoning Creek
4. First Fork Sinnemahoning Creek
5. West Br. Susquehanna River
6. Potato Creek
7. Mosquito Creek

CARBON COUNTY

1. Lizard Creek
2. Mahoning Creek
3. Mauch Chunk Creek
4. Nesquehoning Creek
5. Black Creek
6. Tobyhanna Creek
7. Mud Run
8. Pohopoco Creek
9. Aquashicola Creeek
10. Lehigh River
11. Little Schuylkill River

CENTRE COUNTY

1. Spring Creek
2. Bald Eagle Creek (north)
3. Fishing Creek
4. Penns Creek
5. Cedar Run
6. Spruce Creek
7. Bald Eagle Creek (south)
8. Moshannon Creek
9. Beech Creek
10. W. Br. Susquehanna River
11. White Deer Creek
12. Buffalo Creek
13. Standing Stone Creek

CHESTER COUNTY

1. Brandywine Creek
2. E. Br. Brandywine Creek
3. Pigeon Creek
4. French Creek
5. Chester Creek
6. Ridley Creek
7. Crum Creek
8. Darby Creek
9. Schuylkill River
10. Pickering Creek
11. Big Elk Creek
12. Little Elk Creek
13. Northeast Creek
14. Octoraro Creek
15. Pequea Creek
16. W. Br. Brandywine
17. Valley Creek
18. White Clay Creek
19. Red Clay Creek
20. Sucker Run

CLARION COUNTY

1. Deer Creek
2. Toms, Cather, Maxwell, Blyson, McCanna Runs
3. Piney Creek
4. Licking Creek
5. Clarion River
6. Redbank Creek
7. Tionesta Creek
8. Allegheny River
9. East Sandy Creek

CLEARFIELD COUNTY

1. Clearfield Creek
2. W. Br. Susquehanna River
3. Anderson Creek
4. Sandy Lick Creek
5. Chest Creek
6. Moshannon Creek
7. Mosquito Creek
8. Stump Creek

9. E. Br. Mahoning Creek
10. Sinnemahoning Creek
11. L. Toby Creek
12. Central Region West Branch
Susquehanna River Clearfield County

CLINTON COUNTY

1. Fishing Creek/Cedar Run
2. Chatham Run
3. Reeds Run
4. Young Womans Creek
5. Kettle Creek
6. W. Br. Susquehanna River
7. Bald Eagle Creek
8. Beech Creek
9. Antes Creek
10. Pine Creek
11. Sinnemahoning Creek

COLUMBIA COUNTY

1. Fishing Creek
2. L. Fishing Creek
3. Huntington Creek
4. Briar Creek
5. Catawissa Creek
6. Roaring Creek
7. Susquehanna River
8. Nescopeck Creek
9. Shamokin Creek
10. Mahoning Creek
11. Mahonoy Creek
12. Chillisquaque Creek
13. Muncy Creek

CRAWFORD COUNTY

1. Conneaut Creek
2. Oil Creek
3. French Creek
4. Conneaut Outlet
5. Muddy Creek
6. Shenango River
7. Cussewago Creek
8. L. Shenango River
9. Sandy Creek
10. Sugar Creek
11. Brokenstraw Creek

CUMBERLAND COUNTY

1. Yellow Breeches Creek (Lower)
2. Yellow Breeches Creek (Upper)
3. Cedar Run
4. Hogestown/Trindle Spring Runs
5. Middle Spring Creek
6. Letort Spring Run
7. Conodoguinet Creek
8. Mountain Creek
9. Susquehanna River
10. Conewago Creek
11. Conococheague Creek

DAUPHIN COUNTY

1. Paxton Creek
2. Spring Creek (West)
3. Wiconisco Creek
4. Spring Creek (East)
5. Swatara Creek
6. Susquehanna River
7. Fishing Creek
8. Clark Creek
9. Stony Creek
10. Mahantango Creek

11. Conewago Creek
12. Bow/Beaver/Manada Creeks

DELAWARE COUNTY

1. Darby Creek
2. Chester Creek
3. Crum Creek
4. Ridley Creek
5. Brandywine Creek
6. Delaware River
7. Schuylkill River
8. Cobbs Creek

ELK COUNTY

1. Elk Creek
2. L. Toby Creek
3. Clarion River
4. Sinnemahoning Creek
5. Mosquito Creek
6. Tionesta Creek
7. West Creek

ERIE COUNTY

1. Lake Erie/Elk Creek
2. French Creek
3. Conneaut Creek
4. Cussewage Creek
5. Brokenstraw Creek
6. Oil Creek
7. Ashtabula River
8. Muddy Creek

FAYETTE COUNTY

1. Redstone Creek
2. Dunlap Creek
3. Georges Creek
4. Youghiogheny River
5. Monongahela River
6. Jacobs Creek
7. Indian Creek
8. Cheat River
9. Laurel Hill Creek

FOREST COUNTY

1. Tionesta Creek
2. Allegheny River
3. Clarion River

FRANKLIN COUNTY

1. Conococheague Creek
2. W. Br. Conococheague Creek
3. Antietam Creek
4. Middle Spring Creek
5. Back Creek
6. Conodoguinet Creek
7. Little Cover Creek
8. Tuscarora Creek
9. Licking Creek
10. Monocacy River
11. Sherman Creek

FULTON COUNTY

1. Cove Creek
2. Sideling Hill Creek
3. Wooden Bridge Creek
4. Aughwick Creek
5. Brush Creek
6. Licking Creek
7. Tonoloway Creek
8. Potomac River
9. Little Tonoloway Creek
10. Great Trough Creek

GREENE COUNTY

1. Wheeling Creek
2. South Fork Tenmile Creek
3. Pumpkin Run
4. Muddy Creek
5. Whitley Creek
6. Dunkard Creek
7. Fish Creek
8. Monongahela River
9. Ten Mile Creek

HUNTINGDON COUNTY

1. Aughwick Creek
2. Three Springs Creek
3. Blacklog Creek
4. Standing Stone Creek
5. Muddy Run
6. Shaver Creek
7. Shoup Run
8. Juniata River
9. Spruce Creek
10. Great Trough Creek
11. Raystown Br. Juniata River
12. Tuscarora Creek
13. Sideling Hill Creek
14. Mill Creek
15. Crooked Creek
16. L. Juniata River
17. Frankstown Br. Juniata River
18. Spring Creek

INDIANA COUNTY

1. Two Lick Creek
2. Cherry Run
3. Yellow Creek
3. Blacklick Creek
4. Crooked Creek
5. Conemaugh River
6. L. Mahoning Creek
7. Aultman/Stuart Runs
8. Canoe Creek
9. Blacklegs Creek
10. Plum Creek
11. W. Br. Susquehanna River
12. Mahoning Creek
13. Cowanshannock Creek

JEFFERSON COUNTY

1. Mahoning Creek
2. Sandy Lick Creek
3. Big Run
4. Elk Run
5. Stump Creek
6. Redbank Creek
7. Canoe Creek
8. Little Sandy Creek
9. L. Toby Creek
10. Clarion River
11. E. Br. Mahoning Creek
12. N. Fork Redbank Creek
13. W. Br. Susquehanna River
14. Toms, Cather, Maxwell, Blyson and McCanna Runs

JUNIATA COUNTY

1. Tuscarora Creek
2. Juniata River
3. E. Licking Creek
4. Mahantango Creek (West)
5. Susquehanna River
6. Blacklog Creek
7. Jacks Creek

LACKAWANNA COUNTY

1. Lackawanna River
2. S. Br. Tunkhannock Creek
3. Susquehanna River
4. Wallenpaupack Creek
5. E. Br. Tunkhannock Creek
6. Lehigh River
7. Lackawaxen River

LANCASTER COUNTY

1. Cocalico Creek
2. L. Conestoga Creek
3. Mill Creek
4. Conestoga River
5. Donegal/L. Chickies Creeks
6. Chickies Creek
7. Pequea Creek
8. Octoraro Creek
9. Conowingo Creek
10. Susquehanna River
11. Conewago Creek
12. West Branch Brandywine Creek

LAWRENCE COUNTY

1. Neshannock Creek
2. L. Neshannock Creek
3. Shenango River
4. Slippery Rock Creek
5. Connoquenessing Creek
6. Mahoning/Beaver Rivers
7. L. Beaver Creek

LEBANON COUNTY

1. Quittapahilla Creek
2. Tulpehocken Creek
3. Swatara Creek
4. Spring Creek
5. Cocalico Creek
6. Conewago Creek
7. Donegal/L. Chickies Creek
8. Stony Creek

LEHIGH COUNTY

1. Jordan Creek
2. L. Lehigh Creek
3. Coplay Creek
4. Lehigh River
5. Saucon Creek
6. Maiden Creek
7. Perkiomen Creek
8. Monocacy Creek
9. Catasauqua Creek
10. Delaware River
11. Trout Creek/Bertsch Creek
12. Sacony Creek

LUZERNE COUNTY

1. Abrahams Creek
2. Toby Creek
3. Harvey Creek
4. Mill Creek
5. Solomon Creek
6. Hunlock Creek
7. Nanticoke/Newport Creeks
8. Nescopeck Creek
9. Huntington Creek
10. L. Wapwallopen/Wapwallopen Creeks
11. Susquehanna River
12. Lehigh River
13. Catawissa Creek

14. Bowman Creek
15. Lackawanna River
16. Mehoopany Creek
17. Black Creek

LYCOMING COUNTY

1. Pine Creek
2. Lycoming Creek
3. Loyalsock Creek
4. Larrys Creek
5. Muncy Creek
6. Antes Creek
7. White Deer Hole Creek
8. W. Br. Susquehanna River
9. L. Fishing Creek
10. Young Womans Creek
11. Chatham Run
12. White Deer Creek
13. Towanda Creek
14. Grafius/Millers/McClure Runs

McKEAN COUNTY

1. Tunungwant Creek
2. Allegheny River (upper)
3. Potato Creek
4. Oswago Creek
5. Allegheny River (lower)
6. Clarion River
7. Tionesta Creek
8. Sinnemahoning Creek
9. Sinnemahoning Portage Creek

MERCER COUNTY

1. Shenango River
2. L. Shenango River
3. Sandy Creek
4. French Creek
5. Neshannock Creek
6. Wolf Creek
7. L. Neshannock Creek

MIFFLIN COUNTY

1. Kishacoquillas Creek
2. Laurel Creek
3. Honey Creek
4. Jacks Creek
5. Juniata River
6. Mill Creek
7. Penns Creek
8. East Licking Creek
9. Middle Creek

MONROE COUNTY

1. Brodhead Creek
2. McMichaels Creek
3. Tobyhanna Creek
4. Cherry Creek
5. Bush Kill Creek
6. Pohopoco Creek
7. Mud Run
8. Aquashicola Creek
9. Delaware River
10. Lehigh River
11. Wallenpaupack Creek

MONTGOMERY COUNTY

1. Perkiomen Creek
2. E. Branch Perkiomen Creek
3. Swamp Creek
4. Skippack Creek
5. Stony Creek/Sawmill Run

6. Wissahickon Creek
7. Schuylkill River
8. Neshaminy Creek
9. Pennypack Creek
10. Manatawny Creek
11. Tacony Creek
12. Cobbs Creek
13. Little Neshaminy Creek
14. Mill Creek/Rock Run/Gully Creek/Arrowmink Creek

MONTOUR COUNTY

1. Mahoning Creek
2. Sechler Run
3. Chillisquaque Creek
4. Limestone Run
5. Susquehanna River
6. Roaring Creek
7. Muncy Creek

NORTHAMPTON COUNTY

1. Monocacy Creek
2. Nancy Run
3. Hokendaugua Creek
4. Martins/Jacoby Creeks
5. Saucon Creek
6. Catasauqua Creek
7. Bushkill Creek
8. Lehigh River
9. Delaware River
10. Trout Creek/Bertsch Creek

NORTHUMBERLAND COUNTY

1. Limestone Run
2. W. Br. Susquehanna River
3. Chillisquaque Creek
4. Shamokin Creek
5. Mahanoy Creek
6. Susquehanna River
7. Mahantango Creek
8. Roaring Creek

PERRY COUNTY

1. L. Juniata Creek
2. Sherman Creek
3. Buffalo/L. Buffalo Creeks
4. Susquehanna River
5. Juniata River
6. Tuscarora Creek
7. Conodoguinet Creek

PHILADELPHIA COUNTY

1. Darby Creek
2. Poquessing Creek
3. Tacony Creek (Frankford)
4. Pennypack Creek
5. Wissahickon Creek
6. Schuylkill River
7. Delaware River
8. Cobbs Creek

PIKE COUNTY

1. Shahola Creek
2. Bush Kill Creek
3. Wallenpaupack Creek
4. Lackawaxen River
5. Saw Kill Creek
6. Delaware River
7. Brodhead Creek

POTTER COUNTY

1. Upper Allegheny River
2. Pine Creek
3. Genessee River
4. W. Br. Pine Creek
5. Oswago Creek
6. Cowanesque River
7. Kettle Creek
8. First Fk. Sinnemahoning Creek
9. Young Womans Creek
10. Sinnemahoning Creek
11. Sinnemahoning Portage Creek

SCHUYLKILL COUNTY

1. Schuylkill River
2. L. Schuylkill River
3. Mahanoy Creek
4. Swatara Creek
5. Mahantango Creek
6. Wiconisco Creek
7. Catawissa Creek
8. Mahoning Creek
9. Lizard Creek
10. Nesquehoning Creek
11. Nescopeck Creek
12. Black Creek
13. Mauch Chunk Creek

SNYDER COUNTY

1. Middle Creek
2. Penns Creek
3. Mahantango Creek (West)
4. Susquehanna River
5. Jacks Creek
6. Honey Creek
7. Juniata River

SOMERSET COUNTY

1. Coxes Creek
2. Stony Creek
3. Quemahoning Creek
4. Bens Creek
5. Paint Creek
6. Shade Creek
7. Casselman River
8. Laurel Hill Creek
9. Wills Creek
10. Buffalo Creek
11. Raystown Br. Juniata River
12. Youghioghny River
13. Shawnee Creek
14. L. Conemaugh River
15. L. Wills Creek

SULLIVAN COUNTY

1. Loyalsock Creek
2. Muncy Creek
3. Fishing Creek
4. Mehoopany Creek
5. Lycoming Creek
6. Towanda Creek
7. Huntington Creek

SUSQUEHANNA COUNTY

1. Salt Lick Creek
2. DuBois Creek
3. Drinker Creek
4. Starrucca/Cascade Creeks
5. Martins Creek
6. Snake Creek
7. Mitchell/Denton Creeks
8. North Branch Wyalusing Creek

9. Tunkhannock Creek
10. E. Br. Tunkhannock Creek
11. Meshoppen Creek
12. Susquehanna River
13. Choconut Creek
14. Apalachin Creek
15. East and Middle Branch of Wyalusing Creek
16. Tunkhannock Creek upstream of Nine Partners Creek
17. Lackawanna River
18. Wappasening Creek
19. Tunkhannock Creek upstream of Martins Creek

TIOGA COUNTY

1. Pine Creek
2. Marsh Creek
3. Crooked Creek
4. Tioga River
5. Cowanesque River
6. Lycoming Creek
7. Chemung River
8. Towanda Creek
9. Kettle Creek
10. Sugar Creek

UNION COUNTY

1. Buffalo Creek
2. Bull Run
3. Penns Creek
4. W. Br. Susquehanna River
5. White Deer Creek
6. White Deer Hole Creek

VENANGO COUNTY

1. Oil Creek
2. Sugar Creek
3. E. Sandy Creek
4. French Creek
5. Allegheny River
6. Slippery Rock Creek
7. Sandy Creek
8. Wolf Creek

WARREN COUNTY

1. Conewango Creek
2. Brokenstraw Creek
3. Allegheny River
4. Oil Creek
5. Tionesta Creek

WASHINGTON COUNTY

1. Chartiers Creek
2. Tenmile Creek
3. Pigeon Creek
4. Pike Run
5. Peters Creek
6. Monongahela River
7. Raccoon Creek
8. Ohio River
9. Robinson Run
10. Cross Creek
11. Wheeling Creek

WAYNE COUNTY

1. Lackawaxen River
2. Equinunk Creek
3. Delaware River
4. Wallenpaupack Creek
5. Lackawanna River
6. Starrucca Creek
7. Lehigh River
8. Tobyhanna Creek

WESTMORELAND COUNTY

1. Sewickley Creek
2. Turtle Creek
3. Loyalhanna Creek
4. Jacobs Creek
5. Kiskiminetas River
6. Pucketa Creek
7. Conemaugh River
8. Youghiogheny River
9. Monongahela River
10. Indian Creek
11. Allegheny River

WYOMING COUNTY

1. Bowman Creek
2. Tunkhannock Creek
3. Mehoopany Creek
4. Meshoppen Creek
5. S. Br. Tunkhannock Creek
6. Martin Creek
7. Susquehanna River
8. Harveys Creek

YORK COUNTY

1. Codorus Creek
2. S. Br. Codorus Creek
3. E. Br. Codorus Creek
4. L. Conewago Creek
5. Kreutz Creek
6. Conewago Creek
7. Yellow Breeches Creek (Lower)
8. Muddy Creek
9. Susquehanna River

[Pa.B. Doc. No. 97-734. Filed for public inspection May 9, 1997, 9:00 a.m.]

FISH AND BOAT COMMISSION

Closure to Public Fishing; Section of Muddy Creek, York County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25, is taking action to revise the dates in May 1997 for closure of a small section of Muddy Creek in Muddy Creek Forks, York County, to public fishing.

The Pennsylvania Film Office has requested the cooperation of the Commission in closing a small section of Muddy Creek in connection with the production of a film at this site. The Commission has been informed that all roads in the immediate vicinity will be closed to traffic on the dates in question and that the Muddy Creek Forks area will be filled with a great deal of film equipment. In light of these restrictions on safe public access to this area, the Executive Director finds that this closure to public fishing is necessary and appropriate for the health and safety of persons who fish.

On April 26, 1997, the Commission published a notice at 27 Pa.B. 2090 (April 26, 1997) indicating that this section of stream would be closed on May 7, 8, and 9 due to safety and access concerns raised by use of adjoining areas. The Commission has now been notified that the film production in this area will not take place on the dates planned. Accordingly, the closure is being delayed to

later in May 1997. Because of the vagaries of film production schedules, it is impossible to specify the exact dates of the closure. However, the stream section will not be closed for more than 4 consecutive days, and due notice will be posted at the site.

Accordingly, a section of Muddy Creek, 100 yards upstream and downstream of the country store in Muddy Creeks Fork, is closed to public fishing on such dates in May 1997 as may be posted at the site.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-735. Filed for public inspection May 9, 1997, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) hereby 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 cases:

Mark A Wright v. Neville Chemical Company; Docket No. E55607D (Pennsylvania Human Relations Commission, April 21, 1997); Race-based discharge; Ruling for Respondent, 8-0 decision; 34 pages.

Elmer Christenson and Barbara Schwartz and Clarice Hofstra v. Robinwood Village, Inc., Howard and Betty Hartshorn; Docket Nos. H5713, H5720 (Pennsylvania Human Relations Commission, April 21, 1997); Familial status, covenant restricts sale of property; Ruling for Respondents, 8-0 decision; 25 pages.

The final orders in the above-listed cases are subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or 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¢ 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. 97-736. Filed for public inspection May 9, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws: Richard B. Driscoll d/b/a Action Adjustment Service, Inc.; Doc. No. SC97-04-034

Notice is hereby given of the Order to Show Cause issued on April 28, 1997 by the Deputy Insurance Com-

missioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: sections 6(a)(3), (5) and (12) of the Insurance Adjusters Act (63 P. S. §§ 1606(a)(3), (5) and (12)); and sections 4 and 5(a)(2) of The Unfair Insurance Practices Act (40 P. S. §§ 1171.4 and 1171.5(a)(2)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-737. Filed for public inspection May 9, 1997, 9:00 a.m.]

Export List Of Insurance Coverages; Request for Comments

The Insurance Commissioner published a notice at 27 Pa.B. 365 (January 18, 1997) soliciting comments to the export list published at 26 Pa.B. 552 (February 3, 1996). Consideration was given to all comments received. The Insurance Commissioner proposes to amend the February 3, 1996, list to: (1) add Armored Cars, House Movers, Hunting Clubs, Security-Detective-Patrol Agencies and monoline liquor liability; and (2) increase the original new cost or market value from "\$40,000 or greater" to "\$60,000 or greater" referenced under physical damage coverage for private passenger, classic, antique or commercial vehicles.

Persons wishing to comment on the Insurance Commissioner's proposals are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 (717) 783-2144, fax (717) 787-8557. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day

comment period, or a notice will be published stating that the February 3, 1996, list remains in effect.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-738. Filed for public inspection May 9, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Miller, Kenneth Warren; file no. 97-303-70567; Erie Insurance Exchange; doc. no. PI97-04-049; June 5, 1997; at 3 p.m.;

Appeal of Kanoff, Jack and Zeld; file no. 97-267-31871; General Accident Insurance Co. of America; doc. no. PH97-04-054; June 17, 1997, at 2 p.m.;

Appeal of Meyer, Hans J.; file no. 97-267-31793; Allstate Insurance Company; doc. no. PH97-04-052; June 17, 1997, at 3 p.m.;

Appeal of Yeager, Patricia L.; file no. 97-121-02292; Erie Insurance Exchange; doc. no. P97-04-057; June 18, 1997, at 11 a.m.;

Appeal of Bajus, Stephen and Kathryn; file no. 97-265-32082; Pennsylvania General Insurance Co.; doc. no. PH97-04-053; June 18, 1997, at 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-739. Filed for public inspection May 9, 1997, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of McCall, Sue; file no. 97-280-31967; Keystone Insurance Company; doc. no. PH97-04-047; June 12, 1997, at 9 a.m.;

Appeal of Artz, Douglas and Tamie; file no. 97-497-90520; American Spirit Insurance Co.; doc. no. E97-04-058; June 17, 1997, at 11 a.m.;

Appeal of Brittain, Harry E., III; file no. 97-121-08957; Erie Insurance Exchange; doc. no. P97-04-055; June 18, 1997, at 9 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-740. Filed for public inspection May 9, 1997, 9:00 a.m.]

Voluntary Surrender Of Certificate Of Authority

The Presbyterian Home at 58th Street, a domestic continuing care retirement community, has submitted an application for approval of the voluntarily surrender of its Certificate of Authority. The filing was made under requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Licensing Specialist, Company Licensing Division, Room 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-741. Filed for public inspection May 9, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Kathy A. Barron,
t/d/b/a Kate Barron Trucking; Doc. No.
A-00111524C9701 F. 2

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Kathy A. Barron, t/d/b/a Kate Barron Trucking, respondent, maintains a principal place of business at 429 Davis Avenue, Somerset, PA 15501.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00111524, F. 2.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Kathy A. Barron, t/d/b/a Kate Barron Trucking at Docket No. A-00111524, F. 2, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Kenneth E. Nicely,
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to John G. Alford, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-742. Filed for public inspection May 9, 1997, 9:00 a.m.]

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Abraham Dayen's World Wide Moving & Storage Co.; Doc. No. A-00106384C9601

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Abraham Dayen's World Wide Moving & Storage Co., respondent, maintains a principal place of business at R. D. 3, Norristown, PA 19403.
2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00106384.
3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.
5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Abraham Dayen's World Wide Moving & Storage Co. at Docket No. A-00106384, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Kenneth E. Nicely,
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to John G. Alford, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-743. Filed for public inspection May 9, 1997, 9:00 a.m.]

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Marian Group, Inc.; Doc. No. A-00108229C97

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Marian Group, Inc., respondent, maintains a principal place of business at 4250 Wissahickon Avenue, Philadelphia, PA 19129.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00108229.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Marian Group, Inc. at Docket No. A-00108229, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Kenneth E. Nicely,
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to John G. Alford, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-744. Filed for public inspection May 9, 1997, 9:00 a.m.]

Request of Mark L. Tewes, Tariff Publisher Representing Patrick A. Kissel, Jr. for a 2% Emergency Fuel Surcharge; SP-28202

Public Meeting held
April 10, 1997

Commissioners Present: John M. Quain, Chairperson;
Lisa Crutchfield, Vice Chairperson; John Hanger; David
W. Rolka; Robert K. Bloom

Order

By the Commission:

Mark L. Tewes, (Tewes) Tariff Publisher representing Patrick A. Kissel, Jr. (carrier) is petitioning this Commission to implement a 2% fuel surcharge as a direct result of escalating fuel costs currently being experienced.

Tewes has compiled data from the represented carrier indicating fuel prices have risen sharply in recent months and carriers requests relief to offset increased operating costs for a period of 30 days with 5 extensions upon conditions warranting it.

The Commission approved a 2% emergency fuel surcharge for Tristate Household Goods Tariff Conference, Inc. representing approximately 275 tristate household goods carriers on June 6, 1996, extended said order an additional 3 months on September 19, 1996, and further extended said order for 6 additional months on March 13, 1997. It would appear prudent for the Commission to include other financial strapped carriers until fuel prices become stabilized. *Therefore It Is Ordered That:*

1. Patrick A. Kissel, Jr., at A-00099886 may establish a 2% fuel surcharge on one day's notice under Special Permission No. 28202 and shall be published in accordance with all other tariff rules of this Commission.

2. Upon determination by the Commission that the price of fuel has stabilized thereby allowing carrier to seek rate relief through normal filing procedures, the Commission will issue an order to eliminate the 2% fuel surcharge.

3. The surcharge be effective for a 30-day period with carriers being permitted to file for 5 additional 30-day extension periods if conditions warrant.

4. Upon approval by this Commission the Secretary shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-745. Filed for public inspection May 9, 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 June 2, 1997 as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for the approval of the transfer of stock as described under each application.

A-00111604, F. 5000. Philadelphia's Finest Shuttle, Inc. (1745 South 13th Street, Philadelphia, Philadelphia County, PA 19148), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from Joseph M. Spei, II (25 shares), Joseph M. Spei, Sr. (25 shares) and John Spei (25 shares) to Adeline Spei (25 shares held). *Attorney:* John J. Gallagher, Suite 1100, 1760 Walnut Street, Philadelphia, PA 19103.

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-00113897. Greater Valley Emergency Medical Services, Inc. (904 North Lehigh Avenue, Sayre, Bradford County, PA 18840), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the county of Bradford, and from points in the said county to points in the county of Sullivan, and vice versa; subject to the following condition: that all service is to be provided in specially modified vehicles equipped with wheelchair lifts, ramps and/or tiedowns. *Attorney:* John Kocsis, 180 North Elmira Street, Athens, PA 18810.

A-00113913. Fame Emergency Medical Services, Inc. (710 Valley Street, Lewistown, Mifflin County, PA 17044), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the borough of Lewistown, Mifflin County, and within an airline distance of 30 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00109365, F. 1, Am-C. Milepost Inns, Inc., t/d/b/a Milepost Industries (775 Baywood Drive, Suite 215, Petaluma, Sonoma County, CA 94954), a corporation of the State of Nevada—inter alia, to transport, by motor vehicle, rail carrier employes and their equipment and baggage for Consolidated Rail Corporation (CONRAIL), between points in Pennsylvania: *so as to permit* the transportation of rail carrier employes and their equipment and baggage for Norfolk Southern Corporation, between points in Pennsylvania. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

A-00110957, Folder 1, Am-A. Walter J. Garing and Nancy Jane Garing, Copartners (R. R. 2, Box 490, Honesdale, Wayne County, PA 18431-9615)—persons in group and party service, between points in the county of Wayne and from points in said county to points in the counties of Lackawanna, Monroe, Pike and Wayne: *so as to permit* the transportation of persons in group and party service, between points in the county of Wayne, and from points in said county, to points in Pennsylvania, and return.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00113916. Anthony Eramo and Arnold J. Domes, Jr., Copts., t/d/b/a Fan-Addicts Sports Tours Plus (1709 North Sumner Avenue, Scranton, Lackawanna County, PA 18508)—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under such application.

A-00113914. Steve Karabatos, t/d/b/a Sterling Airport Service (12 South Reading Avenue, P. O. Box 463, Boyertown, Berks County, PA 19592)—persons in airport transfer service, from points in the borough of Boyertown, Berks County, and points in the borough of Pottstown, Montgomery County, to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tunicum, Delaware County, the Allentown-Bethlehem-Easton Airport in the township of Hanover, Lehigh County, and the Reading Airport in the township of Berne, Berks County; which is to be a transfer of the right authorized under the certificate issued at A-00110417 to John Pilon, t/d/b/a Sterling Airport Service, subject to the same limitations and conditions. *Attorney:* Lee F. Mauger, 41 High Street, P. O. Box 1050, Pottstown, PA 19464-0285.

A-00113917. Five Star Transportation, Inc. (411 Church Road, Yeadon, Delaware County, PA 19050), a corporation of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia; subject to the following condition: that no right, power or privilege is granted to originate service in the townships of Tredyffrin, Easttown, Willistown, East Whiteland, West Whiteland, East Goshen, West Goshen, Westtown, East Bradford, East Caln, Birmingham,

Thornbury and Pennsbury, and the boroughs of Downingtown, West Chester and Malvern, all in Chester County; which is to be a transfer of the right authorized under the certificate issued at A-00109430 to Gaffney Limousine, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* Gerald Gornish, Twelfth Floor Packard Building, 111 South 15th Street, Philadelphia, PA 19102-2678.

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 May 27, 1997.

- A-00113920 Brandon P. Walker, t/d/b/a/ B.P.W.
Transportation
5107 Delta Road, Delta, PA 17314
- A-00113921 Wallace Transportation, Inc.
R. D. 1, Box 179, Woodland, PA 16881:
Dwight L. Koerber, Jr., Esquire, 110
North Second Street, P. O. Box 1320,
Clearfield, PA 16830
- A-00113922 Joseph P. Fremer, Sr. and Joseph P. Fremer,
Jr., Copartners, t/d/b/a Fremer Surface
Mine Reclamation
R. D. 1, Box 203, Brockway, PA 15824:
Dwight L. Koerber, Jr, Esquire, Kriner,
Koerber & Kirk, P.C., 110 North Second
Street, P. O. Box 1320, Clearfield, PA
16830
- A-00113924 MBV Trucking, Inc.
1109 Daisy Street, Clearfield, PA 16830:
Dwight L. Koerber, Jr., Esquire, Kriner,
Koerber & Kirk, P.C., 110 North Second
Street, P. O. Box 1320, Clearfield, PA
16830
- A-00113925 J. B. Hauling, Inc.
3003 Marna Court, Norristown, PA 19403:
Robert Riley, Esquire, 144 East DeKalb
Pike, King of Prussia, PA 19406
- A-00113926 Darrell Damianos and Dave Ireland,
Copartners, t/d/b/a C & L Trucking
2046 McKinney Road, Monroeville, PA
15146
- A-00113927 Kehl Bros., Inc.
Route 4, Box 4050, Fleetwood, PA 19522

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-746. Filed for public inspection May 9, 1997, 9:00 a.m.]

Telecommunications Without Hearing

A-310482. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Cellular Rentals, Inc. Bell Atlantic-Pennsylvania, Inc. and Cellular Rentals, Inc., by its counsel, filed on April 18, 1997, at the Public Utility

Commission, a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and Cellular Rentals, Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-747. Filed for public inspection May 9, 1997, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting Notice

The Public Official and Employee Ethics Law requires that the State Ethics Commission hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The State Ethics Commission will conduct a public meeting in 307 Finance Building, Harrisburg, PA on May 30, 1997, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present a statement, information or other comments in relation to the Ethics Law, the Regulations of the State Ethics Commission or agency operations should contact Claire Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 97-748. Filed for public inspection May 9, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for Design/Printing of Turnpike Newsletter. A mandatory prebid conference will be held May 22, 1997, 10 a.m., Purchasing Conference Room, PA Turnpike Administration Building, Route 283 and Eisenhower Blvd., Highspire, PA (Dauphin County). Open Date: June 2, 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 Dept. (717) 939-9551, Ext. 2830.

JAMES A. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-749. Filed for public inspection May 9, 1997, 9:00 a.m.]

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**Retention of Engineering Firms
Westmoreland County
Reference No. 1-109**

The Turnpike Commission (Commission) will retain two engineering firms for the design for the total reconstruction project between Mileposts 76.00 and 85.00 in Westmoreland County. Each firm selected will be responsible for the Prelinal and Final Design of an approximate 5-mile section between these limits. Coordination will be required between the two consultants as portions of the work will overlap into the other consultant's area.

The engineering services required would include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preparation of TS&L and final bridge plans, preliminary and final traffic control plans, structural foundation reports, roadway core borings, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway between Milepost 76.00 and 85.00.

In addition, low-level photography has been performed on this area to an accuracy of + .05 feet. Hard copies of the mapping and a disk will be provided to the consultants for their use. A digital terrain model in AUTOCAD format will also be provided. The consultants will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information.

Direct inquiries to Michael D. Shaak at (717) 939-9551, Extension 5380.

General Requirements and Information

Firms interested in performing the above services are invited to submit Expanded Letters of Interest to Barry L. Troup, P.E., Assistant Chief Engineer—Design, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The Expanded Letters of Interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include

with each letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting letters of interest:

(A) Specialized experience and technical competence of firm.

(B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

(C) Expanded Letters of Interest should include an indication of the prime consultant's and subconsultant's current workload for all Department of Transportation and Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.

(F) Special requirements of the project.

(G) Other factors, if any, specific to the project.

Each firm shall demonstrate in their Expanded Letter of Interest their ability to perform the specific requirements indicated for this project by including a maximum three page report on this subject.

The Expanded Letter of Interest and required forms must be received by 12 noon, Friday, May 23, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable Expanded Letters of Interest in response to this advertisement, two firms will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the two highest ranked firms established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals will not be requested for final selection.

The Commission reserves the right to reject all Letters of Interest submitted, to cancel the solicitation requested under this notice and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-750. Filed for public inspection May 9, 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 THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

- 1839046** Construction, mining, excavating and highway maintenance equipment—1 each gas powered rider sweeper/scrubber and 1 each gas powered rider sweeper.
Department: State Farm Products Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1884116** Furniture, office filing systems—10850 each filing system for inmate medical records, Kardex or equivalent to include the following components: outside folder, dividers, vinyl sheet, index tabs (18 position set).
Department: Corrections
Location: Various
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1017117** Hardware and abrasives—24 each automatic spring with door lock; lock mounting for lock with 2 executions and surface keeper.
Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1969168** Alarm system—52 each furnish and install keychain remote control modular alarm system.
Department: Revenue
Location: Middletown, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1876156** Communication equipment—1 each BTS VENUS 32x32 VAA switching system.
Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1802226** Construction and building materials—various quantities of construction materials to repair an existing warm water hatchhouse roof at a fish culture station.
Department: Fish and Boat Commission
Location: Carlisle, Cumberland County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1941116** Construction and building materials—400 feet 1 1/2" x 9 gauge core x 144" fabric vinyl fence and various quantities of rails, posts, caps, etc.
Department: Corrections
Location: Coal Township, Northumberland County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1963216** Construction and building materials—1 each furnish and install approximately 256 feet of existing chain link fence with new all vinyl fence. To be 14' high plus barbed tape. Security fence to include trench work, stone backfill, and removal of old fencing and fencing materials from agency grounds.
Department: Public Welfare
Location: Bensalem Youth Development Center, Bensalem, Bucks County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 8141270** Construction and building materials—28950 gallons crack filling and sealing complete in place.
Department: Transportation
Location: Warren, Bradford County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 8160900** Construction and building materials—1 each precast concrete box culvert, 7'0" x 5'0" opening, 51'8" length.
Department: Transportation
Location: Cyclone, McKean County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1984156** Laboratory instruments and equipment—1 each 274845.1 special mass STD kit, 2 KG-1MG kit with walnut case and lifters; 12139 weight kit, 5 lb. 1/32 oz. ASTM Class 2, polished; 12854, 2500 LB cast iron WT Class F and 30 each 12839 50 lb. cast iron WTS Class F.
Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1014117** Materials handling equipment—1 each forklift, narrow aisle dock truck.
Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1754116** Materials handling equipment—1 each pallet jack, electric walk behind stacker.
Department: Corrections
Location: Somerset, Somerset County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 1826216** Materials handling equipment—2 each latest model 4 wheel sit down fork lift.
Department: Public Welfare
Location: Ebensburg, Cambria County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 8970050** Materials handling equipment—5 each loader, Skidsteer, 1351-1750 lb. with light duty trailer and 6 each loader, Skidsteer, 1351-1750 lb. with heavy duty trailer.
Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199
- 8215060** Mechanical power transmission equipment—various quantities of: rollers, thrusts, thrust races, gears, o-rings, matched gear sets, bearing sleeves, shafts, intermediate gear bearings, pin intermediate gear shafts, shifter rod sleeves, ball bearings, adapters, shaft keys and keys.
Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1806116 Photographic equipment and supplies—6 each color camera 1/2" CS mount; 1 each, color multiplexer, 24 hour recorder; 5 each 2.6 MM A/I lens, 4.5 A/I LE; 1 each 6 MM A/I lens; 4 each alarm dome and alarm camera mount; 2 each video input board; 1 each color monitor and 4 each monitor mount 9"—14" and various quantities of accessories to be compatible with existing Burle equipment.

Department: Corrections
Location: Frackville, Schuylkill County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1967186 Promotional items—bags, plastic—500 M; flat plastic bags for PA Lottery—size: 16 1/2" W x 15" H—LDP (recyclable low density polyethylene).

Department: Revenue
Location: Middletown, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1019117 Textiles—50000 yards sheeting, 42", snow white (pantone color: 11-0602tp).

Department: Corrections
Location: Correctional Industries, Huntingdon, Huntingdon County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1013117 Weapons and accessories—22 each revolver, Smith & Wesson, 357, Model 65; 14 each shotgun, 12 gauge, Model 870, with rifle sights and Davis speedfeed stocks and extended tubes and 14 each rifle sling kits.

Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Agricultural Services—2

FL 350473—FL 350481 Provide fish feed products used in a Statewide fish culture program during the period July 01, 1997 through September 30, 1997. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested
Duration: July 01, 1997—September 30, 1997
Contact: Dennis C. Ricker, (814) 359-5141

Computer Related Services—8

ME No. 718226 The Department of Revenue will be issuing an RFP to satisfy the requirements for installing a Computer-Based Training (CBT) system to provide interactive information systems training directly to Revenue employees desktop PC's covering: mainframe application development, systems programming, telecommunications, LAN administration, client/server development, and Microsoft Office Products, including Access and Project. The winning vendor will be responsible for providing approximately 40 to 60 courses as well as adding new offerings, removing courses, upgrading courses, and providing support, as required. Flexibility is needed to be able to select any combination of courses, copy students guides at no charge and obtain courseware via multiple delivery sources. All courses must be compatible with our current systems: Mainframe: IBM 9021-720 and/or LAN: Novell 4.11.

Department: Revenue
Location: Harrisburg, PA
Duration: Two years with option to extend
Contact: Dick Beddow, BIS, (717) 772-9639

96-6126-407 Contractor to provide terminal and/or software access to comprehensive, up-to-date, Nationwide consumer credit information.

Department: Office of Inspector General
Location: Commonwealth of Pennsylvania, Statewide
Duration: 7/1/97 through 6/30/2000
Contact: Jane L. Benler, (717) 783-7756

Construction Maintenance—9

080964 Lehigh County, Hanover Avenue; Clearfield County SR 153(225); Warren County SR 1015(B00); Lehigh County Group 5-97-POC3A; Cumberland County SR 174/2008/2012; Berks County SR 4026(01M); Allegheny County Group 111-96-7135-4; District-Wide, Group 5-97-LP1.

Department: Transportation
Location: Districts 1-0, 2-0, 5-0, 8-0, 10-0, 11-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

080965 Tioga County, State Route 287, Section 63M.

Department: Transportation
Location: District 3-0
Duration: FY 1997/98
Contact: Paul W. Beaver, Contract Management Supervisor, (717) 368-4263

080966 Sullivan County State Route 220, Section 63M; Bradford County State Route 14, Section 61M.

Department: Transportation
Location: District 3-0
Duration: FY 1997/98
Contact: Paul W. Beaver, Contract Management Supervisor, (717) 368-4263

Environmental Maintenance Services—15

BF 408-101.1 Abandoned Mine Land Reclamation of Blake Becker Site. Involves dewatering impoundments, 213,000 C. Y. of grading, 1,870 C. Y. of ditch excavation, 1,600 S. Y. of R-4 rock lining with geotextile fabric and 20 acres of seeding. Ninety-six percent (96%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

Department: Environmental Protection
Location: Sandy Township, Clearfield County, PA
Duration: 210 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

OSM 49(2336, 3239)101.1 Backfilling Strip Pits and Mine Openings at Mahanoy Mountain East and West. Involves removal of hoisting structure and structural debris, 443,000 C. Y. of grading and 40.9 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: West Cameron and Zerbe Townships, Northumberland County, PA
Duration: 570 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

OSM 35(2181)102.1 Backfilling Strip Pits at Colliery Road. Involves removal of structures, dewatering impoundments, 1,350,500 C. Y. of grading, 9,000 C. Y. of drainage excavation, 8,260 S. Y. R-4 and R-5 rock lining with geotextile, 400 L. F. of twenty-four (24) inch diameter corrugated polyethylene pipe, wetland construction and 95 acres of seeding. One hundred percent (100%) of this project is funded by the Federal Government. Federal funds available for this program total \$19 million for Pennsylvania's 1995 AML Grant.

Department: Environmental Protection
Location: Dickson City Borough, Lackawanna County, PA
Duration: 690 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Financial and Insurance Consulting—17

RFP No. 9-97 This RFP is to have the Department contract with a qualified firm to perform supplemental data matches with various commercial health insurance carriers and fiscal intermediaries to identify third party resources which are either unknown or currently unavailable to the Department's TPL Section; to identify claims with potential health insurance coverage; to recover all appropriate payments, on behalf of the Department, for which health insurance coverage was available; to provide the Department with detailed recovery information regarding adjudicated claims and recipient data; and to provide timely and detailed resource information with which to update the TPL database and the Department's recipient eligibility database.

Department: Public Welfare
Location: Third Party Liability Section, Bureau of Financial Operations DPW, Office Complex No. 2, Harrisburg, PA
Duration: The initial contract period is for 12 months with the option to renew on an annual basis for up to four (4) years.
Contact: Polly Hahn, (717) 787-7585

Food—19

1118811 July 1, 1997—September 30, 1997. Estimated need: assorted frozen pies, Philly steak sandwich steaks, hoagie patties, frozen bagels, biscuits, Danish sweet rolls, muffins, French toast sticks, waffles, jumbo cheese ravioli, lasagna, Salisbury steak w/gravy, portion packed juice, pizza patties w/cheese, pizza slices (wedge shape), folded egg omelet, sandwich omelet, croissants, pierogies, stromboli, hot pockets, meatballs (dry pack), beef rib b q, liquid scrambled egg blend, assorted potato chips and snacks.

Department: Public Welfare
Location: Youth Development Center at New Castle, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101
Duration: July 1, 1997—September 30, 1997
Contact: Kathleen A. Zeigler, Purchasing Agent, (412) 656-7308

170 Bread and bread products: 10,866 loaves—white bread; 390 loaves—rye bread; 10,854 loaves—cracked wheat bread; 2,367 dozen—flat buns; 380 dozen—wiener buns; 675 dozen—dinner rolls; 1,000 lbs.—bread cubes; 260 dozen—sweet rolls; 390 loaves—raisin bread; 950 dozen—doughnuts; 225 lbs.—bread crumbs.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: July through December 1997
Contact: Patty Frank, Purchasing Agent, (814) 432-0397

172 Estimated need: enriched white bread, Texas toast, wheat bread, cinnamon/raisin bread, Italian bread, hamburger rolls, frankfurter rolls, soft dinner rolls, semi-hard rolls, hard rolls, English muffins, assorted pastries, single serving pies.

Department: Public Welfare
Location: Youth Development Center at New Castle, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101
Duration: July 1, 1997—September 30, 1997
Contact: Kathy Zeigler, Purchasing Agent, (412) 656-7308

277-Poultry and Poultry Products July 1, 1997—September 30, 1997. Estimated need: poultry patties oven ready, oven ready chicken wings, turkey salami, turkey sausage, turkey roasts, oven ready chicken drumsticks, thighs, breasts, oven ready chicken tenders, turkey frankfurters, turkey ham, turkey bologna.

Department: Public Welfare
Location: Youth Development Center at New Castle, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101
Duration: July 1, 1997—September 30, 1997
Contact: Kathleen A. Zeigler, Purchasing Agent, (412) 656-7308

282-Meats July 1, 1997—September 30, 1997. Estimated need: spareribs, pepperoni, ham, gyro meat, New York strip steak, hot Italian sausage, regular ground meat (beef), top round, beef short ribs, ground beef patties, pork chops, kielbasa.

Department: Public Welfare
Location: Youth Development Center at New Castle, R. R. 6, Box 21A, New Castle, Lawrence County, PA 16101
Duration: July 1, 1997—September 30, 1997
Contact: Kathleen A. Zeigler, Purchasing Agent, (412) 656-7308

0882-2797 Meat and meat products: No. 1-135A—beef for stew—180 lbs.; No. 3-136-2—840 lbs.; No. 5-1136—ground beef patties, 4 oz.—250 lbs.; No. 7-169—beef round, top (inside) cap off, uncooked, boneless—250 lbs.; No. 12—seasoned beef for Salisbury steak, 4 oz.—60 lbs.; No. 14—veal ground, fine grind—940 lbs.; No. 15—veal and beef patties, unbreaded, 4 oz.—270 lbs.; No. 17-402E—540 lbs.; No. 18-496—ground pork, fine grind—240 lbs.; No. 19-1496—ground pork patties, 4 oz.—100 lbs.; No. 24—ham, boneless (cured and smoked) fully cooked—40 lbs.; No. 28-539—bacon, sliced, cured and smoked, skinless—20 lbs.; No. 33-801—60 lbs. bologna, all beef; No. 34—pork sausage, bulk—370 lbs.; No. 36-802B—pork sausage patties, precooked, 2 oz.—160 lbs.; No. 38-806—Lebanon bologna, unsliced—30 lbs.; No. 803—liver sausage, liverwurst—80 lbs.; No. 1136—ground beef patties, 3 oz.—50 lbs.; No. 1496—ground pork patties, 3 oz.—50 lbs.; pickle and pimento loaf, chilled—60 lbs. Miscellaneous foods: No. 3E—beef patties, Salisbury, 3 oz.—30 lbs.; 9E—pizza patties (beef) with cheese slice—60 lbs.; No. 22E—veal and beef patties, unbreaded, 3 oz.—70 lbs.; No. 30E—vegetarian burger—2 cases. Different amounts on each item to be delivered bi-weekly during months of July through September, 1997.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: July 1, 1997 through September 30, 1997
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

0882-2798 Frozen purees, desserts, vegetables, and meats: (3 separate awards). Desserts, 3 oz. serving, 4/4 lb. pans/case, Ref: Cliffdale Farms—No. 1—apple cinnamon custard—6 cs.; 2—vanilla custard—6 cs.; No. 3—banana custard—6 cs.; No. 4—orange custard—4 cs.; No. 5—peach custard—15 cs. Vegetables, 6/3 lb. cartons/case, Ref: National Frozen Foods—No. 1—green beans—34 cs.; No. 2—carrots—50 cs.; No. 3—peas—26 cs.; No. 4—broccoli—31 cs.; No. 5—corn—10 cs. Meats, meat patty, 3 oz. portion, 48/case, 9 lb./case, Ref: Thick & Easy, American Institutional Products—No. 1—chicken—32 cs.; No. 2—ham—6 cs.; No. 3—roast pork—2 cs.; No. 4—turkey; No. 5—roast beef; No. 6—fish fillet—22 cs. Various amounts to be delivered bi-weekly for months of July, August, and September 1997.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: July 1, 1997 through September 30, 1997
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

0882-2799 Miscellaneous foods: frozen entrees (various amounts to be delivered bi-weekly). No. 3—broccoli and cheese souffle—21 cs.; No. 5—macaroni and cheese, reduced fat and sodium—45 cs.; No. 10—creamed spinach—15 cs.; No. 11—tuna noodle casserole—27 cs.; No. 5E—vegetable lasagna—432 lbs.; No. 19E—meat lasagna w/sauce—12 cs.

Department: Public Welfare
Location: South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261
Duration: July 1, 1997 through September 30, 1997
Contact: Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

F2500-97 Poultry products: to include turkey salami, turkey franks, turkey bologna, turkey roll, chicken croquettes and may include any other poultry product that may be required for this period. Quantities and deliveries to be determined by the institution. Bids to be advertised on a bi-monthly basis.

Department: Corrections
Location: State Correctional Institution, Dallas, Luzerne County, PA 18612
Duration: July 1997 through June 1998
Contact: Fred B. Moody, Purchasing Agent, (717) 675-1101, ext. 221

M-866 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: July, August, September 1997
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

HVAC Services—22

050-900 Maintenance and repair of gas fired heating system. Contract will include four (4) one year renewals.

Department: Transportation
Location: 1713 Lehigh Street, Allentown, PA
Duration: One year from effective date
Contact: Dave Poplawski, (610) 798-4126

050-901 Maintenance and repair of air conditioning units. Contract will include four (4) one year renewals.

Department: Transportation
Location: 1713 Lehigh Street, Allentown, PA
Duration: One year from effective date
Contact: Dave Poplawski, (610) 798-4126

050-902 Electrical repairs/servicing for District 5-0 Office and Annex Building. Contract will include four (4) one year renewals.

Department: Transportation
Location: 1713 Lehigh Street, Allentown, PA
Duration: One year from effective date
Contact: Dave Poplawski, (610) 798-4126

HVAC-20-97 Furnish heating and air conditioning service as needed on premises occupied by Uniontown Job Center situated at 32 Iowa Street, Uniontown, PA. Service to be available on a 24-hour, 7 days per week basis. Service charge, mileage and travel time will not be paid by the Commonwealth.

Department: Labor and Industry
Location: Uniontown Job Center, 32 Iowa Street, Uniontown, Fayette County, PA 15401
Duration: 10/01/97—09/30/00
Contact: James E. Clarke, Manager, (412) 439-7200

Janitorial Services—23

JC-15-97 Janitorial service. Daily cleaning of restrooms and emptying trash cans. Floor care: daily sweeping and damp mop where necessary, strip and wax every 6 months. Walls in public hall and reception area washed once weekly. Shampoo carpet once every 6 months. Involves 5,715 square feet. 100% Federally funded.

Department: Labor and Industry
Location: State College Job Center, 210 West Hamilton Avenue, State College, Centre County, PA 16801
Duration: 10-1-97 through 9-30-99
Contact: Anthony M. Godlewski, Manager, (814) 865-8051

JC-17-97 Janitorial services: combined footage is 24,477 square feet. To be provided on a daily basis, Monday through Friday, except State holidays. A mandatory on-site inspection will be scheduled prior to bid submission.

Department: Labor and Industry
Location: Allentown Job Center, 160 Hamilton Street, Allentown, Lehigh County, PA 18101
Duration: July 1, 1997 through June 30, 1998
Contact: Michael Dorosh, Manager, (610) 821-6775

JC-19-97 Janitorial services on premises occupied by the Indiana Job Center, 350 North 4th Street, Indiana, PA 15701-2000. Includes detailed daily, weekly, monthly, semi-annual, and annual janitorial duties to be performed. Involves 6,041 square feet of office space.

Department: Labor and Industry
Location: Indiana Job Center, 350 North 4th Street, Indiana, Indiana County, PA 15701-2000
Duration: October 1, 1997 through September 30, 1999
Contact: Thomas C. Dembosky, Manager, (412) 357-3030

SP-336854 Perform janitorial services of modern cabins located in Hills Creek State Park, Wellsboro, Pennsylvania. Sealed bids will be received at Hills Creek State Office, R. R. 2, Box 328, Wellsboro, Pennsylvania 16901-9676, until 2:00 p.m., May 19, 1997 and then be publicly opened and read. Bid documents may be obtained from Hills Creek State Park.

Department: Conservation and Natural Resources
Location: Hills Creek State Park, R. R. 2, Box 328, Wellsboro, Tioga County, PA 16901-9676
Duration: 07/01/97 to 06/30/99
Contact: Thomas McGuinn, Park Manager, (717) 724-4246

Laboratory Services—24

97-001 Arrange for a drug testing administrator company to provide laboratory services to the Professional Health Monitoring Program in the Bureau of Professional and Occupational Affairs. Requests for the Invitation for Bid must be in writing and can be faxed to (717) 783-2724.

Department: State
Location: Statewide
Duration: 7/1/97 to 6/30/2002
Contact: Andrea Quigley, (717) 783-7202

Lodging/Meeting Services—27

SP 327813 The PA Board of Probation and Parole is requesting proposals from vendors to provide lodging, meeting room space and food services to this agency in order to conduct four (4) Basic Probation and Parole Skills Academies for 35-40 participants per academy. Each academy is ten (10) days in length. The schedule for each academy is indicated below: Program 1: July 21—August 1, 1997; Program 2: October 20—October 31, 1997; Program 3: January 19—January 30, 1998; Program 4: April 20—May 1, 1998. We will require lodging/meeting room facilities consisting of at least 430 square feet for approximately 35-40 persons for the four (4) ten-day training programs. The facility must be within a 20-mile radius of the Agency's Central Office located at 3101 North Front Street, Harrisburg, Pennsylvania. An on-site inspection of the facility will be made prior to the contract being awarded. A complete description of specific services required will be included in the Invitation-Bid Proposal package.

Department: Board of Probation and Parole
Location: 3101 North Front Street, Harrisburg, PA 17110
Duration: July 21, 1997 to May 1, 1998
Contact: Michelle Carl, (717) 787-8879

Medical Services—29

0782 Dental services for residents at Youth Forestry Camp No. 2. DDS or above. Office located within 15 mile radius of agency.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/97 to 6/30/98
Contact: Rose M. Palermo, (717) 443-9524

0783 Contractor will provide on-grounds in-depth training in group therapy procedures for counseling staff, psychological testing and group therapy for residents at Youth Forestry Camp No. 2 in accordance with the following schedule: psychological testing—10 sessions per month; group therapy—1 per week w/maximum of 10 residents; staff training/consultation—1 session per week. Clinical psychologist with Ph.D. or above.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/97 to 6/30/98
Contact: Rose M. Palermo, (717) 443-9524

YCF No. 2 To provide individual and group psychotherapy sessions on-grounds in accordance with Medical Assistance Fee Schedule No. 1150, Appendix A for Drug/Alcohol outpatients, for residents of the agency, 15 to 18 year old males. Performed by Drug-Alcohol Outpatient Clinic Psychotherapy Personnel or above.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: 7/1/97 to 6/30/98
Contact: Rose M. Palermo, (717) 443-9524

Photography Services—32

050-903 Provide photographic film processing, including pick-up/delivery for District 5-0 Office. Contract will include four (4) one year renewals.

Department: Transportation
Location: 1713 Lehigh Street, Allentown, PA
Duration: One year from effective date
Contact: Dave Poplawski, (610) 798-4126

Property Maintenance and Renovation—33

11097007 Contractor to perform inspection of and make any necessary repairs to thirty-one (31) salt storage buildings located within Engineering District 11 (Allegheny, Beaver and Lawrence Counties). Bid package and specifications will be provided upon request.

Department: Transportation
Location: Engineering District 11-0; Various locations throughout Engineering 11-0; Allegheny, Beaver and Lawrence Counties, PA
Duration: 08/01/97 through 07/31/98 with renewal options
Contact: Andrew Kost, (412) 429-4934

IN-745.1 Demolition 529 Pratt and Culp properties. Work under this project consists of demolition, 529 Pratt and Culp properties consisting of removing existing houses, slabs, trees, shrubs, etc. to furnish and install new backfill material, concrete, topsoil, grass seed, etc. Notice to contractors may be requested from IUP. Phone: (412) 357-2289. Fax: (412) 357-6480.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

IN-748.1 Roof Replacement Ackerman and Cogswell Halls. Removing existing built-up roofing, E.P.D.M. roofing, river gravel, stainless steel coping, security lights, roof hatches, roof drains, ventilators, through wall flashing, etc., to furnish and install new E.P.D.M. roofing, insulation, drains, curb caps, joint sealants, wood blocking, bronze colored fascia, etc. Notice to contractors may be requested from IUP. Phone: (412) 357-2289. FAX: (412) 357-6480.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

Security Services and Equipment—37

1997-04 Provide monitoring service of the electronic security system located at 1118 State Street, Harrisburg, PA as specified in Exhibit (B) specifications for electronic security. Bids must be submitted on the Commonwealth's Service Purchase Proposal/Contract form with required attachments which are to be obtained from PA DOT's Bureau of Construction and Materials, Fiscal Office, 1118 State Street, Harrisburg, PA 17120, phone (717) 783-6717.

Department: Transportation
Location: 1118 State Street, Harrisburg, PA 17120
Duration: 07-01-97 to 06-30-99
Contact: Jeannie Platt, (717) 783-6717

Vehicle, Heavy Equipment—38

0800-97-VR-070197-4 The PA Department of Transportation intends to rent four (4) vibratory rollers, minimum ten ton each. A reference model is Ingersole Rand-DD90, or a functional equivalent, or greater. Rental shall be on an as-needed basis.

Department: Transportation
Location: District 8-0 counties: Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry
Duration: July 1, 1997 to June 30, 2000
Contact: R. A. Wiest, (717) 783-0443

Miscellaneous—39

No. 96-12 "Project Management Techniques and Option to Provide Training." The objective of this project is to analyze current PennDOT project management techniques and needs and to recommend standard project management practices. An option to provide training of these project management techniques is included. Additional information and a request for proposals is available from Tina Chubb. Fax request to Tina Chubb, (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 555 Walnut Street, 8th Floor, Harrisburg, PA 17101-1900
Duration: 4 months
Contact: Tina Chubb, (717) 787-7001

Chaplain-97 State Correctional Institution Graterford requests vendor to provide approximately 20 hours per week Protestant Chaplaincy Services to include counseling inmates on personal and religious needs, conduct pre-marriage counseling, visit inmates in the infirmary and RHU, and assist the Administration in developing and planning for religious needs of the inmate population.

Department: Corrections

Location: State Correctional Institution Graterford, Box 246, Route 29,
Graterford, PA 19426

Duration: 3 years

Contact: Kelly Richardson, (610) 489-4151

X109291 Subscription service for the Technical Reference Library for technical journals, periodicals and annuals.

Department: Environmental Protection

Location: Technical Reference Library, P. O. Box 2063, Harrisburg, PA 17105-
2063

Duration: 7/1/97—6/30/2001

Contact: Ally Castaneira, (717) 787-2471

[Pa.B. Doc. No. 97-751. Filed for public inspection May 9, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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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 |
|--|-----------------------|---|-----------------------------|
| 0071-12 | 05/01/97 | Armstrong Printery | 72,318.00 |
| 0095-01 | 05/01/97 | Yorkraft, Inc. | 176,900.00 |
| 1410116-01 | 04/28/97 | Hudson Food Service Equipment | 9,714.09 |
| 1589116-03 | 04/28/97 | Weinstein Supply Corp. | 3,397.95 |
| 1648116-01 | 04/28/97 | Aerco Interna- tional, Inc. c/o The Baase Com- pany, Inc. | 10,520.00 |
| 1648116-02 | 04/28/97 | Irvin H. Gei- ger Assoc., Inc. | 9,319.00 |
| 1673116-01 | 04/28/97 | Aerco Interna- tional, Inc. c/o The Baase Com- pany, Inc. | 12,381.00 |
| 1679116-01 | 04/28/97 | Lee Equip- ment Co. | 24,230.00 |
| 1727216-01 | 04/28/97 | Unionvale Coal Com- pany | 39,651.14 |

| Requisition or Contract # | Awarded On | To | In the Amount Of |
|--|-----------------------|---------------------------------------|-----------------------------|
| 1759356-01 | 04/28/97 | Globe Trailers of Florida, Inc. | 34,125.00 |
| 1818116-01 | 04/28/97 | Landis Letendre | 9,999.00 |
| 1861236-01 | 04/28/97 | Gateway Press, Inc. | 95,676.00 |
| 5820-01 | 04/30/97 | Sharp Elec- tronics Group | 200,000.00 |
| 5820-01 | 04/30/97 | Peirce-Phelps, Inc. | 255,000.00 |
| 5820-01 | 04/30/97 | Visual Sound Co. | 100,000.00 |
| 5820-01 | 04/30/97 | Kunz, Inc. | 25,000.00 |
| 7313790-01 | 04/28/97 | Xomox Corp. | 13,387.50 |
| 8231760-01 | 04/28/97 | Griffin Motors Co. | 123,414.00 |
| 8231770-01 | 04/28/97 | Winner Group, Inc. | 102,444.00 |
| 9150-03 | 05/05/97 | Carlos R. Lef- fler, Inc. | 311,760.00 |
| 9150-03 | 05/05/97 | Gulk Oil Ltd. | 104,538.00 |
| 9150-03 | 05/05/97 | Guttman Oil Company | 270,160.00 |

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-752. Filed for public inspection May 9, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 89]

Underground Mining—Mine Subsidence Control

The Environmental Quality Board (Board) by this order adopts amendments to Chapter 89 (relating to underground mining of coal and coal preparation facilities) concerning the underground mining of coal to read as set forth in Annex A. The amendments delete several regulatory requirements which implemented statutory requirements which the General Assembly repealed by the act of June 22, 1994 (P. L. 357, No. 54) (Act 54).

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)) (CDL), which provides that an agency may omit the notice of proposed rulemaking if the agency finds for good cause that notice of proposed rulemaking is impracticable, unnecessary or contrary to the public interest. Notice of proposed rulemaking is unnecessary and contrary to the public interest in light of recent amendments to State law and recent decisions of the Pennsylvania Environmental Hearing Board (EHB) in *P.U.S.H. et al. v. DEP and Eighty-Four Mining Company*, EHB Docket Nos. 95-232-R (Consolidated) (Opinions and Orders issued November 27, 1996, and December 23, 1996). In 1994, the General Assembly enacted Act 54 which amended The Bituminous Mine Subsidence and Land Conservation Act (BMSLCA) (52 P. S. §§ 1406.1—1406.21). Act 54 deleted sections 4 and 6(a) of the BMSLCA (52 P. S. §§ 1406.4 and 1406.6(a)) which provided protection to a certain class of structures. The Department's existing regulations contain several provisions which implemented sections 4 and 6(a) of the BMSLCA which were repealed. This rulemaking deletes these regulations which implemented sections 4 and 6(a) of the BMSLCA which the General Assembly has repealed. In the EHB's *P.U.S.H.* Opinion and Order on several Motions for Summary Judgment, the EHB decided that several regulations which implemented the statutory requirements of sections 4 and 6(a) of the BMSLCA which the General Assembly repealed in Act 54 remained in effect and were binding and enforceable, notwithstanding the General Assembly's intention to eliminate the requirements by repealing section 4. Because the statutory repeal of sections 4 and 6(a) of the BMSLCA eliminated the need for these regulations, the use of the omission of the notice of proposed rulemaking is authorized and appropriate to correct any confusion created by the EHB's decision. It is unnecessary to provide for public comment to delete regulations which implement a statutory provision which the General Assembly has repealed. It is in the public interest to remove any confusion created by the EHB's decision concerning these regulatory provisions.

This order was adopted by the Board at its meeting on March 18, 1997.

A. Effective Date

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

B. Contact Persons

For further information, contact Roderick A. Fletcher, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, or Leigh Cohen, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 2063, Rachel Carson State Office Building, Harrisburg, PA 17105-2063. 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's (Department's) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The final rulemaking is made under the authority of section 7 of the BMSLCA (52 P. S. § 1406.7) which grants the Department the authority to adopt rules and regulations necessary to carry out the purposes and provisions of the act.

D. Background and Summary

The deletions and revisions in this rulemaking are necessary to clarify the law because of recent EHB decisions which frustrate the intention of the General Assembly in enacting Act 54. The decisions have created confusion over the regulatory history of Chapter 89 and the Act 54 amendment to the BMSLCA. The EHB decisions were issued in the case *P.U.S.H. et al. v. DEP et al.*

In a November 27 decision, the EHB found, among other things, that the amended BMSLCA contained authority for portions for the underground mining regulations that were put into place to implement the BMSLCA before it was amended by Act 54. In reaching its conclusion, the EHB reviewed the regulatory history of Chapter 89 and found that after enactment of Act 54 the Board promulgated revisions to Chapter 89 but did not delete from Chapter 89 specific protections for dwellings, cemeteries, municipal public service operations and municipal utilities in place on April 27, 1966 (pre-66 structures). The purpose of the Board's regulatory revision was to conform to requirements of the Office of Surface Mining. The revisions were not intended to address Act 54 issues. The EHB determined that since the Board revised the Chapter 89 regulations since the enactment of Act 54, the Chapter 89 regulations conform to the Act 54 amendments. *P.U.S.H. et al. v. DEP et al.*, pp.25—29. The Department believes that the Legislature, through the Act 54 amendments to BMSLCA, specifically repealed the absolute protection afforded to pre-66 structures and replaced this absolute protection with a requirement to repair any subsidence damage caused to some of these structures. Consequently, in the Department's view, Act 54 invalidated the Department's regulations that implemented the statutory requirement to provide absolute protection for the pre-66 structures. The Department had intended to delete the regulations contained in the expedited rulemaking as part of the Department's Act 54 comprehensive regulatory package that the Department had expected to present to the Board at the March EQB meeting. The *P.U.S.H.* decisions prompted this rulemaking.

The Board believes that the regulations which form the basis for the EHB decisions should be modified to ensure that they conform to the intent of the BMSLCA and

Federal law and do not unduly interfere with underground mining operations. The Board believes that the General Assembly passed the Act 54 amendments to the BMSLCA to remove the absolute prohibition of subsidence damage to pre-66 structures, and consequently repealed sections 4 and 6(a) of the BMSLCA. Accordingly, the Board believes it is appropriate to delete regulations which would implement this repealed statutory provision.

The Board has decided that the Department's regulation must be corrected immediately to eliminate the confusion created by the regulatory history of Chapter 89 and the recent EHB decisions and ensure the continued health of this Commonwealth's underground bituminous coal mining industry. Five of this Commonwealth's nine longwall mining operations have permits which will be up for renewal or revision between now and the end of calendar year 1997. These operations may be severely disrupted if the Department continues to enforce the existing regulations based on the EHB's interpretation in the *P.U.S.H.* decisions. These five operations collectively produce over 24 million tons of coal per year and account for approximately 40% of this Commonwealth's bituminous coal production. These mines directly employ 1,750 people and provide an estimated 5,250 jobs in support service and related industries.

The public will have the opportunity to comment on the matters addressed by this rulemaking in the near future. The subject matter of this expedited rulemaking will be opened for public comment as part of a larger rulemaking package on mine subsidence control, subsidence damage repair and water supply replacement. This larger package was also approved by the Board at its March 18, 1997, meeting for publication as proposed rulemaking in the *Pennsylvania Bulletin*. The larger package will go through the normal rulemaking procedure which includes the opportunity for public comment.

The following is a description of the amendments adopted under this rulemaking.

Deletion of protections for dwellings, cemeteries, municipal public service operations and municipal utilities which were in place on April 27, 1966

§§ 89.142, 89.143, 89.145 and 89.146.

The final regulations delete from Chapter 89 the regulations which implement the statutory requirement to provide absolute protection from subsidence damage for pre-66 structures. The absolute protection was provided to pre-66 structures through repealed section 4 of the BMSLCA. Repealed section 6(a) of the BMSLCA required mine operators to compensate owners of pre-66 structures if the structures were damaged by the mine operator's underground mining activities. Act 54 repealed both sections 4 and 6(a) of the BMSLCA.

It is notable that some of these structures continue to receive some form of treatment under the amended BMSLCA. Pre-66 dwellings undermined after August 21, 1994, are eligible for repair and compensation under section 5.4 of the BMSLCA (52 P. S. § 1406.5d), unless dwelling owners entered into voluntary agreements under former section 4 of the BMSLCA. Pre-66 dwellings are also protected against irreparable damage under section 9.1 of the BMSLCA (52 P. S. § 1406.9a). Public facilities are protected against material damage under section 9.1 of the BMSLCA. The final regulations clarify the law, because the final regulations delete the regulations which implement the absolute protections that were contained in repealed section 4 of the BMSLCA.

Deletion of ability to purchase support

§§ 89.142 and 89.144

Act 54 also repealed section 15 from the BMSLCA (52 P. S. § 1406.15). Section 15 of the BMSLCA provided surface owners with an opportunity to purchase coal support beneath their properties. These regulations delete from §§ 89.142 and 89.145 all regulatory requirements that are authorized by repealed section 15 of the BMSLCA. The revisions to §§ 89.142 and 89.145 clarify that the requirements of repealed section 15 became inapplicable with the enactment of Act 54.

E. *Benefits, Costs and Compliance*

Benefits

The revisions will effectuate the General Assembly's intention in enacting Act 54 and will eliminate the confusion that resulted from the regulatory history of Chapter 89, the enactment of Act 54 and the recent *P.U.S.H.* decision. In addition, these final-form regulations will provide immediate relief to operators of five longwall mining operations which are scheduled to have permits revised or renewed between now and the end of the 1997 calendar year. Without the revisions contained in the final-form regulations, the longwall mining operations may not have been able to conduct underground mining using the longwall mining technique. These operators will also save the costs of modifying mining plans to comply with the EHB decision and the costs associated with disruptions in coal production.

By sustaining the viability of the five longwall operations, the revisions will serve to preserve coal production and jobs which are important to this Commonwealth's economy. These five operations collectively produce over 24 million tons of coal per year, or over 40% of this Commonwealth's total annual bituminous coal production. These operations directly employ approximately 1,750 people and provide an estimated 5,250 jobs in support services and related industries.

Compliance Costs

No additional compliance costs are expected to result from the revisions.

Compliance Assistance Plan

The amendments do not impose any additional requirements. Mine operators will need no assistance in order to comply with these regulatory changes.

Paperwork Requirements

No additional paperwork requirements will result from the amendments.

F. *Sunset Review*

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

G. *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on March 19, 1997, the Department submitted a copy of this final rulemaking with notice of proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the Department also submitted this rulemaking to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In

addition to the final rulemaking, IRRC and the Committees were provided with a copy of a detailed regulatory analysis form prepared by the Department.

These final-form regulations were deemed approved by the Committees on April 8, 1997, and were approved by IRRC on April 18, 1997, in accordance with section 5(c) of the Regulatory Review Act.

H. *Findings of the Board*

The Board find that:

(1) The amendments to §§ 89.142—89.146 to read as set forth in Annex A are necessary and appropriate to implement the BMSLCA.

(2) The use of the omission of notice of proposed rulemaking procedure is appropriate because the notice of proposed rulemaking procedure specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, in this instance, unnecessary and contrary to the public interest.

(3) Use of the notice of proposed rulemaking is, in this instance, unnecessary and contrary to the public interest in light of recent amendments to the BMSLCA and recent decisions of the EHB in *P.U.S.H. et al. v. DEP and Eighty-Four Mining Company*. It is unnecessary to provide for public comment to delete regulations which implement statutory provisions which the General Assembly has repealed.

(4) Use of the notice of proposed rulemaking procedure is contrary to the public interest to remove any confusion created by the EHB's decision concerning these regulatory provisions which implement statutory provisions which the General Assembly has repealed.

I. *Order*

The Board orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 89, are amended by amending §§ 89.142—89.145 and by deleting § 89.146 to read as shown 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 Attorney General and Office of General Counsel for approval as to legality and form as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to the House and Senate Environmental Resources and Energy Committees and IRRC as required by the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

(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

Fiscal Note: 7-321. No fiscal impact; (8) recommends adoption.

(Editor's Note: For a document relating to this document see 27 Pa.B. 2379 (May 10, 1997).)

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subchapter C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

Subchapter F. SUBSIDENCE CONTROL

§ 89.142. Maps.

(a) *General mine map.* The application shall include maps prepared under the supervision of and certified by a qualified registered professional engineer or qualified registered professional land surveyor drawn to a scale of 1 inch = 500 feet in a manner satisfactory to the Department, updated as requested by the Department, showing the items in this subsection. The requirements of paragraphs (2)—(7) may be satisfied by referencing the maps required by Subchapter B (relating to operations).

(1) The boundaries of areas proposed to be affected over the estimated total life of the mining activity, with a description of the size, sequence and time of the mining of subareas of the mine.

(2) The surface and coal elevations and the location of test borings and core samplings.

(3) Coal crop lines and the contours of the coal seam to be mined within the permit and adjacent areas.

(4) The location and extent of known workings of active, inactive or abandoned, underground or surface mines, including identification of the coal seams mined and mine openings to the surface within, above and below the proposed adjacent and permit areas.

(5) The portrayal of major aquifers on cross sections.

(6) The area covered by the subsidence control plan submitted under § 89.141(d) (relating to application requirements) with the following information identified:

(i) The boundaries of lands and names of current surface owners of record and known subsurface owners.

(ii) Public buildings and noncommercial structures customarily used by the public including churches, schools and hospitals, identifying these features by a numerical reference.

(iii) Dwellings identified by numerical reference.

(iv) Urbanized areas, cities, towns, communities and adjacent industrial or commercial buildings.

(v) Public parks and historic structures.

(vi) Structures which are entitled to support identified by numerical reference.

(vii) Major electric transmission lines and pipelines, including identification by name or numerical reference.

(viii) Public roads and railroads.

(ix) Surface water bodies, including perennial streams, lakes, ponds, dams and impoundments with a volume of 20 acre-feet or more, indicating by numerical reference those perennial streams and other bodies of water which are a significant source for a public water supply.

(x) Coal refuse disposal areas identified by numerical reference, solid and hazardous waste disposal areas, and other air and water pollution control facilities.

(xi) Gas, oil and water wells, identified by numerical reference.

(xii) Mine surface operations and facilities.

(xiii) Landslide prone areas.

(xiv) Aquifers which serve as a significant source for a public water supply system, identified by numerical reference.

(xv) Political subdivisions.

(7) Areas over the proposed mine where the overburden is 100 feet or less.

(b) *Six-month maps.* The operator shall submit mining maps to the Department every 6 months. The maps shall:

(1) Be drawn to a scale of 1 inch = 100 feet or 1 inch = 200 feet.

(2) Be prepared under the supervision of and certified by a qualified registered professional engineer or qualified registered professional land surveyor.

(3) Show the area of mining projected for the next 6 months.

(4) Show the area of mining affected over the last 6 months, including pillar locations, and the areas abandoned or completed within the last 6 months.

(5) Provide the following information:

(i) The location and identifying number for structures and surface features required to be identified by number in subsection (a)(6).

(ii) The location and identifying number of structures and surface features required to be identified by number in subsection (a)(6), which have appeared since the permit application.

(iii) The location of features described in subsection (a)(6)(iv) and (viii).

(iv) The location of surface boundaries and identification of surface owners of record and the owner of record of the coal seam being mined.

(v) The boundaries of the projected mining area and within that area the designation of coal areas to be mined and coal areas to be left unmined, including: A description for areas to be supported by the pillar plan required by § 89.143(b)(3) (relating to performance standards), coal left in place in compliance with other statutes including those listed in § 89.141(d)(4) and identification of other areas of planned and controlled subsidence.

(vi) Existing mine workings adjacent to the projected mining area, including a designation of any survey stations, elevations of the bottom of the coal seam and areas of geographical faults.

(vii) Other information as requested in accordance with the policies and procedures of the Department.

(c) *Map to be filed with recorder of deeds.* After the Department has determined that the 6-month map is in accordance with the subsidence control plan, the operator shall file a copy of the map with the recorder of deeds for each county in which mining is projected, and submit to the Department proof of this filing.

(d) *Mining restricted until maps filed.* No mining may occur until it is shown as projected mining on the maps required by this subsection and the maps have been on file with the recorder of deeds' office for 10 days.

§ 89.143. Performance standards.

(a) *General requirements.* Underground mining activities shall be planned and conducted in accordance with the following:

(1) The subsidence control plan required by § 89.141(d) (relating to application requirements) and be consistent with the postmining land use protected by § 89.88 (relating to postmining land use).

(2) The performance standards in subsections (b)—(f).

(3) No underground mining activity will be authorized beneath structures where the depth of overburden is less than 100 feet, with the exception of mine related openings to the surface such as entries, shafts and boreholes and site specific variances for entry development as approved by the Department.

(4) The mine operator shall adopt and describe to the Department in his permit application measures to maximize mine stability; however, this subsection does not prohibit planned subsidence in a predictable and controlled manner or the standard method of room and pillar mining.

(b) *Prevention of damage.* Requirements are as follows:

(1) Underground mining activities shall be planned and conducted in a manner which prevents subsidence damage to the following:

(i) Public buildings and noncommercial structures customarily used by the public, including churches, schools and hospitals.

(ii) Impoundments and other bodies of water with a storage capacity of 20 acre feet or more.

(iii) Aquifers, perennial streams and bodies of water which serve as a significant source for a public water supply system, as defined in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

(iv) Coal refuse disposal areas authorized by permits issued under Chapter 90 (relating to coal refuse disposal).

(2) The damage prohibited by this subsection includes the cracking of walls, foundations and monuments, the draining of aquifers, perennial streams or other bodies of water which serve as a significant source for a public water supply system, as defined in the Pennsylvania Safe Drinking Water Act and the weakening of impoundments and embankments. Damage to structures described in paragraph (1)(i) need not be prevented if done with the consent of the current owner.

(3) The measures adopted to comply with this subsection shall consist of one of the measures in subparagraph (i) or (ii).

(i) The support area beneath the structure or surface feature to be protected where coal extraction is limited to 50%, and the following:

(A) The support area shall consist of pillars of coal of a size and in a pattern which maximizes bearing strength and is approved by the Department.

(B) The support area shall be rectangular in shape and determined by projecting a 15° angle of draw from the surface to the coal seam beginning 15 feet from either side of the structure. For a structure on a slope of 5% or greater, the support area on the downslope side of the structure shall be extended an additional distance determined by multiplying the depth of the overburden by the percentage of the surface slope. A pillar lying partially

within the support area shall be considered part of the support area and be consistent with the other support pillars in size and pattern.

(C) The area between the two support areas shall be treated as a support area, when the distance between the two support areas is less than the depth of the overburden.

(D) More stringent measures may be imposed or mining may be prohibited, if the measures fail to prevent subsidence damage.

(ii) Alternative measures, including full extraction techniques which result in planned and controlled subsidence, may be adopted where the operator demonstrates that the proposed measures are at least as effective in the prevention of subsidence damage as those described in this subsection. In support of the demonstration the Department may require:

(A) Premining and postmining elevation surveys of a nearby area which core samples demonstrate to be geologically similar to the area of the protected surface features.

(B) A history of mining in the surrounding area and a report listing claims of subsidence damage resulting from the mining.

(C) An engineering report on the damage to be expected from the proposed mining pattern.

(D) The operator to initiate a monitoring program to detect surface movement resulting from the mining operation. The program shall consist of monitors placed sufficiently in advance of the mining so that the mining can be stopped before the protected surface features are damaged; in calculating this distance a 25° angle of draw shall be used.

* * * * *

§ 89.144. Public notice.

(a) The operator shall send a notice by certified mail, return receipt requested, to the owner of record of each property and each political subdivision overlying its mining activities. A notice shall be sent to the resident of each structure overlying the mining operation. The notice shall be sent at least 6 months, but not more than 5 years, prior to mining beneath that property or structure or within that political subdivision. The operator shall provide the Department with a copy of each notice and return receipt, or, if the certified mail is not accepted, a copy of the returned envelope documenting that the notice was not accepted or not deliverable.

(b) The notice shall include the following information:

(1) An identification of the area in which mining will take place.

(2) The approximate time frame, within the permit term, for the conduct of underground mining activities that may cause subsidence and affect specific structures.

(3) The location of the offices where the applications and maps submitted under §§ 89.141 and 89.142 (relating to application requirements; and maps) are available for inspection and a schedule of dates for the submission of the 6 month maps under § 89.142(b).

(4) The location of the offices of both the permittee and the Department where a surface owner can submit a written complaint alleging subsidence damage covered by section 6(a) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.6(a)) or § 89.145(a) (relating to surface owner protection).

(c) The operator shall establish and implement a procedure to notify Federal, State or local government agencies responsible for administering public facilities, such as roads, as to when the mining activity beneath or adjacent to the public facility will occur. The notification shall be 6 months prior to mining beneath the public facility or shall be timed to enable the agency to take appropriate measures to protect the facility and to prevent conditions which may endanger the health, safety or welfare of the public.

§ 89.145. Surface owner protection.

(a) The operator shall correct material damage resulting from subsidence caused to surface lands including perennial streams as protected under § 89.143(d) (relating to performance standards), to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence.

(b) Within 10 days of being advised of a claim of subsidence damage to a structure or surface feature, the operator shall provide the Department with a report of the claim which shall include the following information:

(1) The date of the claim.

(2) The name, address and telephone number of the owner of the structure, surface feature or surface land claimed to be damaged.

(3) The number assigned to the structure or feature under § 89.142(a)(6) (relating to maps).

(4) A mine map, scale 1 inch = 100 feet or 200 feet, showing the structure, feature or surface land and the extent of mining either beneath or adjacent to it.

(5) Other information pertinent to the investigation.

§ 89.146. [Reserved].

[Pa.B. Doc. No. 97-753. Filed for public inspection May 9, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 89]

Mine Subsidence Control, Subsidence Damage Repair and Water Supply Replacement

The Environmental Quality Board (Board) proposes to amend Chapter 89 (relating to the underground mining of coal and coal preparation facilities). The proposed amendments pertain to the control and repair of mine subsidence damage and the replacement of water supplies affected by underground bituminous coal mines.

A. Effective Date

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rule-making.

B. Contact Persons

For further information contact Evan T. Shuster, Chief, Division of Monitoring and Compliance, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, or Joe Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department's) Web site (<http://www.dep.state.pa.us>).

C. Statutory Authority

The amendments are proposed under the authority of The Bituminous Mine Subsidence and Land Conservation Act (BMSLCA) (52 P. S. §§ 1406.1—1406.21).

D. Background and Purpose

This rulemaking proposal is driven by recent changes in Commonwealth law and recent changes in Federal law which affect State primacy. These changes concern mine subsidence control, mine subsidence damage repair and compensation, and water supply replacement at underground bituminous coal mines. Key events affecting this rulemaking are as follows:

—On October 24, 1992, the United States Congress passed the National Energy Policy Act which amended the Federal Surface Mining Control and Reclamation Act. These amendments imposed on underground mine operators new duties to repair or compensate for subsidence damage to certain structures and to replace certain water supplies impacted by underground coal mining.

—On June 20, 1994, the Pennsylvania General Assembly passed the act of June 22, 1994 (P. L. 357, No. 54) (Act 54) amending the BMSLCA. These amendments became effective on August 21, 1994. The amendments imposed on underground bituminous coal mine operators new duties to replace water supplies affected by underground coal mining; repair or compensate for subsidence damage to a wide range of structures; avoid causing irreparable damage to certain structures; and prevent imminent hazards to human safety. The amendments,

among other things, also repealed existing prohibitions on subsidence damage to certain structures and the right of a surface owner to purchase coal support.

—On March 31, 1995, the United States Department of the Interior, Office of Surface Mining Control and Reclamation Enforcement (OSM) promulgated final rules to implement the provisions of the National Energy Policy Act. The rules expanded on the basic statutory provisions by imposing informational requirements and supplementary performance standards which the OSM viewed as necessary to ensure that the intent of the act would be fulfilled.

—On April 10, 1995, the OSM published a notice in the *Federal Register* soliciting comments regarding the manner in which the March 31, 1995, Federal regulations should be enforced in this Commonwealth.

—On July 28, 1995, the OSM published public notice of its determination on the manner in which the March 31, 1995, Federal regulations would be enforced in this Commonwealth. The OSM decided to pursue joint enforcement in which the Department would enforce the provisions of Act 54 and the OSM would enforce the provisions of the Federal regulations that are beyond the scope of Act 54.

—OSM's notice also stated that Pennsylvania would be submitting a primacy program amendment to address the changes to the Commonwealth's program that resulted from the passage of Act 54.

—On February 6, 1996, Governor Ridge signed Executive Order 1996-1. The order establishes standards for Commonwealth regulations, as follows:

- Regulations shall address a compelling public interest.
- Costs of regulations shall not outweigh their benefits.
- Regulations shall be written in clear, concise and, when possible, nontechnical language.
- Regulations shall address definable public health, safety or environmental risks.
- Where Federal regulations exist, Pennsylvania's regulations may not exceed Federal standards unless justified by a compelling and articulable Pennsylvania interest or required by State law.
- Compliance shall be the goal of all regulations.
- Where viable nonregulatory alternatives exist, they shall be preferred over regulations.
- Regulations shall be drafted and promulgated with early and meaningful input from the regulated community.
- Regulations may not hamper the Commonwealth's ability to compete effectively with other states.

This rulemaking proposal is intended to fulfill three objectives. One objective is to bring Department regulations regarding mine subsidence control, mine subsidence damage repair and water supply replacement into conformance with Pennsylvania law. Another objective is to ensure that this same subset of regulations meets requirements necessary to fulfill the Commonwealth's primacy requirements under the OSM regulations. The third objective is to ensure that the regulations revised during this rulemaking conform to Executive Order 1996-1.

Certain revisions in this rulemaking are necessary because of two Environmental Hearing Board (EHB) decisions which may have significant detrimental effects on this Commonwealth's underground bituminous coal mining industry. The decisions were issued in the case *P.U.S.H. et al. v. DEP et al.*, EHB Docket No. 95-232-R (Consolidated) (Two Opinions and Orders issued on November 27, 1996, and one Opinion and Order issued on December 23, 1996).

In a November 27 decision, the EHB found, among other things, that the amended BMSLCA contained authority for portions of the underground mining regulations that were put into place to prevent subsidence damage to dwellings, cemeteries, municipal public service operations and municipal utilities in place on April 27, 1966, *P.U.S.H. et al. v. DEP et al.*, EHB Docket No. 95-232-R (Consolidated) (Opinion and Order on Eighty-Four Mining Company's Motion for Partial Judgment against People United to Save Homes issued November 27, 1996), pp 25-29. Prior to this decision, the Department believed that the Legislature, through the Act 54 amendment to BMSLCA, specifically repealed the absolute protection and enacted a requirement to repair any subsidence damage caused to these structures. Consequently, in the Department's view, Act 54 invalidated Department regulations that protected these structures from experiencing any subsidence damage. The Department prepared an expedited rulemaking package to delete the subsidence damage prevention requirements which were based on repealed section 4 of BMSLCA (52 P. S. § 1406.4). These deletions are also reflected in this proposed rulemaking package.

In a second November 27 decision, the EHB determined that the Department had not complied with its own regulations to ensure adequate protection of utility lines and service. Specifically, the EHB found that a mine operator's mere notice to utility companies of future mining beneath utility pipelines is inadequate to comply with the Department's regulation, and to ensure protection of the lives and property of citizens as required by the BMSLCA, *P.U.S.H. et al. v. DEP et al.*, EHB Docket No. 95-232-R (Consolidated) (Opinion and Order on Motions for Summary Judgment issued November 27, 1996) pp. 5-13. The EHB's December 23, 1996, denial of the Department's and Eighty-Four Mining Company's Petition for Reconsideration emphasized that "the Department's regulations require Eighty-Four Mining Company to set forth in its subsidence plans exactly what mitigation measures it will employ in the mine," *P.U.S.H. et al. v. DEP et al.*, EHB Docket No. 95-232-R (Consolidated) (Opinion and Order issued on December 23, 1996), p.2 (citing *P.U.S.H. et al. v. DEP et al.*, EHB Doc. No. 95-232-R (Consolidated) (Opinion Motions for Summary Judgment, issued November 27, 1996), pp. 5-7. Although the EHB's decision can be interpreted as just requiring more than notice, to the extent that it directs in-mine measures in all cases, it unduly restricts the flexibility needed to address issues concerning utility services.

The Board believes that operators should be granted a certain amount of flexibility in deciding on the measures that will be taken to minimize damage or destruction of utility lines or disruptions in utility service. The Board believes that the primary objective of utility protection is minimizing disruption in service, which can be accomplished by various means, including, but not limited to, minimizing damage or destruction of utility lines. Unduly restricting utility protection to in-mine measures precludes the use of other protection options such as preparing pipelines to withstand subsidence; providing tempo-

rary water or energy service during subsidence; or demonstrating that pipelines are capable of withstanding the effects of subsidence. The Board does, however, share the EHB's opinion that a mine operator must do more than merely notify a utility operator that its lines are about to be undermined. The Board is therefore proposing amendments which will accomplish the objective of providing flexibility in addressing issues concerning utility services.

E. Input from Advance Notice of Proposed Rulemaking

In view of the number of people and organizations potentially affected by this rulemaking, the Department has taken several steps to solicit public input in the scope and content of the proposed amendments. The first step was a March 1996 meeting involving 12 representatives from the coal industry, farming community, citizens groups and the OSM. The purpose of the meeting was to discuss major issues and compare Act 54 provisions with those of Federal counterpart regulations.

Subsequently, the Department prepared a set of draft regulations which it made available for public comment through an advance notice of proposed rulemaking (ANPR). Under the ANPR the availability of draft proposed rules was published at 26 Pa.B. 4693 (September 28, 1996) and comments were received until October 28, 1996.

Thirteen sets of comments were received in response to the ANPR. Comments were submitted by mining interests, agricultural interests, public water suppliers, gas utilities, citizens groups and private individuals. In total, over 175 individual comments were submitted. The comments addressed every section of the proposed amendments as well as some sections of the current regulations which were not intended for revision.

Commentators offered 85 recommendations for specific changes to the draft regulations which were distributed during the ANPR. Many of these recommendations were adopted in preparing the proposed amendments in Annex A. The most significant change was a restructuring of the proposed amendments which was done for purposes of clarification.

Three commentators recommended changes to the ANPR definition of "irreparable damage." One commentator recommended defining the term to include only damage which cannot be repaired. Another commentator recommended defining the term using a cost threshold set at 75% of the replacement cost. The second commentator also recommended that the definition include the concept that damaged components must be restored with the same type of materials and workmanship. The third commentator requested that the definition include the term to include damage to public water mains and facilities. In reviewing these recommendations, the Board found that defining the term as damage which cannot be repaired does little to clarify the meaning of the term or promote its consistent application. The Board also believed that using a repair cost threshold set at 75% of the replacement cost would be difficult to justify. The Board also noted that the term irreparable damage as used in the BMSLCA applies to dwellings and agricultural structures and not to water mains and facilities. The Board did, however, recognize the merit of considering structural components which would be difficult to replace and added a subpart to the ANPR definition to reflect this consideration.

Four commentators recommended changes to the ANPR definition of "material damage." Two commentators rec-

ommended adding language specifying that the damage must be significant and permanent in nature. Another commentator noted that the definition was similar to the Federal definition, but the ANPR definition was missing some of the language of the Federal definition. The fourth commentator felt that the definition should be worded to apply to public water mains and facilities. After reviewing these recommendations, the Board made only those changes needed to conform the proposed definition to the Federal regulations since the Board believes that the Federal definition adequately defines the term.

Four commentators recommended changes to the ANPR definition of "permanently affixed appurtenant structures and improvements." Several commentators recommended adding additional items and qualifications to the list of structures and facilities given as examples. One commentator noted that the term "improvements" is only used in association with dwellings, while the term "permanently affixed appurtenant structures" is used in association with dwellings and buildings which are accessible to the public. After considering these recommendations, the Board has retitled the term "permanently affixed appurtenant structures" so that it can be applied in conjunction with both dwellings and buildings which are accessible to the public. The Board has also made changes to the text of the definition for purposes of clarification and added "inground swimming pools" to the list of examples.

Two commentators recommended changes to the ANPR definition of "public water supply system." One commentator recommended deleting the second clause of the definition which includes systems serving public buildings, churches, schools, hospitals and nursing homes. Another commentator recommended expanding the definition to include systems serving hunting camps and resorts. The Board decided to move forward with the ANPR definition because it believes that all systems covered by the definition are justifiably classified as public water supply systems under the BMSLCA. The Board did not add systems serving hunting camps and resorts to the definition because it believes that these systems were not intended to receive the special protection provided by section 9.1 of the BMSLCA (52 P. S. § 1406.9a). The Board also noted that water supplies serving hunting camps and resorts are covered by the water supply replacement provisions under section 5.1 of the BMSLCA (52 P. S. § 1406.5a).

One commentator recommended changes to the ANPR definition of "rebuttable presumption area." The commentator recommended that the definition include the 3-year limit on operator liability provided by the BMSLCA. The commentator also recommended that the rebuttable presumption should only apply to mining which results in subsidence. The Board rejected the first recommendation because the purpose of defining the term is to identify an area and not to reach a conclusion regarding liability. The Board also rejected the second recommendation, because Department records and published literature document that water supply impacts can occur in the absence of mine subsidence.

Three commentators offered recommendations regarding the ANPR definition of "water supply." One commentator recommended that the term not be defined in the regulations since it was already defined in the BMSLCA. Two commentators recommended that the Board modify the term to include water delivery systems like the Federal counterpart regulations. The Board has retained the ANPR definition as part of the proposed rulemaking because it believes that the definition contributes to the

clarity of the regulations. Since the term is specifically defined in the BMSLCA, the Board has made no attempt to modify the definition to include water delivery systems. The Board does, however, believe that the piping needed to connect a replacement well or spring to a dwelling, agricultural building or other point of service would be covered within the general requirement to replace a water supply. In § 89.145(f)(4) (relating to water supply replacement; performance standards) the Board has clarified the operator's obligation to include a water delivery system as a part of a water supply replacement.

Several comments were received in response to the ANPR regulations on hydrologic data collection. One commentator recommended that only water supplies which are known should be required to be listed in the groundwater inventory. Another commentator recommended that data collection include at least 1 full year of sampling. In further considering hydrologic data collection requirements, the Board decided to restore the current language of § 89.34 (relating to hydrology) except for the addition of the requirement to obtain ownership information. The groundwater inventory in § 89.34 has historically been developed through a representative sampling of water supplies above and adjacent to a mine. The Board sees no reason to significantly expand this requirement given that all water supplies will eventually be sampled through premining survey requirements.

Two commentators recommended changes to the ANPR regulations on prediction of hydrologic consequences. One commentator recommended changing the current text to require verification of all hydrologic models. Another recommended modifying the existing test to require the use of site specific data and to eliminate the optional use of statistically representative data. No changes were made in response to these comments, since there is no evidence that current requirements are resulting in inaccurate predictions. Furthermore, these requirements track the Federal requirements in 30 CFR 784.14 (relating to hydrologic information).

Numerous comments were received in response to the ANPR regulations on premining water supply survey requirements. Several comments concerned the timing of surveys and the submission of survey results. Two commentators offered recommendations concerning analytical parameters and measurements which should be included in surveys. One commentator was concerned that the language of the ANPR regulations could relieve an operator of the duty to perform a survey based on the operator's opinion that the supply would not be affected. Two commentators also expressed concern that the regulations may be interpreted to limit survey requirements to those supplies which lie within the 35° rebuttable presumption area. After considering these recommendations, the Board modified the ANPR regulations on premining water supply surveys. Under the new proposal, all water supplies must be sampled prior to mining within a predetermined area in which the water supplies may be impacted. Survey results must be submitted to the Department and the landowner within 30 days as required by the BMSLCA. Information gathering requirements have been modified so that the proposed regulations are modeled after those used in the Department's surface mining program. In addition, hardness and total coliform have been added to the list of water quality sampling parameters.

Three commentators recommended changes to the ANPR regulations on premining structure surveys. One commentator recommended allowing structure surveys to

be conducted up to 1 month before the structure is undermined. Another commentator recommended that the requirement to conduct surveys should only apply in areas where subsidence is planned. Two commentators expressed concern about the handling of survey results which may include pictures or videos showing the contents of dwellings. After considering these recommendations, the Board revised the proposed amendments. The proposed amendments provide for surveys to be conducted nearer to the time of mining but uses distance criteria rather than time-based criteria to determine when surveys must be conducted. Surveys are required for all structures which fall within a 30° angle of draw of proposed mining to ensure that survey results are available in the event of either planned or unplanned subsidence. The proposed amendments also protect homeowner privacy by limiting the availability to the general public of structure survey results.

Numerous comments were received in response to the ANPR regulations on subsidence control plans. The proposed amendments have been substantially revised as a result. One of the more significant changes was the relocation of many requirements associated with water supply replacement to other sections of the regulations.

Several comments were received in response to the ANPR regulations on areas where underground mining is restricted. One commentator requested that the Department reinstate cemeteries on the list of features to which material damage must be prevented. One commentator recommended that the Department modify the standard for damage prevention so that operators could extract more than 50% of the coal. The commentator also recommended that the Department modify the regulations to allow owners of protected structures and features to waive the protection against material damage that is required by the BMSLCA. One commentator noted that the ANPR regulations included a paragraph which redefined the term "material damage." In response to these comments, the Board has deleted the paragraph which redefined material damage. The Board decided to retain the language specifying 50% coal support as the standard for preventing material damage due to difficulties inherent in forecasting the level of damage a structure may experience. The Board has chosen to refrain from reinstating cemeteries to the list of protected features since the protection afforded to cemeteries was specifically repealed by the Act 54 amendments. Pending further comment, the Board is proposing no specific language regarding the waiver of protection.

Two commentators recommended changes to the ANPR regulations on minimizing material and irreparable damages. One commentator noted that the requirement to minimize material damage to dwellings and other classes of unprotected structures is outside the scope of the BMSLCA. Another commentator requested that the regulations be revised to require the use of the most effective of available measures for minimizing damage. In reconsidering these regulations, the Board has decided to delete the requirement to minimize material damage to dwellings and other classes of unprotected structures, which is derived from Federal regulations. As proposed, the regulations now require the use of damage minimization measures when irreparable damage is forecast. This makes the regulations consistent with State law.

Numerous comments were received in response to the ANPR regulations on water supply replacement requirements. The vast majority of these comments expressed dissatisfaction with provisions which were derived di-

rectly from the BMSLCA. Several commentators were dissatisfied with the compensation requirements proposed in situations where replacement water supplies are more costly to operate than the original water supplies. One commentator recommended that replacement water supplies serving livestock or dairy operations be equivalent in quantity to the original water supply in order to ensure that these operations will be able to remain competitive under future market conditions. One commentator requested that temporary water supplies should not be required to meet the foreseeable use criteria which pertain to permanent replacement supplies. The proposed amendments in Annex A have been significantly revised from the version which appeared in the ANPR. Although the proposed amendments are still based primarily on BMSLCA provisions, additional subsections have been added to reflect Pennsylvania's case law on water supply replacement. In addition, language has been added to distinguish the requirements which apply to temporary water supplies from those which apply to permanent replacement water supplies.

Two comments were received concerning the ANPR regulations which relieve an operator of the responsibility to replace a water supply if he compensates a landowner for the reduction in fair market value of the property resulting from the loss of the water supply. The commentators believed that fair market value begins to decline at the time a mine opens. They recommended calculating reductions in fair market value using the fair market value of a property prior to the opening of the mine. The Board does not agree with this concept because it is not in accordance with section 5.2(g) of the BMSLCA (52 P. S. § 1406.5b(g)) that specifically requires reduction in fair market value be calculated using the fair market value immediately prior to the time a water supply is impacted.

Several comments were received in response to the ANPR regulations addressing the repair of subsidence damage to dwellings and other classes of structures. Many of these comments expressed dissatisfaction with provisions which came directly from the BMSLCA. One commentator noted that in cases involving agricultural structures, the regulations only required a demonstration that the structure was being used for an alternative purpose whereas the statute requires affirmative proof. In drafting the proposed amendments, the Board included the latter recommendation. Otherwise the proposed amendments are essentially the same as the ANPR version.

Two comments were received in response to the ANPR regulations on correcting material damage to surface lands. One commentator noted that according to the BMSLCA, an operator must only correct material damage to surface lands to the extent technologically and economically feasible. Another commentator recommended that the regulations be reworded to clarify that reductions in crop or timber production constitute material damage. In preparing the proposed amendments, the Board added the qualification that damage need only be repaired to the extent technologically and economically feasible. No other changes were made to the ANPR version, because the objective in revising the regulation was to conform as closely as possible to the Federal regulations, and the Board does not believe that the Commonwealth has a compelling reason to deviate from the Federal regulations.

Several comments were received in response to the ANPR regulations on protection of utilities. Several commentators requested the addition of provisions which

would require a mine operator to either protect utility lines from damage or compensate utility owners for expenses incurred in making repairs or taking precautionary measures. One commentator representing a gas utility indicated that his company had spent more than \$250,000 over the past 5 years to protect its pipelines from subsidence damage. Another commentator representing a water utility indicated his company will have to spend between \$3.5 and \$4 million to replace water lines damaged by subsidence. The Board is proposing to change regulations relating to utility protection. The revised regulations will require mine operators to assume a larger role in protecting utilities, but provide mine operators greater flexibility in carrying out this responsibility.

Several comments were received concerning the ANPR regulations on maintaining the value and reasonably foreseeable use of perennial streams. The Board did not intend to change these regulations other than to separate the text into information requirements and performance standards and to relocate these components to separate and distinct sections of the regulations. Pending further commentary, the Board is not proposing to revise the substance of the ANPR regulations.

Several comments were received in response to the ANPR regulations on preventing hazards to human safety. Several commentators recommended that damage to utility lines be directly referenced in this section. Another commentator requested that language be inserted to release an operator from liability when surface occupants refuse to take themselves out of harm's way. The Board decided not to change the ANPR regulations because it believes that the regulations should track the wording of section 9.1 of the BMSLCA and be sufficiently broad to address a variety of dangerous situations.

One comment was received in regard to the ANPR regulations on public notice. The commentator recommended expanding the notification requirements to include additional parties. The Board has responded by revising the proposed regulation to require operators to notify structure owners of impending mining.

Several comments were received concerning the ANPR regulations on resolution of subsidence and water supply damage claims. Most of these concerned dissatisfaction with the provisions of the BMSLCA. One commentator recommended adding a provision allowing an operator to request Department investigation of a water loss claim. Another commentator noted that the regulations did not reflect the statutory provision that an operator is only required to provide temporary water in the event that an affected water user is without a readily available alternate source of water. The Board did not include a provision to address a situation in which an operator requests a Department investigation of a water loss claim since the Department intends to investigate all water loss claims reported to it. The proposed amendments have been modified to reflect that an operator is not required to provide temporary water in situations in which an affected water user has a readily available and adequate alternate source of water.

Several comments were received regarding those ANPR regulations which described the terms and provisions of voluntary agreements. Some commentators felt that voluntary agreements should not be allowed as a means of resolving subsidence damage or water loss claims, even though the agreements were authorized under the BMSLCA. Some commentators recommended that the terms of agreements should be left as stated in the statute and not be repeated in regulations. After consider-

ing these comments, the Board decided not to propose amendments specifying the terms of voluntary agreements.

Several commentators recommended adding an additional regulatory section that would impose duties upon the Department to collect data in accordance with section 18.1 of the BMSLCA (52 P. S. § 1406.18a) and to conduct inspections of surface properties before and after underground mining. The Board does not believe that it is necessary to impose a regulatory requirement upon the Department in order for the Department to fulfill its responsibilities under section 18.1 of the BMSLCA.

In addition to the aforementioned comments, 36 comments were received expressing general concerns and questions which addresses issues beyond the scope of the ANPR process.

F. Summary of Regulatory Requirements

The proposed regulatory changes involve extensive revisions to Chapter 89. Overall changes of major significance include:

—The addition of new regulatory requirements on mine subsidence control, subsidence damage repair and water supply replacement.

—The restructuring of Subchapter F (relating to subsidence control and water supply replacement) to allow the grouping of current regulations and proposed amendments having a common purpose or objective.

—The subdivision and reorganization of current regulatory requirements to distinguish between information requirements and performance standards.

In addition to the aforementioned changes, several changes are also proposed to existing regulations to clarify the manner in which the Department currently implements these requirements. These changes relate to mining where overburden is less than 100 feet (30.48 meters) in thickness and where mining is proposed beneath utility lines.

In revising the regulations, the Board hopes to ensure the correct and consistent use of the terms "underground mining activities," "underground mining operations" and "underground mining." These terms are all derived from the definition of "underground mining activity" in § 89.5 (relating to definitions). The term "underground mining activity" is used to refer to all aspects of an underground mine including those operations which take place at the land surface. The term "underground mining operations" includes those activities which are carried out beneath the land surface. The term "underground mining" refers to the extraction of coal in an underground mine.

Due to the restructuring of Subchapter F, Annex A shows many current regulations marked for deletion. Most of these regulations reappear as inserted text at alternate locations. In some cases, a current regulations was divided into information requirements and performance standards prior to relocation.

The proposed amendments in Annex A differ in many respects from those which were prepared for the ANPR. In addition to organizational changes, the Board made numerous changes to information requirements and performance standards based on ANPR commentary and based on Department recommendations. The proposed amendments also differ from the ANPR because of changes made to Chapter 89 by the Mine Subsidence Control rulemaking at 27 Pa.B. 2371 (May 10, 1997).

The following is a discussion of the proposed amendments by section.

§ 89.5. Definition of "de minimis" cost increase.

A definition of the term "de minimis cost increase" is proposed to clarify a term used in association with water supply replacement requirements. The term identifies a threshold below which an operator is not responsible for compensating a landowner or water user for the increased cost of operating a replacement water supply. The definition is consistent with that employed in the Department's surface mining regulatory program which derives from Commonwealth case law.

§ 89.5. Definition of "fair market value."

A definition of the term "fair market value" is proposed for clarification. The term is used to determine the amount of compensation an operator must provide to a landowner whose water supply cannot be replaced. The definition is taken from *Blacks Law Dictionary*. In the context of water supply replacement, the term and its application are specific to Commonwealth law and have no counterparts in Federal regulations.

§ 89.5. Definition of "irreparable damage."

A definition of the term "irreparable damage" is proposed for purposes of clarity. The term is used in section 9.1 of the BMSLCA to mean a level of damage which is not permissible without the consent of the structure owner. The term applies to dwellings and certain agricultural structures identified in section 5.4(a)(3) and (4) of the BMSLCA (52 P. S. § 1406.5d(a)(3) and (4)). By law, if any of these structures is likely to suffer irreparable damage, the operator must follow one of three courses of action prior to causing any damage to the structure. The operator may obtain the structure owner's consent to irreparably damage the structure. As an alternative course of action, the operator may take measures to prepare the structure to withstand the effects of mine subsidence and thereby minimize the extent of damage. As a third alternative, the operator may modify his mining plan to use a mining technique or extraction ratio which will not result in irreparable damage to the structure.

The proposed definition provides criteria which can be applied in advance of mining to predict whether or not irreparable damage is likely to occur. One criterion is that the estimated cost of repairing the predicted damage would exceed the cost of rebuilding the structure. This criterion is based on the logic that a structure which must be replaced in entirety has been irreparably damaged. The second criterion turns on the presence of structural components which would be extremely difficult or impossible to replace, if they were damaged. This criterion recognizes that certain components are irreparable because they are unique or because their restoration would require materials or craftsmanship which is no longer in existence.

§ 89.5. Definition of "material damage."

A definition of "material damage" is proposed to clarify the meaning of the term and to conform to Federal counterpart regulations. The language is derived from the Federal definition in 30 CFR 701.5 (relating to definitions). The proposal to adopt the Federal definition is based in part on the observation that the term "material damage" only appears in those parts of the BMSLCA which mirror the language of Federal law.

§ 89.5. Definition of "permanently affixed appurtenant structures."

A definition of "permanently affixed appurtenant structures" is proposed to clarify the meaning of a term which is used in association with dwellings and buildings accessible to the public under section 5.4 of the BMSLCA. By law, these structures are covered by subsidence damage repair and compensation requirements when they are associated with a building which is accessible to the public or associated with a dwelling.

The term is not defined in the the BMSLCA, but appears to be similar in concept to the term "structures related thereto" which appears in the Federal regulations. In order to clarify the meaning of this term and achieve consistency with Federal counterpart regulations, the proposed definition borrows from the definition of the Federal term "occupied residential dwelling and structures related thereto." Based on comments received during the ANPR, inground swimming pools have been added to the list of examples, and language has been added to clarify that utility coverage is limited to those facilities owned by utility customers.

§ 89.5. Definition of "public water supply system."

A definition of the term "public water supply system" is provided for clarity. The term relates to the protection of source aquifers and surface waters which serve as significant sources of water supply to these systems under section 9.1 of the BMSLCA, 30 CFR 817.121 (relating to subsidence control) and the proposed performance standard in § 89.142a(c)(3).

Although all water supplies are protected by the BMSLCA, significant sources to public water systems are protected against any damage caused by underground mining. The definition is needed to distinguish between public water supply systems protected under the mining regulations and public water systems regulated under the Commonwealth's safe drinking water program. Given that the protections under section 9.1 of the BMSLCA are generally enforced by restricting mining under aquifers and perennial streams, expanded protection would equate to increased obstacles to underground mining. Since one purpose of Act 54 was to allow the continued growth and development of the bituminous coal industry, the Board believes that the General Assembly did not intend the BMSLCA water supply systems to include all of the public water systems regulated by the Pennsylvania Safe Drinking Water Act. Consequently, in the BMSLCA, the General Assembly did not use the Safe Drinking Water Act term "public water systems." The Board believes that the proposed definition in Annex A fulfills the purposes of the BMSLCA.

§ 89.5. Definition of "rebuttable presumption area."

A term "rebuttable presumption area" has been defined for clarity and convenience. The term relates to water supply replacement and the definition is taken directly from section 5.2(c) of the BMSLCA. The term refers to an area within the proximity of a mine where an operator is presumed responsible for impacting water supplies. The area is defined to encompass an area above the mine, which is determined by projecting a line along a 35° angle from the outside of a coal removal area to the land surface.

The rebuttable presumption of responsibility for water loss is specific to the Commonwealth based on the BMSLCA. The concept has no counterpart in Federal water supply replacement regulations.

§ 89.5. Definition of "water supply."

A definition of the term "water supply" is proposed for clarity and convenience. The definition is taken from the language in section 5.1 of the BMSLCA and relates to the types of water supplies which must be replaced when affected by underground mining activities.

The definition includes virtually all types of water supplies found in the bituminous coal fields. The only obvious exclusions are water supplies which serve agricultural irrigation systems constructed after August 21, 1994, which is consistent with statutory requirements. This definition is much more inclusive than its Federal counterpart in 30 CFR 701.5 which covers only those water supplies used for drinking, domestic and residential purposes.

§ 89.33. Geology.

This rulemaking proposes to add coal seam thickness as an information requirement in subsection (a)(1). This addition is intended to demonstrate consistency with 30 CFR 784.20(b)(3) (relating to subsidence control plan). It does not impose additional data collection requirements on operators, since this information is currently required in permit applications.

§ 89.34. Hydrology.

Changes are proposed to subsection (a)(1)(i). These changes are proposed to demonstrate conformance with Federal requirements and to clarify certain information requirements.

The proposed amendments add the ownership of wells and springs to the list of information which must be provided in the groundwater inventory. These changes are proposed to conform to the Federal counterpart regulations in 30 CFR 784.14(b). This proposal will not impose additional data collection requirements on operators, since ownership information is currently required in permit applications.

Another proposed revision is the replacement of the term "potentially impacted offsite area" with the term "adjacent area." This proposed revision involves the replacement of an undefined term with a term which is defined. The term "adjacent area" is defined in § 89.5 and includes the area outside the permit area where surface water or groundwater may be impacted by underground mining activities.

§ 89.35. Prediction of hydrologic consequences.

Proposed language has been added to require permit applicants to predict whether underground mining activities may result in contamination, diminution or interruption of water supplies. This language is intended to conform to the Federal requirements in 30 CFR 784.14(e).

The information collected under this requirement is intended to be general, addressing supplies located in various areas and subareas above and proximate to the mine. It is not intended to be specific to the level of an individual water supply. This information will be used to evaluate the adequacy of a mine operator's plans for water supply replacement.

§ 89.36. Protection of the hydrologic balance.

A new subsection is proposed under § 89.36 requiring an operator to describe measures which he will use to replace water supplies impacted by the mining operation. This requirement is mandated by section 5.2(j) of the BMSLCA. It is also needed to conform to the Federal requirements in 30 CFR 784.20(b)(8).

§ 89.67. Support facilities.

Section 89.67 has been modified to address the EHB decision on utility protection. Language has been added to clarify that this section applies to surface construction and disturbances at sites associated with underground mining operations. These would include shaft sites, slope sites, drift entry sites, borehole sites, coal loading sites, coal preparation sites and other sites where surface operations associated with underground mining activity take place. The measures taken to protect utilities from construction and earthmoving may differ from those taken to protect utilities from mine subsidence. Section 89.67 has been revised to make this distinction.

§ 89.141. Subsidence control: application requirements.

Proposed language has been added to subsection (a) relating to geologic information. The language requires an operator to describe geologic conditions which affect the likelihood or extent of subsidence or subsidence related damage. This proposal is intended to conform to the Federal requirements in 30 CFR 784.20(b)(3). Additional language has also been inserted to clarify the relationship between the geologic information requirements of § 89.33 and this subsection.

In subsection (d), relating to subsidence control plans, language has been added to clarify the area which must be addressed by the subsidence control plan. This language is intended to conform to Federal requirements in 30 CFR 784.20(a)(3) and 817.121(c)(4). The proposed requirement ensures that subsidence control plans will address all structures which may be damaged by mine subsidence, and, moreover, all dwellings and noncommercial buildings which are covered by the rebuttable presumption under the Federal program.

Subsection (d)(2) is a new information requirement which is intended to conform to the Federal requirements in 30 CFR 784.20(a)(2). It requires an operator to provide a narrative description of the potential impacts of subsidence on overlying structures, surface lands and water supplies.

Proposed subsection (d)(3) is a modified version of a current requirement which was formerly found in § 89.141(d)(2)(ii). The language is revised to delete cross references to utilities and perennial streams. The description now pertains to the structures and features which are afforded specific protections under § 89.142(c). Descriptions of the measures which will be used to protect perennial streams and utilities have been moved to subsections (d)(10) and (11), respectively.

Proposed subsections (d)(4) and (5) describe information which an operator must provide when proposing mining which will result in planned subsidence. Subsection (d)(4) is a current regulatory requirement which has been relocated under this proposed rulemaking. Subsection (d)(5) contains a new information requirement which is adapted from the Federal requirements in 30 CFR 784.20(b)(8).

Proposed subsection (d)(6) requires a statement that underground mining activities will not be conducted within the support areas of public buildings and facilities, churches, schools, hospitals, impoundments and water bodies protected under section 9.1 of the BMSLCA, unless measures are taken to prevent material damage. This same list of structures is afforded equivalent protection under the Federal program. Protective measures include those mentioned under subsection (d)(3) and § 89.142a(c)(2).

Proposed subsection (d)(7)—(12) are current information requirements which have been relocated under this rulemaking proposal.

§ 89.142a. Subsidence control: performance standards.

This regulatory section addresses new subject matter. Section § 89.142a includes performance standards applicable to the control of mine subsidence and the repair of mine subsidence damage to surface lands and structures.

Proposed subsection (a) consists primarily of existing performance standards which are being relocated. Subsection (a)(2) has been revised to correct cross references. Subsection (a)(3) clarifies the demonstrations an operator must make in order to mine beneath a structure where the overburden thickness is less than 100 feet.

Proposed subsection (b) requires operators to conduct premining surveys of the condition of the dwellings and other structures listed under subsection (f)(1), unless the structure owner denies access to conduct a survey. The survey must be conducted prior to the time the structure is at risk to subsidence damage and at least prior to the time the structure falls within a 30° angle of draw of the underground mining. This ensures that baseline information will be available for all structures before they are impacted by mine subsidence. Furthermore it ensures that baseline information will be available to detect subsidence damage to all structures covered by the rebuttable presumption under the Federal program. Under the Federal regulations, an operator is presumed to be responsible for damage to a structure if he has mined within a 30° angle of draw of the structure.

Proposed subsection (b) also requires that premining surveys document the presence of structural components which cannot be repaired or replaced. This will enable operators, landowners and the Department to make informed decisions regarding the potential for irreparable damage to occur. In addition, the survey results must be provided to the landowner and to the Department upon Department request. Due to the confidential nature of pictures and videos showing the contents of dwellings and other structures, the proposed amendments do not require operators to submit to the Department survey results since the submitted results would become part of the public record. The proposed amendments provide for the Department to obtain survey results when necessary. Although the Federal regulations require survey results to be submitted at the time of permit application, the Board believes that the arrangement specified in subsection (b) is preferable because it provides for documentation of all improvements made up to the time a structure is damaged. This eliminates concerns about structural deterioration which may occur when the time frame between the premining survey and the occurrence of subsidence damage extends over a period of years. In addition, it eliminates unnecessary duplication and submission of documents and reduces the availability of information which should be kept confidential.

Proposed subsection (c) describes an operator's responsibility to prevent material damage and reductions in the value and reasonably foreseeable uses of certain structures and features protected under section 9.1 of the BMSLCA. These protections apply to public buildings and facilities; churches, schools and hospitals; impoundments with storage capacities of 20 acre-feet or more; and bodies of water with volumes of 20 acre-feet or more. These structures and features represent the remainder of those formerly protected under § 89.143(b) prior to the repeal of section 4 of the BMSLCA. The standard for protecting

these structures remains unchanged and requires leaving 50% of the coal in place to prevent subsidence. Alternative mining measures, including planned subsidence, are permissible within the support area if an operator demonstrates to the Department that the structure or features will not suffer material damage.

Proposed subsection (d) reflects the requirements of section 9.1(b) of the BMSLCA. It requires an operator to prevent irreparable damage to dwellings and agricultural structures, unless the structure owner consents to the damage. If the Department or the operator determines that irreparable damage is likely to occur, the operator must take measures to minimize the extent of damage, or alter the mining plan so that irreparable damage does not occur. Damage minimization measures include techniques such as trenching around the structure, jacking the structure off its foundation and banding the structure to prevent breakage. This requirement is comparable to the requirements of 30 CFR 817.121(a)(2) of the Federal program.

Proposed subsection (e) is a revised version of an existing regulatory requirement involving the repair of damage to surface lands. The existing regulation is vague in that it requires operators to maintain the value and reasonably foreseeable use of surface lands. The proposed version specifies that an operator must correct material damage to surface lands. The revised language more clearly describes the intent of the regulation, which involves the repair of ground cracks and sinkholes and the correction of drainage problems. The revised language also parallels that of the Federal counterpart regulations in 30 CFR 817.121(c)(1).

Proposed subsection (f) reflects the provisions of section 5.4 of the BMSLCA. It sets forth an operator's responsibility to repair or compensate for subsidence damage to dwellings, agricultural structures and other buildings and structures as required by State law.

Proposed subsection (g) relating to the protection of utilities is an existing regulation which has been relocated from former § 89.143(c) and revised. The revised language clarifies that mine operators have the option to either minimize damage or destruction of utility lines or minimize disruption of utility service. This revision is intended to provide mine operators flexibility in complying with utility protection requirements. The revised language allows use of various measures such as supporting utility lines, taking surface measures to mitigate subsidence damage to utility lines, providing utility customers with alternative service and demonstrating that utility lines are unlikely to be damaged by subsidence.

Proposed subsection (h) relating to the protection of perennial streams is an existing performance standard which has been relocated under this rulemaking proposal. Details concerning the implementation of these amendments are covered in the *Department Program Guidance 563-2000-655* which has been in effect since February 18, 1994.

Proposed subsection (i) relating to the prevention of hazards to human safety contains one performance standard which has been relocated from its place in existing § 89.142 and one new performance standard which is derived from section 9.1(a) of the BMSLCA. The new performance standard imposes the general responsibility to protect human safety regardless of whether mining is occurring in an urban or rural area.

Proposed subsection (j) is a relocated performance standard which prohibits mining in an area which is not covered by an approved subsidence control plan.

Proposed subsection (k) is a new performance standard which requires mine operators to report mine subsidence damage claims to the Department. This requirement will enable the Department to investigate subsidence damage incidents near the time of occurrence when details relating to causation and extent of damage are best observed.

§ 89.143a. Subsidence control: procedure for resolution of subsidence damage claims.

This proposed section addresses new subject matter. As proposed, § 89.143a describes the responsibilities of operators, structure owners and the Department in resolving claims of mine subsidence damage. These responsibilities are taken directly from section 5.5 of the BMSLCA. The proposed section, like the statute, allows 6 months for an operator and structure owner to resolve the claim without Department intervention.

§ 89.144a. Subsidence control: relief from responsibility.

This proposed section addresses new subject matter. New § 89.144a, describes the conditions under which an operator may be relieved of responsibility to repair or compensate for damage to a structure. The provisions of this section come directly from the BMSLCA, and are included to alert operators and structure owners of their rights and responsibilities under the BMSLCA.

§ 89.145a. Water supply replacement: performance standards.

This proposed section addresses new subject matter. Proposed § 89.145a includes the performance standards which apply to the surveying of water supplies and the restoration or replacement of water supplies which have been contaminated, diminished or interrupted by underground mining.

Subsection (a) imposes on operators the responsibility to conduct premining surveys of all water supplies prior to mining in an area which could result in the water supplies being impacted. At a minimum, the survey must be conducted prior to the time underground mining encroaches within 1,000 feet of a water supply. The 1,000 foot distance is a readily determinable criterion which will generally suffice to ensure that baseline data is collected prior to the onset of mining related impacts. The proposed language provides for the distance to be increased in situations when the Department determines that supplies may be endangered outside the 1,000 foot range, and decreased if the Department determines that supplies at lesser distances are unlikely to be affected.

A survey must be conducted unless the landowner denies the operator access to the supply. The responsibility to conduct surveys is implicit in sections 5.1 and 5.2 of the BMSLCA and required by 30 CFR 784.20(a)(3). Although the Federal regulations require that operators conduct surveys at the time of permit application, the procedures outlined in § 89.145a(a) should be equally effective in ensuring the acquisition of unbiased baseline data. Furthermore, the procedures in § 89.145a(a) will serve to account for any additional uses which a landowner develops between the time of permit application and the time the water supply is affected. Proposed subsection (a) also specifies the type of information which an operator is required to collect during the premining survey.

Proposed subsection (b) sets forth the basic responsibility of an operator to replace a water supply which has been impacted by his underground mining. The provision comes directly from section 5.1 of the BMSLCA.

Proposed subsection (c) requires an operator to notify the Department within 24 hours of receiving a complaint that his underground mining has affected a water supply. This requirement is derived from section 5.2 (a)(3) of the BMSLCA.

Proposed subsection (d) reflects an operator's responsibility to diligently investigate claims of water supply contamination, diminution or interruption that are brought to his attention. This requirement is derived from section 5.2(a)(1) of the BMSLCA.

Proposed subsection (e) describes an operator's responsibility to provide temporary water to water users whose water supplies have been impacted and who are without a readily available alternate source of water. The requirement applies to those water supplies which are located within the rebuttable presumption area as defined by the 35° angle of dewatering influence. The requirement comes from section 5.2(a)(2) of the BMSLCA. It is important to note that mine operators must also provide temporary water to water users outside the rebuttable presumption area if ordered to do so by the Department.

Proposed subsection (f) describes the criteria which will be used to determine the adequacy of a restored or replacement water supply. The criteria presented are derived from section 5.1(a) of the BMSLCA and the Department's surface mining regulatory program where similar water supply replacement requirements have been in place for many years. Many of the criteria derive from Commonwealth case law. Although the criteria differ from those of the Federal program, they are expected to provide equivalent restored or replacement supplies in most cases.

Given seasonal variations in water quality, water supplies replaced to safe drinking water standards under the Commonwealth's program will generally be indistinguishable from water supplies replaced to premining conditions under the Federal program. Likewise, a replacement water supply which meets usage standards should not differ substantially from a replacement water supply which is equivalent in quantity to the premining water supply given that premining quantity determinations will usually be made using pumping equipment sized to meet the needs of the water user.

§ 89.146a. Water supply replacement: procedure for resolution of water supply damage claims.

This section has been retitled and revised to address new subject matter. As proposed, § 89.146a consolidates the duties of operators, landowners, water users and the Department in resolving claims of water supply contamination, diminution or interruption. The procedures are based on section 5.2 of the BMSLCA.

§ 89.152. Water supply replacement: relief from responsibility.

Proposed § 89.152 is a new regulatory section describing the conditions under which an operator may be relieved of responsibility to restore or replace a water supply. These releases are based on sections 5.1 and 5.2 of the BMSLCA.

§ 89.153. Water supply replacement: rebuttable presumption.

Proposed § 89.153 is a new regulatory section which describes the effect of the rebuttable presumption provision under section 5.2 of the BMSLCA, and the means by which an operator may rebut the presumption that he is liable for the contamination, diminution or interruption of a water supply.

§ 89.154. Maps.

Proposed § 89.154 describes the contents of mine subsidence control plan maps and 6 month maps. Most of these requirements are existing and have been relocated from their current location under § 89.142. Several new requirements have been added to reflect information associated with the Act 54 amendments to the BMSLCA and Federal counterpart regulations.

In proposed subsection (a), the scope of the general mine map has been modified to comply with Federal mapping requirements in 30 CFR 784.20(a)(1). Under the proposal, the map must show all areas where structures may be damaged by mine subsidence, and at a minimum cover the area within a 30° angle of draw of the limits of underground mining. This latter provision is intended to assure that all structures covered by the rebuttable presumption under the Federal program are considered in Commonwealth subsidence control plans. The remainder of subsections (a) and (b) list map details which are essentially unaltered from those of the existing regulation. The only significant addition is the requirement to describe areas where planned subsidence will take place, areas where subsidence damage minimization measures will be used, and areas where subsidence related damage will be repaired. This requirement has been added to conform to the Federal regulations in 30 CFR 784.20. These requirements will generally involve adding notes of explanation to maps.

§ 89.155. Public notice.

This section contains public notice requirements which have been relocated under this proposed rulemaking. One additional notification has been added. The new requirement involves the operator's responsibility to notify the owner of a structure. This is intended to ensure that owners as well as occupants receive advance notification of impending mining.

G. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

The proposed amendments will benefit underground mine operators and coal field residents whose rights and responsibilities are currently found scattered among State law, State regulation, Federal law and case law. The consolidation of requirements into a single chapter of regulations promotes public understanding of these rights and responsibilities.

The proposed amendments will serve to codify benefits already contained in State and Federal law. These include benefits to many structure owners whose structures are damaged by mine subsidence, benefits to landowners and water users whose water supplies are affected by underground coal mining, and benefits to mine operators who mine in the bituminous coal fields.

Many structure owners benefit from the expanded subsidence damage repair and compensation requirements imposed under the Act 54 amendments to the BMSLCA. Recent information on mine subsidence damage claims show that the typical cost of repairing a damaged structure is \$30,000 to \$40,000. Under the Act 54 amendments, mine operators are responsible to repair or compensate for many of these damages. This results in a benefit to structure owners who would otherwise be forced to absorb these costs or suffer reductions in the value of their properties.

Landowners and water users also benefit from the water supply replacement requirements imposed under the Act 54 amendments to the BMSLCA. Recent estimates show that the costs of replacing a water supply at an underground coal mine site typically run between \$5,000 and \$10,000. In addition, the cost of providing temporary water may cost between \$1,000 and \$2,000. Since mine operators are now responsible to incur the costs associated with replacing water supplies, this represents a direct cost savings to landowners and water users.

Structure owners, landowners and water users will benefit from the premining survey requirements of the proposed regulations. Premining survey requirements are derived primarily from the Federal regulations which define the Commonwealth's primacy requirements. These surveys document the premining condition of structures and water supplies and are crucial to determining impacts and assessing the adequacy of remedial measures. The typical cost of a premining water survey ranges from \$500 to \$1,500. The typical cost of a premining structure survey ranges from \$300 to \$800 per property. The requirement that an operator perform these surveys is a benefit to landowners.

Mine operators benefit through the repeal of certain protections which were mandated by the BMSLCA and the regulations prior to the Act 54 amendments. The former protections resulted in mine operators having to leave support pillars beneath certain dwellings and cemeteries. In addition to reducing the amount of coal that could be mined in these areas, the support requirements often interfered with longwall mining, which is a highly mechanized technique. It is estimated that the repeal of these protections will free an additional 116,000 tons of coal per year per mine. This figure assumes the elimination of 20 support areas which each contain 5,800 tons of coal. At a value of \$20 per ton this equates to a benefit of approximately \$ 2.3 million per year to the average operating mine.

Compliance Costs

The compliance costs associated with the proposed regulations include the costs of performing premining surveys, repairing or compensating for subsidence damage to structures, and replacing water supplies affected by mining. Additional costs may also be incurred in taking precautionary measures to prevent irreparable damage, however, these costs will be offset by the resultant reductions in repair work.

The cost of performing premining structure surveys is estimated to be \$11,000 per mine per year. This is based on the assumed need to perform 20 surveys per mine per year at an average cost of \$550 per survey.

The cost of performing premining water supply surveys is estimated to be \$21,000 per mine per year. This is based on the assumed need to perform 20 surveys per year at an average cost of \$1,050 per survey.

The cost of repairing structure damage is estimated to be \$210,000 per mine per year. Repair estimates are based on 6 damage incidents per year at an average cost of \$ 35,000 per incident.

The cost of replacing water supplies is estimated to be \$110,000 per mine per year. This figure assumes the need to provide temporary water to 10 water users at an average cost of \$6,500 per service. It also assumes the need to permanently restore or replace six water supplies at an average cost of \$7,500.

The preceding costs total approximately \$352,000 per mine per year. These costs are directly attributable to the

Act 54 amendments to the BMSLCA and will be incurred by mine operators irrespective of the proposed amendments. It is notable that the costs incurred by mine operators also represent direct benefits to structure owners, landowners and water users.

Compliance Assistance Plan

The Department will prepare and update program guidances and fact sheets, and hold seminars as necessary to assist mine operators in complying with these regulations. The Department has already conducted similar activities in implementing the Act 54 amendments.

Paperwork Requirements

The primary paperwork associated with the proposed amendments is the correspondence and duplication of materials associated with arranging for premining surveys reporting survey results and settling damage claims. These costs are insignificant compared to the costs of performing premining surveys and repairing or compensating for damages.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 21, 1997, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly.

J. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by July 9, 1997.

Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by July 9, 1997.

The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1dep.state.pa.us and must also be received by the Board by

July 9, 1997. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

K. *Public Hearing*

The Board will hold one public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 4 p.m. on the following date: June 18, 1997, Days Inn, 127 West Byers Avenue, I-70 and Pa. Turnpike Exit #8, New Stanton, PA

Persons wishing to present testimony at a hearing are requested to contact Nancy Roush at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Nancy Roush directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Chairperson

Fiscal Note: 7-316. No fiscal impact; (8) recommends adoption.

(Editor's Note: For a document relating to this document, see 27 Pa.B. 2371 (May 10, 1997).)

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL MINING: GENERAL

Subchapter A. EROSION AND SEDIMENTATION CONTROL GENERAL PROVISIONS

§ 89.5. Definitions.

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

* * * * *

De minimis cost increase—For purposes of § 89.145a(f) (relating to water supply replacement: performance standards), a cost increase which meets one of the following criteria:

(i) Is less than 15% of the annual operating and maintenance costs of the previous water supply that is restored or replaced.

(ii) Is less than \$60.

* * * * *

Fair market value—The amount at which property would exchange hands between a willing

buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.

* * * * *

Irreparable damage—For purposes of section 9.1 of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.9a) and § 89.142a(d) (relating to subsidence control: performance standards, structural damage for which the cost of repair exceeds the cost of rebuilding the structure; or the cracking or breaking of structural components which cannot be repaired or replaced with identical structural components.

Material damage—Damage that results in one of the following:

- (i) Functional impairment of surface lands, structures, features or facilities.
- (ii) Physical change that has a significant adverse impact on the affected land's capability to support any current or reasonably foreseeable uses or causes significant loss in production or income to the owner or user, or both, of the land.
- (iii) Significant change in the condition, appearance or utility of any structure or facility from its presubsidence condition.

* * * * *

Permanently affixed appurtenant structures—A structure or facility securely attached to the land surface if that structure or facility is adjunct to and used in connection with structures listed in §§ 89.142a(f)(i) and (iii). Examples of the structures include:

- (i) Garages.
- (ii) Storage sheds and barns.
- (iii) Greenhouses and related structures.
- (iv) Customer owned utilities and cables.
- (v) Fences and other enclosures.
- (vi) Retaining walls.
- (vii) Paved or improved patios, walks and driveways.
- (viii) Septic treatment facilities.
- (ix) In-ground swimming pools.
- (x) Lot drainage and lawn and garden irrigation systems.

* * * * *

Public water supply system—A water delivery system which does one of the following:

- (i) Serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (ii) Provides water to a public building, church, school, hospital or nursing home.

Rebuttable presumption area—As used in the context of water supply replacement, the area in which an operator is presumed responsible for diminishing, contaminating or interrupting a water supply. The area is defined by projecting a 35° angle from the vertical from the outside of any area where the operator has extracted coal from an underground mine.

* * * * *

Water supply—An existing source of water used for domestic, commercial, industrial or recreational purposes or for agricultural uses, including use or consumption of water to maintain the health and productivity of animals used or to be used in agricultural production and the watering of lands on a periodic or permanent basis by a constructed or manufactured system in place on August 21, 1994, to provide irrigation for agricultural production of plants and crops at levels of productivity or yield historically experienced by the plants or crops within a particular geographic area, or which serves a public building or a noncommercial structure customarily used by the public, including churches, schools and hospitals.

* * * * *

**Subchapter B. OPERATIONS
INFORMATION REQUIREMENTS**

§ 89.33. Geology.

(a) The operation plan shall include a description of the areal and structural geology in the permit and adjacent area, including the lithology of the strata that influence the occurrence, availability, movement and quality of groundwater that may be affected by the underground mining activities.

(1) For lands within the proposed permit and adjacent areas and over the coal seam to be mined, the description shall include the results of test borings, coal samplings and the stratum immediately beneath the coal seam to be mined, and overlying strata. When an aquifer or existing deep mine below the lowest coal to be mined may be affected, the description shall also include the aquifer or existing deep mine and overlying strata. For mines not underlain by existing deep mines and greater than 200 feet (60.96 meters) below surface drainage, the description need only include the strata down to and including the stratum immediately below the coal seam to be mined. At a minimum, the description shall include:

* * * * *

(iii) Coal seam thickness.

[(iii)](iv) ***

[(iv)](v) ***

* * * * *

§ 89.34. Hydrology.

(a) The operation plan shall contain premining or baseline hydrologic information representative of the proposed permit, adjacent and general areas.

(1) Groundwater information shall include:

(i) The results of a groundwater inventory of existing wells, springs and other groundwater resources, providing information on location, ownership, quality, quantity, depth to water and usage for the proposed permit area and [potentially impacted offsite areas] adjacent area. Information on water availability, occurrence and alternative water supplies shall be emphasized and water-quality information relating to suitability for existing premining uses shall be provided. At a minimum, water quality descriptions shall include total dissolved solids or specific conductance corrected to 25° C, pH, total iron, total manganese, alkalinity, acidity and sulfates.

* * * * *

§ 89.35. Prediction of the hydrologic consequences.

The operation plan shall include a prediction of the probable hydrologic consequences of the proposed underground mining activities upon the quantity and quality of groundwater and surface water within the proposed permit, adjacent and general areas under seasonal flow conditions, and whether underground mining activities may result in contamination, diminution or interruption of any water supplies within the permit or adjacent area. The prediction shall be prepared by a qualified hydrologist or engineer. The probable hydrologic consequences determination shall emphasize the anticipated responses of groundwater and surface water flow, its rate, direction and quality and quantity to the proposed underground mining activities. The prediction shall be based on baseline data collected at the proposed mine site or data statistically representative of the site or a combination of both. The prediction required by this section may be developed using modeling techniques, but the Department may require verification of any models.

§ 89.36. Protection of the hydrologic balance.

* * * * *

(c) A description of the measures which will be taken to replace water supplies which are contaminated, diminished or interrupted by underground mining activities.

Subchapter B. OPERATIONS
PERFORMANCE STANDARDS

§ 89.67. Support facilities.

* * * * *

(b) [All underground mining activities shall be conducted] Support facilities shall be designed, constructed or reconstructed in a manner which minimizes damage, destruction or disruption of services provided by oil, gas and water wells; oil, gas and coal-slurry pipelines; railroads; electric and telephone lines; and water and sewage lines which pass over, under or through the permit area, unless otherwise approved by the owner of those facilities and the Department.

Subchapter F. SUBSIDENCE CONTROL AND WATER
SUPPLY REPLACEMENT

§ 89.141. Subsidence control: [Application] application requirements.

(a) *Geology.* The application shall include a description of the geology overlying the proposed permit area, from the surface down to the first stratum below the coal seam to be mined. The description shall include geologic conditions which are relevant to the likelihood or extent of subsidence or subsidence related damage. For the same strata, a detailed description and cross section shall be provided from available test borings and core samples. A copy of the information developed for § 89.33 (relating to geology) may be [submitted to meet the requirement in this subsection] used as appropriate to meet the requirements of this section.

* * * * *

(d) *Subsidence control plan.* The permit application shall include a subsidence control plan which describes the measures to be taken to control subsidence effects from the proposed underground mining operations. [In determining the area to be protected a 25°

angle of draw shall be projected from the limits of the mine to the surface. Portions of the mine in which no underground mining activities will occur over the term of the permit need not be included]. The plan shall address the area in which structures, facilities and features may be damaged by mine subsidence. At a minimum, the plan shall address all areas within a 30° angle of draw of underground mining which will occur during the 5-year term of the permit. The subsidence control plan shall include the following information:

* * * * *

[(2) For each structure and surface feature, or class of structures and surface features, listed in § 89.143(b)—(d) (relating to performance standards), a detailed description of the measures to be taken to prevent, minimize or avoid subsidence from causing damage or lessening the value or reasonable foreseeable use of the surface land, including:

(i) The anticipated effects of planned subsidence, if any.

(ii) Measures to be taken in the mine to reduce the likelihood of subsidence, including measures such as:

(A) Backfilling or backstowing of voids.

(B) Leaving support pillars of coal.

(C) Setting forth areas in which no coal extraction is planned, including a description of the overlying area to be protected by leaving coal in place.

(iii) Measures to be taken on the surface to minimize the damage or lessening of the value or reasonable foreseeable use of the surface.

(iv) Monitoring, if any, to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce the damage.

(3) A statement of the method of surface owner protection to be provided under section 6(a) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.6(a)) or § 89.145 (relating to surface owner protection). The permittee shall submit a list of structures for which waiver agreements have been entered into with the current owner under section 4 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.4). The permittee shall certify that the waiver agreements comply with section 4 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.4) and that the permittee shall remedy subsequent subsidence damage to the structure under section 6(a) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1046.6(a)).]

(2) A narrative describing whether subsidence, if it is likely to occur, could cause damage to or diminish the value or reasonably foreseeable use of any structures or could contaminate, diminish or interrupt water supplies.

(3) For each structure and feature, or class of structures and features, described in § 89.142a(c) (relating to subsidence control: performance standards), a detailed description of the measures to be

taken to prevent or minimize subsidence and subsidence-related damage, including:

- (i) Backfilling or backstowing of voids.
- (ii) Leaving support pillars of coal.
- (iii) Leaving areas in which no coal extraction will occur.
- (iv) Taking measures on the surface to prevent or minimize damage or diminution in value of the structure or feature.
- (4) A description of the anticipated effects of planned subsidence, if any.
- (5) A description of the measures to be taken to mitigate or remedy any subsidence-related damage to the surface land and structures identified in § 89.142a(f)(1) (relating to subsidence control: performance standards).
- (6) A statement that underground mining activities will not be conducted within the support area described in § 89.142a(c)(2)(i) of structures listed in subparagraphs (i)—(iv), or a detailed description of the measures to be taken to ensure that subsidence will not cause material damage to, or reduce the reasonably foreseeable uses of one or more of the following features or facilities:
 - (i) Public buildings and facilities.
 - (ii) Churches, schools or hospitals.
 - (iii) Impoundments with a storage capacity of 20 acre-feet (2.47 hectare-meters) or more.
 - (iv) Bodies of water with a volume of 20-acre feet (2.47 hectare-meters) or more.
- (7) A description of the monitoring, if any, the operator will perform to determine the occurrence of and extent of subsidence so that, when appropriate, other measures can be taken to prevent or reduce or correct damage in accordance with § 89.142a(e) and (f).
- (8) A description of the measures to be taken to maximize mine stability and maintain the value and reasonable by foreseeable use of the surface land.
- (9) A description of the measures which will be taken to maintain the value and foreseeable uses of perennial streams which may be impacted by underground mining operations. The description shall include a discussion of the effectiveness of the proposed measures as related to prior mining operations under similar conditions.
- (10) A description of the measures to be taken to prevent material damage to perennial streams and aquifers which serve as a significant source to a public water supply system.
- (11) A description of the measures to be taken to minimize damage or destruction of utilities or minimize disruption in utility service.

[(4)] (12) ***
* * * * *

[(5)] (13) ***

§ 89.142. [Maps] (Reserved).

[(a) *General mine map.* The application shall include maps prepared under the supervision of

and certified by a qualified registered professional engineer or qualified registered professional land surveyor drawn to a scale of 1 inch = 500 feet in a manner satisfactory to the Department, updated as requested by the Department, showing the items in this subsection. The requirements of paragraphs (2)—(7) may be satisfied by referencing the maps required by Subchapter B (relating to operations).

(1) The boundaries of areas proposed to be affected over the estimated total life of the mining activity, with a description of the size, sequence and time of the mining of subareas of the mine.

(2) The surface and coal elevations and the location of test borings and core samplings.

(3) Coal crop lines and the contours of the coal seam to be mined within the permit and adjacent areas.

(4) The location and extent of known workings of active, inactive or abandoned, underground or surface mines, including identification of the coal seams mined and mine openings to the surface within, above and below the proposed adjacent and permit areas.

(5) The portrayal of major aquifers on cross sections.

(6) The area covered by the subsidence control plan submitted under § 89.141(d) (relating to application requirements) with the following information identified:

(i) The boundaries of lands and names of current surface owners of record and known subsurface owners.

(ii) Public buildings and noncommercial structures customarily used by the public including churches, schools, and hospitals, and identifying these features by a numerical reference.

(iii) Dwellings identified by numerical reference.

(iv) Urbanized areas, cities, towns, communities and adjacent industrial or commercial buildings.

(v) Public parks and historic structures.

(vi) Structures which are entitled to support identified by numerical reference.

(vii) Major electric transmission lines and pipelines, including identification by name or numerical reference.

(viii) Public roads and railroads.

(ix) Surface water bodies, including perennial streams, lakes, ponds, dams and impoundments with a volume of 20 acre-feet or more, indicating by numerical reference those perennial streams and other bodies of water which are a significant source for a public water supply.

(x) Coal refuse disposal areas identified by numerical reference, solid and hazardous waste disposal areas, and other air and water pollution control facilities.

(xi) Gas, oil and water wells, identified by numerical reference.

(xii) Mine surface operations and facilities.

(xiii) Landslide prone areas.

(xiv) Aquifers which serve as a significant source for a public water supply system, identified by numerical reference.

(xv) Political subdivisions.

(7) Areas over the proposed mine where the overburden is 100 feet or less.

(b) *Six-month maps.* The operator shall submit mining maps to the Department every 6 months. The maps shall:

(1) Be drawn to a scale of 1 inch = 100 feet or 1 inch = 200 feet.

(2) Be prepared under the supervision of and certified by a qualified registered professional engineer or qualified registered professional land surveyor.

(3) Show the area of mining projected for the next 6 months.

(4) Show the area of mining affected over the last 6 months, including pillar locations, and the areas abandoned or completed within the last 6 months.

(5) Provide the following information:

(i) The location and identifying number for structures and surface features required to be identified by number in subsection (a)(6).

(ii) The location and identifying number of structures and surface features required to be identified by number in subsection (a)(6), which have appeared since the permit application.

(iii) The location of features described in subsection (a)(6)(iv) and (viii).

(iv) The location of surface boundaries and identification of surface owners of record and the owner of record of the coal seam being mined.

(v) The boundaries of the projected mining area and within that area the designation of coal areas to be mined and coal areas to be left unmined, including: A description for areas to be supported by the pillar plan required by § 89.143(b)(3) (relating to performance standards), coal left in place in compliance with other statutes including those listed in § 89.141(d)(4) and identification of other areas of planned and controlled subsidence.

(vi) Existing mine workings adjacent to the projected mining area, including a designation of any survey stations, elevations of the bottom of the coal seam and areas of geographical faults.

(vii) Other information as requested in accordance with the policies and procedures of the Department.

(c) *Map to be filed with recorder of deeds.* After the Department has determined that the 6 month map is in accordance with the subsidence control plan, the operator shall file a copy of the map with the Recorder of Deeds for each county in which mining is projected, and submit to the Department proof of this filing.

(d) *Mining restricted until map filed.* No mining may occur until it is shown as projected mining on the maps required by this subsection and the maps have been on file with the Recorder of Deeds' office for 10 days.]

§ 89.142a. Subsidence control: performance standards.

(a) *General requirements.* Underground mining activities shall be planned and conducted in accordance with the following:

(1) The subsidence control plan required by § 89.141(d) (relating to subsidence control: application requirements) and the postmining land use requirements in § 89.88 (relating to postmining land use).

(2) The performance standards in subsections (b)—(j).

(3) Underground mining activity will not be authorized beneath structures where the depth of overburden is less than 100 feet, unless the subsidence control plan demonstrates to the Department's satisfaction that the mine workings will be stable and that overlying structures will not suffer irreparable damage.

(4) The mine operator shall adopt measures to maximize mine stability. This subsection does not prohibit planned subsidence in a predictable and controlled manner or the standard method of room and pillar mining.

(b) *Structure surveys.*

(1) The operator shall conduct premining surveys of all structures listed under subsection (f)(1). The applicant is relieved of the duty to conduct a premining survey if the landowner denies the operator access to the site to conduct a premining survey, and the operator has complied with the notice procedure as follows:

(i) The premining survey shall document the existing condition of each structure and any components which cannot be repaired or replaced with identical structural components.

(ii) The premining survey shall be conducted prior to extracting coal. At a minimum, the premining survey shall be conducted prior to the time that a structure falls within a 30° angle of draw of underground mining.

(iii) The results of a premining survey shall be submitted to the landowner within 30 days of their receipt by the operator and to the Department upon Department request.

(2) The operator will be relieved of the duty to conduct a premining survey if the operator submits evidence to the Department that the operator notified the owner by certified mail or personal service of the following:

(i) The landowner's rights as set forth in sections 5.4—5.6 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.5d—1406.5f).

(ii) A description of the operator's attempt to conduct a survey and a statement that within 10 days of receipt of the operator's notice of intent to conduct a survey, the landowner failed to provide the operator with access to the site to conduct a survey.

(c) *Restrictions on underground mining.*

(1) Unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable

use of the structures and surface features listed in subparagraphs (i)—(iv), no underground mining activities may be conducted beneath or within the support area of the following:

- (i) Public buildings and facilities.
- (ii) Churches, schools or hospitals.
- (iii) Impoundments with a storage capacity of 20 acre-feet (2.47 hectare-meters) or more.
- (iv) Bodies of water with a volume of 20 acre-feet (2.47 hectare-meters) or more.

(2) The measures adopted by the operator to comply with paragraph (1) shall consist of either:

(i) Providing a support area beneath the structure or surface feature to be protected where coal extraction is limited to 50%, and the following:

(A) The support area shall consist of pillars of coal of a size and in a pattern which maximize bearing strength, and which is approved by the Department.

(B) For purposes of this section, the support area shall be rectangular in shape and determined by projecting a 15° angle of draw from the surface to the coal seam beginning 15 feet (4.57 meters) from the sides of the structure. For a structure on a slope of 5% or greater, the support area on the downslope side of the structure shall be extended an additional distance determined by multiplying the thickness of the overburden by the percentage expressed as a decimal of the surface slope. A pillar lying partially within the support area shall be considered part of the support area and shall be consistent with the other support pillars in size and pattern.

(C) The area lying between two support areas shall be treated as a support area, when the distance between the two support areas is less than the depth of the overburden.

(D) More stringent measures may be imposed or mining may be prohibited, if the Department finds that the measures used by the operator fail to prevent material damage.

(ii) Alternative measures, including full extraction techniques which result in planned and controlled subsidence, may be adopted if the operator demonstrates that the proposed measures are at least as effective in the prevention of subsidence damage as those described in subparagraph (i). In support of the demonstration, the operator shall meet the following conditions:

(A) Submit to the Department premining and postmining elevation surveys of a nearby area which core samples demonstrate to be geologically similar to the area of the protected surface features.

(B) Submit to the Department a history of mining in the surrounding area and a report describing any subsidence damage to structures or surface features resulting from the underground mining.

(C) Submit to the Department an engineering report which sets forth the damage to be expected from the proposed underground mining pattern.

(D) Initiate a monitoring program within a specified area to detect surface movement resulting from the underground mining. The program shall

entail placing monitors sufficiently in advance of the underground mining so that if excessive subsidence occurs the underground mining can be stopped before the protected surface features are damaged. In calculating the area to be monitored, a 30° angle of draw shall be used.

(3) An operator may not mine beneath or adjacent to any perennial stream or aquifer which serves as a significant source to a public water supply system if the underground mining is likely to cause material damage to the perennial stream or aquifer.

(d) *General measures to prevent or minimize irreparable damage.* Operators may not use a mining technique or extraction ratio which will result in irreparable damage to a structure enumerated in subsection (f)(1)(iii) or (iv) unless the operator, prior to mining, takes measures approved by the Department to minimize or reduce impacts resulting from subsidence to these structures.

(e) *Repair of damage to surface lands.* To the extent technologically and economically feasible, the operator shall correct any material damage to surface lands resulting from subsidence caused by the operator's underground mining operations.

(f) *Repair of damage to structures.*

(1) *Repair of compensation for damage to certain structures.* Whenever underground mining conducted after August 21, 1994, causes damage to any of the structures in subparagraphs (i)—(iv), the operator responsible for extracting the coal shall fully rehabilitate, restore, replace or compensate the owner for material damage to the structures resulting from the subsidence unless the operator demonstrates to the Department's satisfaction that one of the provisions of § 89.144a (relating to subsidence control: relief from responsibility) relieves the operator of responsibility:

(i) Buildings that are accessible to the public including, but not limited to, commercial, industrial and recreational buildings and all permanently affixed appurtenant structures.

(ii) Noncommercial buildings customarily used by the public, including, but not limited to, schools, churches and hospitals.

(iii) Dwellings which are used for human habitation and permanently affixed appurtenant structures or improvements in place on August 21, 1994, or on the date of first publication of the application for a mine activity permit or a 5-year renewal thereof for the operations in question and within the boundary of the entire mine as depicted in the application.

(iv) Barns and silos.

(v) Permanently affixed structures of 500 or more square feet (46.45 square meters) in area that are used for raising livestock, poultry or agricultural products, for storage of animal waste or for the processing or retail marketing of agricultural products produced on the farm on which the structures are located.

(2) *Amount of compensation.* If, rather than repair the damage, the operator chooses to compensate the structure owner for damage caused by the

operator's underground mining, the operator shall meet the following conditions:

(i) Provide compensation equal to the reasonable cost of repairing the structure or, if the structure is determined to be irreparably damaged, the compensation shall be equal to the reasonable cost of its replacement except for an irreparably damaged agricultural structure identified in paragraph (1)(iv) which at the time of damage was being used for a different purpose than the purpose for which the structure was originally constructed. For such an irreparably damaged agricultural structure, the operator may provide for the reasonable cost to replace the damaged structure with a structure satisfying the functions and purposes served by the damaged structure before the damage occurred if the operator can affirmatively prove that the structure was being used for a different purpose than the purpose for which such structure was originally constructed.

(ii) Compensate the occupants with an additional payment for reasonable, actual expenses incurred during their temporary relocation, if the occupants of a damaged structure are required to relocate. The operator shall also compensate the occupants for other actual, reasonable incidental costs agreed to by the parties or approved by the Department.

(g) *Protection of utilities.* Underground mining activities shall be planned and conducted in a manner which minimizes damage or destruction of facilities or which minimizes disruption in services provided by facilities such as oil, gas and water wells; oil, gas and coal slurry pipelines; rail lines; electric and telephone lines; and water and sewerage lines which pass under, over, or through the permit area, unless otherwise approved by the owner of the facilities and the Department.

(h) *Perennial streams.*

(1) Underground mining operations shall be planned and conducted in a manner which maintains the value and reasonably foreseeable uses of perennial streams, such as aquatic life; water supply; and recreation, as they existed prior to coal extraction beneath streams.

(2) If the Department finds that the underground mining operations have adversely affected a perennial stream, the operator shall mitigate the adverse effects to the extent technologically and economically feasible, and, if necessary, file revised plans or other data to demonstrate that future activities will meet the requirements of paragraph (1).

(i) *Prevention of hazards to human safety.*

(1) Underground mining operations shall be suspended beneath urbanized areas; cities; towns; and communities and adjacent to or beneath industrial or commercial buildings; solid and hazardous waste disposal areas; major impoundments of 20 acre-feet (2.47 hectare-meters) or more; or perennial streams, if the operations present an imminent danger to the public.

(2) Operators may not use a mining technique or extraction ratio which may result in subsidence which creates an imminent danger to human safety unless the operator, prior to mining, takes measures approved by the Department to eliminate the imminent danger to human safety.

(j) *Prohibition.* Underground mining operations are prohibited under an area which is not included within a subsidence control plan that has been submitted under § 89.141(d) (relating to subsidence control: application requirements) and approved by the Department.

(k) *Report of claim.* Within 10 days of being advised of a claim of subsidence damage to a structure or surface feature, the operator shall provide the Department with a report of the claim which shall include the following information:

(1) The date of the claim.

(2) The name, address and telephone number of the owner of the structure, surface feature or surface land claimed to be damaged.

(3) The number assigned to the structure or feature under § 89.154(a) (relating to maps).

§ 89.143. [Performance standards] (Reserved).

[(a) *General requirements.* Underground mining activities shall be planned and conducted in accordance with the following:

(1) The subsidence control plan required by § 89.141(d) (relating to application requirements) and be consistent with the postmining land use protected by § 89.88 (relating to postmining land use).

(2) The performance standards in subsections (b)–(f).

(3) No underground mining activity will be authorized beneath structures where the depth of overburden is less than 100 feet, with the exception of mine related openings to the surface such as entries, shafts and boreholes and site specific variances for entry development as approved by the Department.

(4) The mine operator shall adopt and describe to the Department in his permit application measures to maximize mine stability; however, this subsection does not prohibit planned subsidence in a predictable and controlled manner or the standard method of room and pillar mining.

(b) *Prevention of damage.* Requirements are as follows:

(1) Underground mining activities shall be planned and conducted in a manner which prevents subsidence damage to the following:

(i) Public buildings and noncommercial structures customarily used by the public, including churches, schools and hospitals.

(ii) Impoundments and other bodies of water with a storage capacity of 20 acre feet or more.

(iii) Aquifers, perennial streams and bodies of water which serve as a significant source for a public water supply system, as defined in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1–721.17).

(iv) Coal refuse disposal areas authorized by permits issued under Chapter 90 (relating to coal refuse disposal).

(2) The damage prohibited by this subsection includes the cracking of walls, foundations and monuments, the draining of aquifers, perennial

streams or other bodies of water which serve as a significant source for a public water supply system, as defined in the Pennsylvania Safe Drinking Water Act and the weakening of impoundments and embankments. Damage to structures described in paragraph (1)(i) need not be prevented if done with the consent of the current owner.

(3) The measures adopted to comply with this subsection shall consist of one of the measures in subparagraph (i) or (ii).

(i) The support area beneath the structure or surface feature to be protected where coal extraction is limited to 50%, and the following:

(A) The support area shall consist of pillars of coal of a size and in a pattern which maximizes bearing strength and is approved by the Department.

(B) The support area shall be rectangular in shape and determined by projecting a 15° angle of draw from the surface to the coal seam beginning 15 feet from either side of the structure. For a structure on a slope of 5% or greater, the support area on the downslope side of the structure shall be extended an additional distance determined by multiplying the depth of the overburden by the percentage of the surface slope. A pillar lying partially within the support area shall be considered part of the support area and be consistent with the other support pillars in size and pattern.

(C) The area between the two support areas shall be treated as a support area, when the distance between the two support areas is less than the depth of the overburden.

(D) More stringent measures may be imposed or mining may be prohibited, if the measures fail to prevent subsidence damage.

(ii) Alternative measures, including full extraction techniques which result in planned and controlled subsidence, may be adopted where the operator demonstrates that the proposed measures are at least as effective in the prevention of subsidence damage as those described in this subsection. In support of the demonstration the Department may require:

(A) Premining and postmining elevation surveys of a nearby area which core samples demonstrate to be geologically similar to the area of the protected surface features.

(B) A history of mining in the surrounding area and a report listing claims of subsidence damage resulting from the mining.

(C) An engineering report on the damage to be expected from the proposed mining pattern.

(D) The operator to initiate a monitoring program to detect surface movement resulting from the mining operation. The program shall consist of monitors placed sufficiently in advance of the mining so that the mining can be stopped before the protected surface features are damaged; in calculating this distance a 25° angle of draw shall be used.

(c) *Protection of utilities.*

(1) Underground mining activities shall be planned and conducted in a manner which minimizes damage, destruction or disruption in services

provided by oil, gas and water wells; oil gas and coal slurry pipelines; rail lines; electric and telephone lines; and water and sewerage lines which pass under, over or through the permit area unless otherwise approved by the owner of the facilities and the Department.

(2) The measures adopted to minimize damage, destruction or disruption of services protected by this subsection may include, in addition to those measures discussed in § 89.141(d), a program for detecting subsidence damage and avoiding disruption in services, and a notification to the owner of the facility which specifies when the mining activity beneath or adjacent to the structure will occur.

(d) *Perennial streams.*

(1) Underground mining activities shall be planned and conducted in a manner which maintains the value and reasonably foreseeable uses of perennial streams, such as aquatic life, water supply and recreation, as they existed prior to mining beneath streams.

(2) The measures to be adopted to comply with this subsection shall be described in the application and include a discussion of the effectiveness of the proposed measures as related to prior mining activities under similar conditions.

(3) If the Department finds that the measures have adversely affected a perennial stream, the operator shall meet the requirements of § 89.145(a) (relating to surface owner protection) and file revised plans or other data to demonstrate that future activities will meet the requirements of paragraph (1).

(e) *Overlying surface land.* Underground mining activities shall be planned and conducted in a manner which maintains the value and reasonably foreseeable use of the overlying surface land prior to mining.

(f) *Urbanized areas.* Underground mining activities shall be suspended beneath urbanized areas, cities, towns and communities, and adjacent to or beneath industrial or commercial buildings, solid and hazardous waste disposal areas, major impoundments or perennial streams, if the activities present an imminent danger to the inhabitants of the urbanized areas, cities, town or communities.

(g) *Prohibition.* Underground mining activities are prohibited under an area which is not included within a subsidence control plan which has been submitted under § 89.141(d) and has been approved by the Department.]

§ 89.143a. Subsidence control: procedure for resolution of subsidence damage claims.

(a) The owner of a structure listed in § 89.142a(f)(1) (relating to subsidence control: performance standards) who believes that underground mining caused mine subsidence resulting in damage to the structure and who wishes to secure repair of the structure or compensation for the damage shall provide the operator responsible for the underground mining with notification of the damage to the structure.

(b) If the operator agrees that mine subsidence damaged the structure, the operator shall fully repair the damage or compensate the owner for the

damage in accordance with either § 89.142a(f) or a voluntary agreement between the parties authorized by section 5.6 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. L. § 1406.5f).

(c) If, within 6 months of the date that the building owner sent the operator notification of subsidence damage to the structure, the parties are unable to agree as to the cause of the damage or the reasonable cost of repair or compensation for the structure, the owner of the structure may within 2 years of the date damage to the structure occurred, file a claim in writing with the Department. The owner shall also send a copy of the claim to the operator.

(d) Upon receipt of the claim, the Department will conduct an investigation in accordance with the following procedure:

(1) Within 30 days of receipt of the claim, the Department will conduct an investigation to determine whether underground mining caused the subsidence damage to the structure.

(2) Within 60 days of completion of the investigation, the Department will determine, and set forth in writing, whether the damage is attributable to subsidence caused by the operator's underground mining and, if so, the reasonable cost of repairing or replacing the damaged structure.

(3) If the Department finds that the operator's underground mining caused the damage to the structure, the Department will issue a written order directing the operator to compensate the structure owner or repair the damaged structure within 6 months of the date of issuance of the order. The Department may allow more than 6 months if the Department finds that further damage may occur to the same structure as a result of additional subsidence.

§ 89.144. [Public notice] (Reserved).

[(a) The operator shall send a notice by certified mail, return receipt requested, to the owner of record of each property and each political subdivision overlying its mining activities. A notice shall be sent to the resident of each structure overlying the mining operation. The notice shall be sent at least 6 months, but not more than 5 years, prior to mining beneath that property or structure or within that political subdivision. The operator shall provide the Department with a copy of each notice and return receipt, or, if the certified mail is not accepted, a copy of the returned envelope documenting that the notice was not accepted or not deliverable.

(b) The notice shall include the following information:

(1) An identification of the area in which mining will take place.

(2) The approximate time frame, within the permit term, for the conduct of underground mining activities that may cause subsidence and affect specific structures.

(3) The location of the offices where the applications and maps submitted under §§ 89.141 and 89.142 (relating to application requirements; and maps) are available for inspection and a schedule of dates for the submission of the 6 month maps under § 89.142(b).

(4) The location of the offices of both the permittee and the Department where a surface owner can submit a written complaint alleging subsidence damage covered by section 6(a) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.6(a)) or § 89.145(a) (relating to surface owner protection).

(c) The operator shall establish and implement a procedure to notify Federal, State or local government agencies responsible for administering public facilities, such as roads, as to when the mining activity beneath or adjacent to the public facility will occur. The notification shall be 6 months prior to mining beneath the public facility or shall be timed to enable the agency to take appropriate measures to protect the facility and to prevent conditions which may endanger the health, safety or welfare of the public.]

§ 89.144a. Subsidence control: relief from responsibility.

(a) The operator will not be required to repair any structure or compensate any structure owner for damage to structures identified in § 89.142a(f)(1) if the operator demonstrates to the Department's satisfaction one or more of the following apply:

(1) The landowner denied the operator access to the property upon which the structure is located to conduct a premining survey or a postmining survey of the structure and surrounding property, and thereafter served notice upon the landowner by certified mail or personal service. The operator shall demonstrate the following:

(i) The notice identified the rights established by sections 5.4—5.6 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.5d—1406.5f).

(ii) The landowner denied the operator access to the site to conduct the survey within 10 days after the landowner's receipt of the notice.

(2) The operator's underground mining did not cause the damage.

(3) No written claim of subsidence damage was filed with the Department within 2 years of the date that damage to the structure occurred.

(4) The operator and the landowner entered into a voluntary agreement that satisfies the requirements of section 5.6 of The Bituminous Mine Subsidence and Land Conservation Act.

§ 89.145. [Surface owner protection] (Reserved).

[(a) The operator shall correct material damage resulting from subsidence caused to surface lands including perennial streams as protected under § 89.143(d) (relating to performance standards), to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence.

(b) Within 10 days of being advised of a claim of subsidence damage to a structure or surface feature, the operator shall provide the Department with a report of the claim which shall include the following information:

(1) The date of the claim.

(2) The name, address and telephone number of the owner of the structure, surface feature or surface land claimed to be damaged.

(3) The number assigned to the structure or feature under § 89.142(a)(6) (relating to maps).

(4) A mine map, scale 1 inch = 100 feet or 200 feet, showing the structure, feature or surface land and the extent of mining either beneath or adjacent to it.

(5) Other information pertinent to the investigation.]

§ 89.145a. Water supply replacement: performance standards.

(a) *Water supply surveys.*

(1) The operator shall conduct a premining survey and may conduct a postmining survey of the quantity and quality of all water supplies within the permit and adjacent area, except when the landowner denies the operator access to the site to conduct a survey and the operator has complied with the notice procedure in this section. Premining surveys shall be conducted prior to mining within 1,000 feet (304.80 meters) of a water supply unless otherwise authorized or required by the Department based on site specific conditions. Survey information shall include:

(i) The location and type of water supply.

(ii) The existing and reasonably foreseeable uses of the water supply.

(iii) The chemical and physical characteristics of the water, including, at a minimum, total dissolved solids or specific conductance corrected to 25° C, pH, total iron, total manganese, hardness, total coliform, acidity, alkalinity and sulfates. An operator who obtains water samples in a premining or postmining survey shall utilize a certified laboratory to analyze the samples.

(iv) The quantity of the water.

(v) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.

(vi) Hydrogeologic data such as the static water level and yield determination.

(vii) The operator shall submit copies of the results of the analyses, as well as the results of any quantitative analysis, to the Department and to the landowner within 30 days of their receipt by the operator.

(2) If the operator cannot make a premining or postmining survey because the owner will not allow access to the site, the operator shall submit evidence to the Department that the operator notified the landowner by certified mail or personal service of the following:

(i) The landowner's rights as set forth in sections 5.1—5.3 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.5a—1406.5c), and the effect on the landowner of the landowner's denial to the operator of access to the site as described in section 5.2(d) of The Bituminous Mine Subsidence and Land Conservation Act.

(ii) A description of the operator's attempt to conduct a survey and a statement that the landowner failed to authorize access to the operator to conduct a survey within 10 days of receipt of the operator's notice of intent to conduct a survey.

(b) *Restoration or replacement of water supplies.* An operator who, as a result of underground mining, affects a public or private water supply by contamination, diminution or interruption shall restore or replace the affected water supply with a permanent alternate source which adequately serves the premining uses of the water supply or any reasonably foreseeable uses of the water supply. The operator shall be relieved of any responsibility under The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21) to restore or replace a water supply if the operator demonstrates that one of the provisions of § 89.152 (relating to water supply replacement: relief from responsibility) relieves the operator of further responsibility.

(c) *Notification of receipt of claim.* Within 24 hours of an operator's receipt of a claim of water supply contamination, diminution or interruption, the operator shall notify the Department of the claim.

(d) *Investigation and reporting of water supply damage complaints.* Upon receipt of notification that a water supply has been contaminated, diminished or interrupted and that the operator's underground mining may have caused the contamination, diminution or interruption, the operator shall diligently investigate the complaint and notify the Department in a timely manner of the results of the operator's investigation.

(e) *Temporary water supplies.*

(1) If the affected water supply is within the rebuttable presumption area and the rebuttable presumption applies and the landowner or water user is without a readily available alternate source, the operator shall provide a temporary water supply within 24 hours of being contacted by the landowner or water supply user or the Department, whichever occurs first.

(2) The temporary water supply provided under this subsection shall meet the requirements of subsection (f)(2) and provide a sufficient amount of water to meet the water supply user's premining needs.

(f) *Adequacy of permanently restored or replaced water supply.* A permanently restored or replaced water supply shall include any well, spring, municipal water supply system or other supply approved by the Department, which meets the criteria for adequacy as follows:

(1) *Reliability, cost, maintenance and control.* A restored or replaced water supply, at a minimum, shall:

(i) Be as reliable as the previous water supply.

(ii) Be as permanent as the previous water supply.

(iii) Not require excessive maintenance.

(iv) Provide the owner and the user with as much control and accessibility as exercised over the previous water supply.

(v) Not result in more than a de minimis cost increase to operate and maintain. If the operating and maintenance costs of the restored or replacement water supply are more than a de minimis cost increase, the operator shall provide for the permanent payment of the increased operating and maintenance costs of the restored or replacement water supply.

(2) *Quality.* A restored or replaced water supply will be deemed adequate when it differs in quality from the premining water supply, if it meets standards in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 750.1—750.20), or is comparable to the premining water supply when that water supply did not meet these standards.

(3) *Adequate quantity.* A restored or replaced water supply will be deemed adequate in quantity if it meets one of the following:

(i) It delivers the amount of water necessary to satisfy the water user's needs and the demands of any reasonably foreseeable uses.

(ii) It is established through a connection to a public water supply system.

(4) *Water source servicability.* A replacement of a water supply shall include the installation of any piping, pumping equipment and treatment equipment necessary to put the replacement water source into service.

§ 89.146. [Payment of damages] (Reserved).

[Settlement of claims filed under section 6(a) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.6(a)), shall be made within 6 months of the filing of the claim. The operator may postpone the time for satisfying the claim by depositing with the Department an amount as determined by the Department equal to the reasonable cost of remedying the damage. The deposit shall be held in escrow until the operator submits evidence that the claim has been settled. Failure to satisfy claims under § 89.145(a) (relating to surface owner protection) or section 6(a) of The Bituminous Mine Subsidence and Land Conservation Act requires the Department to suspend or revoke the operator's mining permit.]

§ 89.146a. Water supply replacement: procedure for resolution of water supply damage claims.

(a) Whenever a landowner or water supply user experiences contamination, diminution or interruption of a water supply which is believed to have occurred as a result of underground mining, the landowner or water user shall notify the operator. The operator shall diligently investigate the water loss.

(b) The Department will order the operator to provide temporary water to the landowner or water supply user within 24 hours of issuance of the order if the following apply:

(1) No alternate temporary water supply is available to the landowner or water user.

(2) The water supply is contaminated, diminished or interrupted.

(3) The water supply is located within the rebuttable presumption area.

(4) The landowner notified the operator of the water supply problem.

(c) If the affected water supply has not been restored or an alternate water supply has not been provided by the operator or if an operator provides and later discontinues an alternate source, the landowner or water supply user may so notify the Department and request that the Department conduct an investigation in accordance with the following procedure:

(1) Within 10 days of notification, the Department will commence an investigation of any landowner or water supply user claim.

(2) Within 45 days of notification, the Department will make a determination of whether the contamination, diminution or interruption was caused by the operator's underground mining and will notify the affected parties of the Department's determination.

(3) If the Department determines that the operator's underground mining caused the water supply to be contaminated, diminished or interrupted, the Department will issue orders that are necessary to assure compliance with The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21) and this chapter.

§ 89.152. Water supply replacement: relief from responsibility.

The operator will not be required to restore or replace a water supply if the operator can demonstrate one of the following:

(1) The contamination, diminution or interruption existed prior to the underground mining as determined by a premining survey, and the operator's underground mining operation did not worsen the preexisting contamination, diminution or interruption.

(2) The contamination, diminution or interruption is due to underground mining which occurred more than 3 years prior to the onset of water supply contamination, diminution or interruption.

(3) The contamination, diminution or interruption occurred as the result of some cause other than the underground mining.

(4) The claim for contamination, diminution or interruption of the water supply was made more than 2 years after the water supply was adversely affected by the underground mining.

(5) That the operator has done one of the following:

(i) Has purchased the property for a sum equal to the property's fair market value immediately prior to the time the water supply was affected or has made a one-time payment equal to the difference between the property's fair market value determined immediately prior to the time the water supply was affected and the fair market value determined at the time payment is made.

(ii) The landowner and operator have entered into a valid voluntary agreement under section 5.3 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.5c) which does not require restoration or replacement of the water supply or authorizes a lesser amount of compensation to the landowner than provided by section

5.3(a)(5) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1401.5c(a)(5)).

§ 89.153. Water supply replacement: rebuttable presumption.

(a) *Rebuttable presumption.* In any determination or proceeding under section 5.2 of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.5b), it is presumed that the operator is responsible for the contamination, diminution or interruption of a water supply that is within the rebuttable presumption area.

(b) *Rebutting the presumption.* The operator may successfully rebut the presumption by affirmatively proving that the landowner denied the operator access to the property on which the water supply is located to conduct a premining survey and a postmining survey of the quality and quantity of the water supply and that the operator complied with the notification procedure in § 89.145a(a)(2) (relating to water supply replacement: performance standards).

§ 89.154. Maps.

(a) *General mine map.* The application shall include maps prepared under the supervision of and certified by a qualified registered professional engineer or qualified registered professional land surveyor drawn to a scale of 1 inch = 500 feet in a manner satisfactory to the Department, updated as requested by the Department, showing the items identified in this subsection. The map shall cover all areas where structures may be damaged and surface lands may suffer material damage as a result of mine subsidence. At a minimum, the map shall cover the entire area above the mine, and all area within a 30° angle of draw of the limits of the mine. The requirements of paragraphs (2)—(7) may be satisfied by referencing the maps required by Subchapter B (relating to operations). The map, at a minimum, shall show the following:

(1) The boundaries of areas proposed to be affected over the estimated total life of the underground mining activity, with a description of the size, sequence and the schedule for mining subareas of the mine.

(2) The location of test borings and core samplings, and surface and coal elevations at these locations.

(3) Coal crop lines and the contours of the coal seam to be mined within the permit and adjacent areas.

(4) The location and extent of known workings of active, inactive or abandoned, underground or surface mines, including identification of the coal seams mined and location of mine openings to the surface within, above and below the proposed permit and adjacent areas.

(5) The portrayal of major aquifers on cross-sections.

(6) The area covered by the subsidence control plan submitted under § 89.141(d) (relating to subsidence control: application requirements) with the following information identified:

(i) The boundaries of lands and names of current surface and subsurface owners of record.

(ii) Dwellings, public buildings and facilities, churches, schools, hospitals and impoundments with a storage capacity of 20 acre-feet (2.47 hectare-meters), identified by numerical reference.

(iii) Structures or classes of structures listed in § 89.142a(f)(1)(i)—(iv) (relating to subsidence control: performance standards), identified by numerical reference.

(iv) Urbanized areas, cities, towns, communities and industrial or commercial buildings.

(v) Public parks and historic structures.

(vi) Other structures which are entitled to support, identified by numerical reference.

(vii) Water supplies.

(viii) Major electric transmission lines and pipelines, including identification by name or numerical reference.

(ix) Public roads and railroads.

(x) Surface water bodies, including perennial streams, lakes, ponds, dams and impoundments with a volume of 20 acre-feet (2.47 hectare meters) or more, indicating by numerical reference those perennial streams and other bodies of water which are a significant source for a public water supply.

(xi) Coal refuse disposal areas, solid and hazardous waste disposal areas, and other air and water pollution control facilities, all identified by numerical reference.

(xii) Gas, oil and water wells, identified by numerical reference.

(xiii) Surface sites and facilities associated with the underground permit application.

(xiv) Aquifers which serve as a significant source for a public water supply system, identified by numerical reference.

(xv) Political subdivisions.

(xvi) Landslide prone areas.

(xvii) Proposed underground workings including a description of the location and extent of the areas in which planned subsidence mining methods will be used and the identification of all areas where the measures described in § 89.141(d)(3), (5) and (7) will be taken to prevent or minimize subsidence and subsidence-related damage; and when applicable, to repair subsidence-related damage.

(7) Areas over the proposed mine where the overburden is 100 feet (30.48 meters) or less.

(b) *Six-month maps.* The operator shall submit mine maps to the Department every 6 months. The maps shall:

(1) Be drawn to a scale of 1 inch = 100 feet or 1 inch = 200 feet.

(2) Be prepared under the supervision of and certified by a qualified registered professional engineer or qualified registered professional land surveyor.

(3) Show the area in which mining is projected to occur in the next 6 months.

(4) Show the area where underground mining occurred over the last 6 months, including pillar locations, and the areas abandoned or completed within the last 6 months.

(5) Provide the following information:

(i) The location and identifying number for structures and surface features required to be identified by number in subsection (a)(6)(i)—(xiv).

(ii) The location and identifying number of structures and surface features required to be identified by number in subsection (a)(6)(i)—(xiv), which have appeared since the permit application.

(iii) The location of surface boundaries and identification of surface owners of record and the owner of record of the coal seam being mined.

(vi) The boundaries of the projected mining area and within that area designate coal areas to be mined and coal areas to be left unmined, including: a description of the areas to be supported by the pillar plan required by § 89.142a(c)(2), coal left in place in compliance with other statutes including those listed in § 89.141(d)(11) (relating to subsidence control: application requirements) and identification of other areas of planned and controlled subsidence.

(v) Existing mine workings adjacent to the area to be mined in the next 6 months, including a designation of any survey stations, elevations of the bottom of the coal seam and areas of geologic faults.

(vi) Other information as requested by the Department.

(c) *Map to be filed with recorder of deeds.* After the Department has determined that the 6-month map is in accordance with the subsidence control plan, the operator shall file a copy of the map with the recorder of deeds for each county in which underground mining is projected, and submit to the Department proof of this filing.

(d) *Restriction of activity.* No underground mining may occur until it is shown as projected underground mining on the maps required by this subsection and the maps have been on file with the Recorder of Deeds' office for 10 days.

§ 89.155. Public notice.

(a) The operator shall send a notice by certified mail, return receipt requested, to the owner of record of each property and each political subdivision overlying its underground mining. A notice shall be sent to the resident and owner of each structure overlying the mining operation. The notice shall be sent at least 6 months, but not more than 5 years, prior to mining beneath that property or structure or within that political subdivision. The operator shall provide the Department with a copy of each notice and return receipt, or, if the certified mail is not accepted, a copy of the returned envelope documenting that the notice was not accepted or not deliverable.

(b) The notice shall identify:

(1) The area in which underground mining will take place.

(2) The approximate time frame, within the permit term, when the underground mining that may cause subsidence and affect specific structures is expected to occur.

(3) The location of the offices where the applications and maps submitted under this chapter are available for inspection and a schedule of dates for the submission of the 6-month maps under § 89.154(b) (relating to maps).

(4) The location of the offices of both the operator and the Department where a surface owner can submit written complaints alleging subsidence damage or water supply contamination, diminution or interruption.

(c) The operator shall establish and implement a procedure to notify Federal, State or local government agencies responsible for administering public facilities, such as roads, when the underground mining beneath or adjacent to the public facility will occur. The notification shall be given 6 months prior to underground mining beneath the public facility or shall be timed to enable the agency to take appropriate measures to protect the facility and to prevent conditions which may endanger the health, safety or welfare of the public.

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