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# PENNSYLVANIA BULLETIN

Volume 27 Number 37  
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Pages 4711—4814

**Agencies in this issue:**

The Governor  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
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Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 274, September 1997**

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## **PENNSYLVANIA**

## **BULLETIN**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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#### Printing Format

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

#### Fiscal Notes

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

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

## 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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## **Part II**

This part contains the  
Department of Public Welfare's  
Subsidized Child Day Care Eligibility Requirements

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# PENNSYLVANIA BULLETIN

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Number 36

## **Part III**

This part contains the  
Pennsylvania Infrastructure Investment Authority's  
and the Department of Environmental Protection's  
Clean Water State Revolving Fund Projects and  
Drinking Water State Revolving Fund Projects

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# PENNSYLVANIA

# BULLETIN

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 1997-3]

### Pennsylvania Commission for Women

June 25, 1997

*Whereas*, over 50 percent of the population of Pennsylvania is female; and

*Whereas*, the need for a strong advocate for the rights of women in all areas of the Commonwealth is no less today than it was upon creation of the Pennsylvania Commission for Women initially; and

*Whereas*, further measures should be taken to increase state efforts to ensure that women have full and equal opportunity to serve in every capacity as citizens of the Commonwealth, free of gender discrimination; and

*Whereas*, women must be educated to represent and protect themselves, their families, and their children in Pennsylvania.

*Now, Therefore*, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish the Pennsylvania Commission for Women (hereinafter referred to as "Commission") to perform the powers, duties, and functions set forth herein.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 5. COUNCILS AND COMMITTEES

#### Subchapter F. PENNSYLVANIA COMMISSION FOR WOMEN

##### Sec.

5.61.	Functions.
5.62.	Composition.
5.63.	Terms of membership.
5.64.	Compensation.
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5.66.	Funding.
5.67.	Procedures.
5.68.	Effective date.
5.69.	Rescission.

#### § 5.61. Functions.

The Pennsylvania Commission for Women:

(1) Monitors women's educational and employment needs and opportunities.

(2) Promotes job training, educational programs and upward mobility for women.

(3) Encourages the development of and access to funding for small business enterprises owned or operated by women.

(4) Promotes women for appointed positions in State government, the judicial system and local government.

(5) Issues a biennial report on programs affecting women that are administered by State agencies.

(6) Issues a biennial report on new State laws affecting women.

(7) Serves as a liaison between government and nongovernmental groups and organizations whose purposes relate to the interests of women.



(8) Assists women's groups to institute local self-help activities designed to meet educational, employment and related needs.

(9) Serves as a data bank for collecting and disseminating information, using the Internet and other current technologies.

(10) Holds public hearings, informal hearings, meetings with advisory groups and conferences regarding any matter related to the accomplishment of its purposes.

(11) Proposes Legislation with the assistance of the General Assembly.

(12) Provides an annual report and recommendations for action to the Governor and to the General Assembly.

(13) Performs other functions that it deems appropriate in furtherance of these responsibilities.

#### **§ 5.62. Composition.**

(a) The Pennsylvania Commission for Women (Commission) consists of 17 members to be appointed by the Governor. The Majority and Minority leaders of both chambers of the General Assembly each provide a list to the Governor of four candidates and the Governor will appoint two members of the Commission from each list. The members, to the extent practicable, represent diverse geographic, racial and ethnic groups and have expertise in fields such as aging, health care, business, education, agriculture, public welfare, child care, insurance and finance, labor and corrections. At least half of the Commissioners are female.

(b) The Governor, in consultation with the Commission members, designates one Commission member to serve as chairperson and one Commission member to serve as vice-chairperson. The chairperson and vice-chairperson serve at the pleasure of the Governor.

(c) The Governor, in consultation with the Commission members, appoints an Executive Director of the Commission who serves at the pleasure of the Governor. The Executive Director reports to the Governor and assists the Commission members in implementing the purposes of this subchapter.

(d) The Executive Director, with the approval of the Governor, employs other persons as needed for the proper administration of the Commission.

#### **§ 5.63. Terms of membership.**

(a) Members are appointed for terms of 2 years. The members serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Pennsylvania Commission for Women due to resignation, disability or death of a member, the Governor will appoint a successor as expeditiously as possible and the successor will serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

#### **§ 5.64. Compensation.**

Members of the Pennsylvania Commission for Women receive no compensation for their service except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

#### **§ 5.65. Relationship with other agencies.**

To implement the purpose of this subchapter, the Pennsylvania Commission for Women (Commission) may request and receive from any department, division, board, bureau, commission or another agency of the State or a political subdivision thereof or public authority, cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties.

#### **§ 5.66. Funding.**

The Office of the Budget will establish within the General Fund a restricted account for the deposit of gifts and private donations received from third parties for use by the Pennsylvania Commission for Women.

**§ 5.67. Procedures.**

(a) The Pennsylvania Commission for Women (Commission) will meet quarterly and a majority of the Commissioners serving at any time constitutes a quorum. In addition, the Commission may hold public hearings to evaluate the effectiveness of Commonwealth services and programs to female residents.

(b) The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this subchapter.

**§ 5.68. Effective date.**

This subchapter is effective June 25, 1997, and shall continue in effect unless revised or modified by the Governor.

**§ 5.69. Rescission.**

Executive Order 1975-3 is rescinded.

A handwritten signature in black ink that reads "Tom Ridge". The signature is written in a cursive style with a horizontal line at the end.

*Governor*

**Fiscal Note:** GOV 97-12. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-1470. Filed for public inspection September 12, 1997, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 3]

Amendment of Rule 301(b); No. 186; Judicial Administration Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 25th day of August, 1997, Rule 301(b) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 301(b) is hereby found to be required in the interest of justice and efficient administration.

This Order shall be effective immediately and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 3. JUDICIAL COUNCIL OF PENNSYLVANIA

#### JUDICIAL COUNCIL OF PENNSYLVANIA

#### Rule 301. Judicial Council of Pennsylvania

\* \* \* \* \*

(b) *Composition.* The Judicial Council shall consist of [ 22 ] 25 members as follows:

\* \* \* \* \*

#### (16) Three members appointed by the Governor.

[Pa.B. Doc. No. 97-1471. Filed for public inspection September 12, 1997, 1997, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

Procedures for Preparation and Transcription of Court Proceedings; File No. 97-J-14

### Order

*And Now*, this 25th day of August, 1997, *It Is Ordered* that the following Administrative Order involving Procedures for Preparation and Transcription of Court Proceedings in the 31st Judicial District of Pennsylvania composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the

publication of the Administrative Order in the *Pennsylvania Bulletin*; that the present Lehigh County Administrative Order filed to No. 254-M of 1995l, shall not apply to any transcripts ordered or requested on or after September 4, 1997; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Appellate Rules Committee; and that one copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

### Order

*Now*, this 25th day of August, 1997, *It Is Hereby Ordered* that the provisions of the Administrative Order dated June 12, 1995, and filed to No. 254-M of 1995, shall not be applicable to transcripts ordered or requested on or after September 4, 1997, and that the within procedures shall apply thereto:

1. Court Reporters shall prepare transcripts for all completed trials and hearings in chronological order based upon the date of the receipt of the transcription order or request, or the date of the deposit of the partial transcription fee, whichever date is later. Where all of a given Court Reporter's transcripts are due for a single judge, that Judge may then, and only then, direct the Court Reporter to complete a given transcript or transcripts out of chronological sequence.

2. *It Is Further Ordered* that:

A. Where a transcript of a trial is requested or ordered, the Court Reporter shall not transcribe the voir dire examination of jurors, the opening or closing statements of counsel, or the reading into the record or for the benefit of the jury any written document which is also accepted into evidence as an exhibit, unless specifically ordered to do so [See Pa.R.J.A. 5000.2 (g)].

B. In civil cases the Court Reporter shall transcribe only that portion of the record as is required by Pa.R.C.P. 227.3 and/or Pa.R.A.P. 1922(b). The trial judge, by Court Order, shall determine what portion of the record is required for resolution of post-trial motions.

C. In criminal cases the Court Reporter shall transcribe only that portion of the record as is required by Pa.R.Crim.P. 9030(b), which is incorporated into Pa.R.A.P. 1922(b). The trial judge shall determine, and specify in a Court Order, what portion of the record is to be transcribed by the Court Reporter, i.e., what is required for the resolution of post-sentence motions and for appeals. The trial judge may rely upon Pa.R.A.P. 1925(b) statements to assist the judge in making this determination.

D. Should a Court Reporter be unable to comply with the deadlines set by the applicable state rules or specific orders of the court in a given case, the Reporter shall immediately advise his or her immediate supervisor, the District Court Administrator, and the judge or judges involved of that fact.

E. All Court Reporters shall file with the Court Administrator a monthly report of ordered or requested transcripts in chronological order indicating the date of each order/request/submit, the approximate length of the

record ordered to be transcribed, the status of the transcription, the deadline set by rule or order and the expected date of lodging.

F. Where a Court Reporter is unable to meet applicable deadlines for transcription, the District Court Administrator, after consultation with the Judge or Judges involved, and with the approval of the President Judge, may temporarily remove a Court Reporter from Courtroom duties or direct that alternative means for completing the transcription(s) be used. Any reprioritizing of the chrono-

logical preparation of transcripts, except as provided in paragraph 1 of this Order, will require the advance approval of all judges affected thereby.

*By the Court*

JAMES KNOLL GARDNER,  
*President Judge*

[Pa.B. Doc. No. 97-1472. Filed for public inspection September 12, 1997, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Amendments to Administrative Manual—Rules of Practice and Procedure

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, October 22, 1997. The hearing is open to the public and scheduled to begin at 3 p.m. The hearing is being held to receive comments on proposed amendments to its Rules of Practice and Procedure which are intended to delete obsolete provisions, to clarify certain provisions of the rules and better inform the signatory parties, applicants and the general public with regard to the Commission's practices and procedures. The proposed revisions conform the rules to existing Commission interpretations and practices.

The deadline for inclusion of written comments in the hearing record will be announced at the hearing.

The public hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628. Persons wishing to testify are requested to notify the Secretary in advance.

For further information contact Susan M. Weisman, Delaware River Basin Commission, (609) 883-9500 ext. 203.

#### Background and Rationale

The Rules of Practice and Procedure of the Delaware River Basin Commission have been modified and changed periodically since they were originally adopted December 13, 1961. There has not been a comprehensive review of these rules, however, for more than 20 years.

The proposed revisions are summarized below.

#### 1. Deletion of Article 4, Environmental Impact Statements, and Related Sections

Existing Article 4 sets forth DRBC's requirements with regard to environmental impact statements and reviews. Although these provisions have remained in DRBC's Rules, a copy of DRBC Resolution No. 80-11 suspending those provisions of the Commission's Rules of Practice and Procedure relating to environmental assessments has been inserted at the end of the existing rules. Since the adoption of this Resolution in 1980, the Commission has not conducted environmental assessments pursuant to DRBC's rules. The continued inclusion of these suspended sections, however, has been a source of confusion and misunderstanding to many individuals and groups interested in DRBC's review requirements. For example, when DRBC recently solicited public comments concerning its regulations for controlling toxic pollutants in the Delaware River Estuary, comments were received suggesting that DRBC had not complied with the environmental review requirements under its rules.

When Resolution No. 80-11 to suspend was adopted, the Resolution would have permitted reinstatement of environmental reviews if "financial resources are developed." The experiences of the last 17 years, and the financial

constraints that have developed recently, make it clear that Federal or other funding is not likely to be available for the foreseeable future.

To avoid continuing confusion, the deletion of Article 4 is proposed. DRBC's review of projects, however, will continue to require all projects to comply with all environmental and other policies in the Commission's Comprehensive Plan.

#### 2. Review of Projects Having a Nonsubstantial Impact on Basin Waters

In 1976 the Commission adopted Resolution No. 76-20 which provided two administrative changes designed to reduce the project review activity of DRBC staff.

The first was an attempt to provide more flexibility in the determination of what constitutes substantial projects resulting in more projects determined to be nonsubstantial and not subject to Commission review. Experience with a few projects indicated the process was not cost effective and staff reverted back to strictly following the exemptions list in the Rules Section 2.3.5(a). The 1976 revisions included in Sections 2.3.4 and 2.3.5(d) which provided for this procedure have not been applied since 1978.

The second administrative change provided for in Sections 2.3.5(e), 2.3.9(b) and (c) was to have state staff review and submit a determination (called an action report) that each project forwarded to the Commission did not impair or conflict with the DRBC's Comprehensive Plan. Even though three states signed new administrative agreements to implement this procedure, state staffs did not provide the determinations and the procedure was never implemented.

Section 2.3.10 is proposed to be deleted and all rules regarding hearings are proposed to be consolidated in revised Article 6.

#### SUMMARY OF PROPOSED REVISIONS

##### 1. Introduction

In view of the changes included within the proposed revision, the Introduction has been rewritten to update the description of what is included in the Commission's Rules of Practice and Procedure.

##### 2. Article 1—Comprehensive Plan

The proposed revisions to this article clarify the meaning of Comprehensive Plan within DRBC's rules. The revisions further clarify the procedure related to application for inclusion of projects within the Comprehensive Plan and the review by the Commission of proposals for changes and additions to the Comprehensive Plan. These revisions conform with existing Commission interpretation of the provisions within Article 1.

##### 3. Article 2—Water Resources Program

No proposed revisions to this article are recommended at this time.

##### 4. Article 3—Project Review Under Section 3.8 of the Compact

(a) The proposed revisions to Article 3 relating to environmental reviews and nonsubstantial projects are discussed above.

(b) The proposed revisions would delete Section 2.3.5.1. The regionalization policy was slightly modified with the adoption of revised Water Quality Regulations in December 1992 (Section 2.30, Basin Regulation—Water Quality). Deleting these requirements eliminates confusion and allows the more recent and flexible policy to control. The revised rule would add (6) in Section 2.1.4 requiring applications to include a discussion of the alternates considered and in Section 2.3.8 (a) "Exhibits to Accompany Application," it would revise (8) to include analysis and conclusions of regional water supply and waste water investigations.

(c) The proposed revision would also delete Section 2.3.5.2. This policy was adopted in 1971, Resolution No. 71-3, when the DRBC was involved in four or five nuclear plants and several major expansions or new fossil fuel plants, all by the seven major electric utilities serving the Basin. Planning at that time centered around mega stations of 1000 to 3000 Megawatts and use of multi MGD of water. Future locations of such large single use water demands was essential for any future water resource planning. A consortium of the utilities was formed known as DRBEUG (Delaware River Basin Electric Utilities Group) to address this DRBC requirement. Between 1971 and 1989, periodic siting studies were submitted to DRBC. In 1989 DRBEUG explained that they no longer could present a comprehensive siting study since the regulators were now encouraging NUGs (Non Utility Generators) and they could not in any way appear to represent these nonutility electric generators. Essentially, the major utilities have abandoned plans for any new major stations. New applications for several years now have been nonutility projects and generally no more than 200 MW. After several meetings between DRBEUG and staff, it was concluded that the siting study would no longer serve its intended purpose for DRBC.

(d) The remaining sections are intended to clarify the Commission's procedures with regard to Section 3.8 applications and the review thereof.

#### 5. Article 4—Environmental Impact Statements

The Commission proposes deletion of the existing provisions of Article 4 as discussed above. Article 4 will be reserved for future use.

#### 6. Article 5—Review in Water Quality Cases

The proposed revisions to Article 5 clarify that this article applies to administrative actions and decisions by the Executive Director. The procedures for review, hearing and decisions of objections to the Executive Director's actions and decisions will be pursuant to Article 6. The time for requesting a hearing is extended to 30 days to conform with the 30 day period provided for in Article 6. The remaining proposed changes are to broaden the wasteload allocations section to cover allocations in general (including proposed allocations of toxics) as well as the existing allocation program of carbonaceous oxygen demand.

#### 7. Article 6—Conduct of Hearings

The proposed revisions in this article reflect the practices employed by the Commission in connection with hearings, clarify the application of Article 6 to contested hearings and codify existing practices with regard to such hearings.

8. Articles 7, 8 and 9—No changes to these articles are proposed at this time.

The subject of the hearing will be as follows:

Amendments to the Administrative Manual—Rules of Practice and Procedure

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [ **thus** ]):

#### DELAWARE RIVER BASIN COMMISSION RULES OF PRACTICE AND PROCEDURE INTRODUCTION

[ **These regulations govern the process whereby the Commission will include projects in the** ] **The Delaware River Basin Compact requires the Commission to formulate and adopt a Comprehensive Plan and [ extend them into an annual Water Resources Program. Also set forth herein are the procedures and definitions that the Commission will use in screening projects proposed by others to test their compatibility ] Water Resources Program. In addition, the Compact provides in Section 3.8 that no project having a substantial effect on the water resources of the Basin shall be undertaken unless it shall have been first submitted to and approved by the Commission. The Commission is required to approve a project whenever it finds and determines that such project would not substantially impair or conflict with the Comprehensive Plan. [ An interrelationship among these three requirements is apparent in the Delaware River Basin Compact. ] Section 3.8 further provides that the Commission shall provide by regulation for the procedure of submission, review and consideration of projects and for its determinations pursuant to Section 3.8.**

[ **Article 13 of the Compact calls for the adoption of the Comprehensive Plan and Water Resources Program. These documents are defined as follows:**

**Comprehensive Plan. A plan that includes all public and ] The Comprehensive Plan consists of all public and those private projects and facilities which [ are required in the judgment of the Commission for ] the Commission has directed be included therein. It also includes those documents and policies which the Commission has determined should be included within the Comprehensive Plan as being needed to insure optimum planning, development, conservation, use, management[ , ] and control of the water resources of the Delaware Basin to meet present and future needs. The Comprehensive Plan is [ dynamic and will be periodically revised. ] subject to periodic review and revision as provided in Sections 3.2 and 13.1 of the Compact.**

**The Water Resources Program[ . An annual presentation, ] is based upon the Comprehensive Plan[ , ]. It is required to be updated annually and to include a systematic presentation of the quantity and quality of water resources needs of the area to be served [ during the ensuing six years or ] for such reasonably foreseeable period as the Commission may determine, balanced by existing and proposed projects required to satisfy such needs. [ , including all public and private projects to be anticipated, together with a separate statement of the projects proposed to be undertaken by the ]**

[Commission during such period.] The Commission's review and modification of the Water Resources Program is conducted pursuant to the provisions of Articles 3.2 and 13.2 of the Compact.

[To protect the integrity] The Commission's Rules of Practice and Procedure govern the adoption and revision of the Comprehensive Plan [and avoid conflicts of jurisdiction, the Compact provides generally, in Article 11, for cooperative planning of all public projects, and more specifically, in ], the Water Resources Program, the exercise of the Commission's authority pursuant to the provisions of Article 3.8 and other actions of the Commission mandated or authorized by the Compact.

These Rules of Practice and Procedure extend to the following areas of Commission responsibility and regulation:

**Article 1—Comprehensive Plan.**

**Article 2—Water Resources Program.**

**Article 3—Project Review Under Section 3.8 of the Compact**[, confers certain regulatory authority upon the Commission. Section 3.8 provides for a review of water resources projects to determine two matters: first, whether the project will have "a substantial effect on the water resources of the basin;" and secondly, whether a project having such an effect would "substantially impair or conflict with the Comprehensive Plan." The basic concept is thus both comprehensive and integrated planning and development. ].

[A project may enter the Comprehensive Plan in the discretion of the Commission whenever the project is ready for such action, both on its own merits and in relation to other projects which are part of the Plan. Article 1 of the Rules ]

**Article 4—Deleted (Previously suspended July 23, 1980).**

**Article 5—Appeals or Objections to Decisions of the Executive Director in Water Quality Cases.**

**Article 6—Administrative Hearings.**

**Article 7—Penalties and Settlements in Lieu of Penalties.**

**Article 8—Public Access to the Commission's Records and Information.**

**Article 9—General Provisions.**

These rules are subject to Commission revision and modification from time to time as the Commission may determine. The Commission reserves the right to waive any Rule of Practice and Procedure [develops the concept of the Comprehensive Plan and the procedure to be followed for inclusion of new projects or modification of existing ones. The Water Resources Program represents a selection of projects by the Commission taken from the Comprehensive Plan. These are projects which the Commission recommends for action during the ensuing six-year period. Procedures that the Commission will follow in developing the Water Resources Program are contained in Article 2 of these regulations.] it determines should not be applicable in connection with any matter requiring Commission

action. All actions by the Commission, however, shall comply fully with the applicable provisions of the Compact.

[The regulatory power of the Commission under Section 3.8 of the Compact extends to all public and private projects. However, since the Compact also provides for cooperative planning of public projects (Article 11), a special procedure to accelerate Commission approval of such projects is provided as part of the process of adoption of a Water Resources Program. Under Article 2 and Article 3 of these regulations, the sponsor of a public project has a choice of routes for Commission approval: where advance approval is necessary or desirable, the sponsor may secure approval through the process of project inclusion in the Water Resources Program; and this is an opportunity that will be available at a specified time each year. Where the sponsor may for any reason prefer the alternate course, the public project may be submitted for review under Section 3.8 of the Compact. In brief, approval of a public project as ready for action within the Water Resources Program will have the effect of approval for purposes of Section 3.8, but omission of a project from the Water Resources Program will still leave the door open for the project sponsor to proceed under Section 3.8. Finally, under these regulations, private projects are required to proceed under Section 3.8. ]

**ARTICLE 1  
COMPREHENSIVE PLAN**

**Section 2.1.1 Scope.** This article shall govern the submission, consideration, and inclusion of projects into the Comprehensive Plan.

**2.1.2 Concept of the Plan.** The Comprehensive Plan[, as required in Section 13.1 of the Compact, will provide ] shall be adopted, revised and modified as provided in Sections 3.2 and 13.1 of the Compact. It is the Commission's responsibility to adopt the Comprehensive Plan, after consultation with water users and interested public bodies, for the immediate and long-range development and [use] uses of the water resources of the Basin. The Plan [will] shall include [all] the public and private projects and facilities which the Commission determines are required[, in the judgment of the Commission,] for the optimum planning, development, conservation, [use,] utilization, management[, ] and control of the water resources of the Basin[, in light of present and foreseeable future needs. It will consist of statements of policy, criteria, and standards, as well as the principal physical projects, objectives, and programs that will be involved in the development of the river basin. The Plan will be a body of documents expressing a systematic set of] to meet present and future needs. In addition to the included projects and facilities, the Comprehensive Plan consists of the statements of policies, and programs that the Commission determines are necessary to govern the proper development and use of the River Basin. The documents within the Comprehensive Plan expressing the Commission's policies and programs for the future, [and] including the means for carrying them out[. It will be expressed ],

may be set forth through narrative text, maps, charts, schedules, budgets[, ] and other **appropriate** means.

[ **From time to time specific** ] Specific projects and facilities and statements of policy and programs may be incorporated, deleted[, ] or modified **from time to time** to reflect changing conditions, research, results[, ] and new technology. [ **At any given time the** ] The degree of detail [ **describing** ] described in particular projects [ **will** ] may vary depending upon the [ **state** ] status of their development.

2.1.3 Other Agencies. [ **For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the Commission as a regional agency of the signatory parties to the Compact, federal, state, and local agencies shall follow the requirements of Article 11 of the Compact.** ] Projects of the federal agencies affecting the water resources of the Basin, subject to the limitations in Section 1.4 of the Compact, shall be governed by Section 11.1 of the Compact. Projects of the signatory states, their political subdivisions and public corporations affecting the water resources of the Basin, shall be governed by the provisions of Section 11.2 of the Compact.

[ (As to Federal agencies, the Compact provides: "No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the Commission in the Comprehensive Plan.")

As to state and local agencies, the Compact provides: "No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility unless it shall have first been included by the Commission in the Comprehensive Plan."

As to Federal, state, and local agencies, the Compact provides: "The planning of all projects related to powers delegated to the Commission by this Compact shall be undertaken in consultation with the Commission..." Each... "agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section.")

2.1.4 Amendments and Revisions. The Comprehensive Plan will be open, upon application of any interested party, for review and inclusion of new projects and for ] **Section 2.1.4 Project Applications and Proposed Revisions and Changes. Applications for inclusion of new public projects and the deletion or alteration of previously included [ projects. To this end, the Commission will ] public projects may be submitted by signatory parties and agencies or political subdivisions thereof. Owners or sponsors of privately owned projects may submit applications for the inclusion of new private projects and the deletion or alteration of previously included private projects in which the applicant has an interest. The Commission may also receive and consider proposals for changes and additions to the Comprehensive Plan which may be submitted by any agency of the signatory parties, or any interested person, organization, or group. Any [ such ] application or proposal shall be submitted**

in such form as may be required by the Executive Director to facilitate consideration by the Commission[, , and ].

**Applications for projects** shall include at least the following information:

(1) Purpose or purposes, including quantitative measures of physical [ **benefits** ] **benefit** anticipated from the proposal[ . ];

(2) [ **Approximate location, dimensions (if a structural project) and land area required.** ] The location, physical features and total area required;

[ (3) **Draft or description of a proposed standard, policy or other nonstructural measure.**

(4) ] (3) Forecast of the cost [ (if structural) ] or effect on the utilization of water resources [ (if a nonstructural measure). ]; and

[ (5) ] (4) Relation to other parts of the existing Comprehensive Plan.

[ (6) **A description of the construction procedures to be followed in excavating, backfilling, retention of sediment, reseeding and landscaping, all with particular reference to minimizing soil erosion and sedimentation in the stream.** ]

(5) **A discussion of conformance with Commission policies included in the Comprehensive Plan.**

(6) **A discussion of the alternatives considered.**

#### [ 2.1.5 Review of Proposal ]

2.1.5 Review of Applications. Following staff study, examination, and review of each [ **proposal, the Commission will** ] project application, the Commission shall hold a public hearing upon notice thereon as provided in paragraph 14.4(b) of the Compact and may take such action on [ **the proposal as may be appropriate, and will hold such public hearings thereon as are required by the Compact.** ] a project application as it finds to be appropriate.

[ 2.1.6 Further Action. ] 2.1.6 Proposed Revisions and Changes. Proposals for changes and additions to the Comprehensive Plan submitted by any agency of the signatory parties or any interested person, organization or group shall identify the specific revision or change recommended. In order to permit adequate Commission consideration of any proposal, the Executive Director may require such additional information as may be needed. Review or consideration of such proposals shall be based upon the recommendation of the Executive Director and the further direction of the Commission.

2.1.7 Further Action. The Commission will review the Comprehensive Plan in its entirety at least once every six years from the date of the initial adoption of the Comprehensive Plan [ (Phase 1, March 28, 1962). ] (March 28, 1962). Such review may include consideration of proposals submitted by the signatory parties, agencies or political subdivision thereof or other interested parties. The amendments, additions, and deletions adopted by the Commission will be compiled and the Plan as so revised [ **will be republished annually.** ] shall be made available for public inspection.



[ 2.1.7 ] **2.1.8** Public Projects Under Article 11 of the Compact.

(a) After a project of any federal, state or local agency has been included in the Comprehensive Plan, no further action will be required by the Commission or by the agency to satisfy the requirements of Article 11 of the Compact, except as the Comprehensive Plan may be amended or revised pursuant to the Compact and these regulations. Any project which is changed substantially from the project as described in the Comprehensive Plan will be deemed to be a new and different project for the purposes of Article 11 of the Compact. Whenever a change is made the sponsor shall advise the Executive Director who will determine whether the change is deemed substantial within the meaning of these regulations.

(b) Any **public** project not having a substantial effect on the water resources of the Basin, as defined in Article 3 of these regulations, may proceed without reference to Article 11 of the Compact.

[ 2.1.8 ] **2.1.9** Custody and Availability. The Comprehensive Plan shall be and remain in the custody of the Executive Director. The Plan, including all maps, charts, [ **descriptions** ] **description** and supporting data shall be and remain a public record open to examination during the regular business hours of the Commission, under such safeguards as the Executive Director may determine to be necessary to preserve and protect the Plan against loss, damage or destruction. Copies of the Comprehensive Plan or any part or parts thereof shall be made available by the Executive Director for public sale at a price covering the cost of production and distribution.

ARTICLE 2 (No change.)

#### ARTICLE 3

#### PROJECT REVIEW UNDER SECTION 3.8 OF THE COMPACT

Section 2.3.1 Scope. This article shall govern the submission and review of projects under Section 3.8 of the Delaware River Basin Compact.

2.3.2 Concept of 3.8. Section 3.8 is intended to protect and preserve the integrity of the Comprehensive Plan. This Section of the Compact provides:

"No project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the Commission, subject to the provisions of Sections 3.3 and 3.5. The Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the Comprehensive Plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such Plan. The Commission shall provide by regulation for the procedure of submission, review and consideration of projects, and for its determinations pursuant to this section. Any determination of the Commission hereunder shall be subject to judicial review in any court of competent jurisdiction."

2.3.3 Administrative Agreements. The Executive Director is authorized and directed to enter into cooperative Administrative Agreements with federal and state regulatory agencies concerned with the review of projects under federal or state law as follows:

(a) To facilitate the submission and review of applications and the determinations required under Section 3.8 of the Compact;

(b) To avoid unnecessary duplication of staff functions and hearings required by law; **and**

(c) For such other and different purposes as he may deem feasible and advantageous for the administration of the Compact or any other law. [ ; **and**

**(d) Provided that any such Administrative Agreement shall be effective solely for purposes of inter-governmental cooperation and the failure of any applicant to comply with the provisions of any such agreement shall not prejudice his application or the consideration thereof. ]**

2.3.4 Submission of Project Required. Any project which may have a substantial effect on the water resources of the Basin, except as provided in paragraph (d) of this section, shall be submitted to the Commission for a determination as to [ **whether the project will have a substantial effect on the water resources of the Basin, and, if so,** ] whether the project impairs or conflicts with the Comprehensive Plan, as follows:

(a) Where the project is subject to review by a state or federal agency which has entered into an Administrative Agreement with the Commission, such project will be referred to the Commission in accordance with the terms of the Administrative Agreement, and appropriate instructions will be prepared and issued by the Executive Director for guidance of project sponsors and applicants.

(b) Where no other state or federal agency has jurisdiction to review and approve a project, or no Administrative Agreement is in force, the project sponsor shall apply directly to the Commission.

(c) Any project proposal, which may have a substantial effect on the water resources of the Basin, may be received and reviewed by the staff informally in conference with the project sponsor during the preliminary planning phase to assist the sponsor to develop the project in accordance with the Commission's requirements.

(d) Whenever a project sponsored by one of the signatory parties, or by any agency, political subdivision or public corporation thereof, has been included in the Water Resources Program in the "A List" classification, the project, to the extent of such inclusion and as described in the Program, shall be deemed approved for the purposes of Section 3.8 of the Compact.

(e) Whenever a project is subject to review and approval by the Commission under this section, there shall be no substantial construction activity thereon, including related preparation of land, unless and until the project has been approved by the Commission; provided, however, that this prohibition shall not apply to the drilling of wells for purposes of obtaining geohydrologic data, nor to in-plant control and pretreatment facilities for pollution abatement.

2.3.5 Classification of Projects for Review under Section 3.8 of the Compact.

(a) Except as the Executive Director may specially direct by notice to the project owner or sponsor, or as a state or federal agency may refer under paragraph (c) of this section, a project in any of the following classifications will be deemed not to have a substantial effect on the water resources of the Basin and is not required to be submitted under Section 3.8 of the Compact:

(1) The construction of new impoundments or the enlargement or removal of existing impoundments, for whatever purpose, when the storage capacity is less than 100 million gallons;

(2) A withdrawal from ground water for any purpose when the daily average gross withdrawal during any **[calendar month] 30 consecutive day period** does not exceed 100,000 gallons;

(3) A withdrawal from impoundments or running streams for any purpose when the daily average gross withdrawal during any **[calendar month] 30 consecutive day period** does not exceed 100,000 gallons;

(4) The construction of new **[municipal] domestic** sewage treatment facilities or alteration or addition to existing **[municipal] domestic** sewage treatment facilities when the design capacity of such facilities is less than a daily average rate of 10,000 gallons per day in the drainage area to Outstanding Basin Waters and Significant Resource Waters or less than 50,000 gallons per day elsewhere in the Basin; and all local sewage collector systems and improvements discharging into authorized trunk sewage systems;

(5) The construction of new facilities or alteration or addition to existing facilities for the direct discharge to surface or ground waters of industrial wastewater having design capacity of less than 10,000 gallons per day in the drainage area to Outstanding Basin Waters and Significant Resource Waters or less than 50,000 gallons per day elsewhere in the Basin; except where such wastewater contains toxic concentrations of waste materials;

(6) A change in land cover on major ground water infiltration areas when the amount of land that would be altered is less than three square miles;

(7) Deepening, widening, cleaning or dredging existing stream beds or relocating any channel, and the placement of fill or construction of dikes, on streams within the Basin except the Delaware River and tidal portions of tributaries thereto, and streams draining more than one state;

(8) Periodic maintenance dredging;

(9) Encroachments on streams within the Basin caused by:

a. floating docks and anchorages and buoys and navigational aids;

b. temporary construction such as causeways, cofferdams and falsework required to facilitate construction on permanent structures;

(10) Bridges and highways unless they would pass in or across an existing or proposed reservoir or recreation project area as **[shown] designated** in the Comprehensive Plan;

(11) Liquid petroleum products pipelines and appurtenances designed to operate under pressures less than 150 psi; local electric distribution lines and appurtenances; local communication lines and appurtenances; local natural and manufactured gas distribution lines and appurtenances; local water distribution lines and appurtenances; and local sanitary sewer mains, unless such lines would involve significant disturbance of ground cover affecting water resources;

(12) Electric transmission or bulk power system lines and appurtenances; major trunk communication lines and appurtenances; natural and manufactured gas transmis-

sion lines and appurtenances; major water transmission lines and appurtenances; unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as **[shown] designated** in the Comprehensive Plan; unless such lines would involve significant disturbance of ground cover affecting water resources;

(13) Liquid petroleum products pipelines and appurtenances designed to operate under pressures of more than 150 psi, unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as **[shown] designated** in the Comprehensive Plan, or in, on, under or across any stream within the Basin; unless such lines would involve significant disturbance of ground [ , ] cover affecting water resources;

**[ (14) Landfill projects limited to disposal of solid inert wastes such as earth, rock, gravel, concrete, asphalt paving fragments, glass, plaster, plaster board, rubber products, steel mill slag, clay, clay products, plastics, asbestos shingles, and similar materials, unless such projects are located on flood plains delineated by the Commission or a signatory state; ]**

(14) Landfill projects **[which may contain organic or liquid wastes that have a substantial effect on water resources of the Basin, ]**unless, no state-level review and permit system is in effect; broad regional consequences are anticipated; or the standards or criteria used in state level review are not adequate to protect the water of the Basin for the purposes prescribed in the Comprehensive Plan;

(15) Draining, filling or otherwise altering marshes or wetlands when the area affected is less than 25 acres; provided; however, that areas less than 25 acres shall be subject to Commission review and action (1) where neither a state nor a federal level review and permit system is in effect, and the Executive Director determines that a project is of major regional or interstate significance requiring action by the Commission, or (2) when a Commissioner or the Executive Director determines that the final action of a state or federal permitting agency may not adequately reflect the Commission's policy as to wetlands of the Basin. In the case of a project affecting less than 25 acres for which there has been issued a state or federal permit, a determination to undertake review and action by the Commission shall be made no later than 30 days following notification of the Commission of such permit action. The Executive Director, with the approval of the Chairman, may at any time within the 30-day period inform any permit holder, signatory party or other interested party that the Commission will decline to undertake review and action concerning any such project;

(16) The diversion or transfer of water from the Delaware River Basin (exportation) whenever the design capacity is less than a daily average rate of 100,000 gallons;

(17) The diversion or transfer of water into the Delaware River Basin (importation) whenever the design capacity is less than a daily average rate of 100,000 gallons except when the imported water is wastewater; **[ and ]**

(18) The diversion or transfer of wastewater into the Delaware River Basin (importation) whenever the design capacity is less than a daily average rate of 50,000 gallons **[ . ]; and**

**(19) Temporary or short term projects determined to have nonsubstantial impact on the water resources of the Basin by the Executive Director.**

(b) All other projects which have or may have a substantial effect on the water resources of the Basin shall be submitted to the Commission in accordance with these regulations for determination as to **[ whether the project will have a substantial effect on the water resources of the Basin and, if so, ]** whether the project impairs or conflicts with the Comprehensive Plan. Among these are projects involving the following (except as provided in paragraph (a) of this section):

- (1) Impoundment of water;
- (2) Withdrawal of ground water;
- (3) Withdrawal of water from impoundment or streams;
- (4) Diversion of water into or out of the Basin;
- (5) Deepening or widening of existing stream beds, channels, anchorages, harbors or turning basins, or the construction of new or enlarged channels, anchorages, harbors or turning basins, or the dredging of the bed of any stream or lake and disposal of the dredged spoil, when the nature or location of the project would affect the quantity or quality of ground or surface waters, or fish and wildlife habitat;
- (6) Discharge of pollutants into **surface or ground** waters of the Basin;
- (7) Facilities designed to intercept and transport sewage to a common point of discharge; and pipelines and electric power and communication lines;
- (8) Facilities for the direct discharge to surface or ground waters of industrial wastewater;
- (9) Projects that substantially encroach upon the stream or upon the 100-year flood plain of the Delaware River or its tributaries;
- (10) Change in land cover on major ground water infiltration areas;
- (11) Hydroelectric power projects, including pumped storage projects;
- (12) Projects or facilities of federal, state and local agencies such as highways, buildings and other public works and improvements, affecting the water and related land resources of the Basin;
- (13) Draining, filling or otherwise altering marshes or wetlands;
- (14) Regional wastewater treatment plans developed pursuant to the Federal Water Pollution Control Act;
- (15) Landfills and solid waste disposal facilities affecting the water resources of the Basin;
- (16) State and local standards of flood plain regulation;
- (17) Electric generating or cogenerating facilities designed to consumptively use in excess of 100,000 gallons per day of water during any 30-day period; and
- (18) Any other project that the Executive Director may specially direct by notice to the project sponsor or land owner as having a potential substantial water quality impact on waters classified as Special Protection Waters.

(c) Whenever a state or federal agency determines that a project falling within an excluded classification (as defined in paragraph (a) of this section) may have a substantial effect on the water resources of the Basin,

such project may be referred by the state or federal agency to the Commission for action under these Rules.

(d) Except as otherwise provided by Section 2.3.8 the sponsor shall submit an application for review and approval of a project included under paragraph (b) above through the appropriate agency of a signatory party. Such agency will transmit the application or a summary thereof to the Executive Director, pursuant to Administrative Agreement, together with available supporting materials filed in accordance with the practice of the agency of the signatory party. **[ The Executive Director will thereupon determine for the Commission whether or not the proposed project could have a substantial effect upon the water resources of the Basin within the meaning of the Compact and the Rules of Practice and Procedure. In making such determination the Executive Director shall be guided by his findings as to the following factors:**

**(1) The impact of the project on environmentally sensitive land areas or species of plant or animal life;**

**(2) The potential of the project and its distribution or collection systems to induce significant changes in numbers, distribution or character of population or economic activity;**

**(3) The magnitude of proposed water withdrawal or waste discharge in relation to minimum streamflow, aquifer yield or water quality;**

**(4) The size of the project and distribution of collection system and areal extent and duration of its environmental impact;**

**(5) The effect of the project on public health, safety or general welfare, and historic and cultural properties;**

**(6) The effect of the project on surface or ground waters in another state;**

**(7) The effect of the project on transfer of water into or out of the Basin or from one sub-basin to another;**

**(8) The cost of the project and nature and magnitude of resources required for its implementation;**

**(9) The effect of the project on flood flows and stormwater runoff;**

**(10) Any other facts which in a particular case may be relevant to the protection of the integrity of the Comprehensive Plan; and**

**(11) The impact of the project on aquatic life including fisheries.**

**(e) Projects determined by the Executive Director to have a substantial effect will be subject to approval by the Commission pursuant to Section 3.8 and Article 11 of the Compact (to the extent applicable). Projects determined by the Executive Director not to have a substantial effect on the water resources of the Basin will not be subject to further review or action by the Commission. The Executive Director shall notify the sponsor of the project, the agency of the signatory party reviewing the project, and the governing body of the municipality, and the planning board of the county in which the project is located of his initial determination on the question of substantial effect. Notice to such interested parties shall be given by certified mail, return receipt requested. The Executive ]**

[Director shall also notify by regular mail all members of the Commission and of the Federal Field Committee. He shall also cause to be published in a newspaper of general circulation in that municipality, at least once, a notice of such determination. If no objection is made to the Executive Director's initial determination, it shall become final ten days after publication as above. Any interested party objecting to the determination may, within ten days of the newspaper publication, object to such determination and appeal to the Executive Director by letter for reconsideration. Following such reconsideration, if requested, the Executive Director shall serve notice upon the agency of the signatory party, the applicant and each such objector of his final determination. Any such party may appeal such final determination to the Commission by notice in writing served upon the Executive Director within 14 days after the service of the Executive Director's decision upon reconsideration. The Commission will determine such appeal at a regular meeting thereafter.

#### 2.3.5.1 Water Pollution Control Projects—Regional Requirements.

(a) The use of regional solutions to water pollution problems, with the least number of separate treatment plants which may be efficient in the particular circumstances, is required whenever feasible. Each waste treatment project shall be submitted to the Commission not later than the completion of preliminary engineering for review of its compliance with this and other requirements of the Comprehensive Plan.

(b) In reviewing a project for compliance with this section, the Commission will consider the following matters, comparing regional versus separate treatment systems:

- (1) Construction costs and economies of various scales of development;
- (2) Operating costs and economies of various scales of operation;
- (3) Capability of handling industrial wastes with and without pretreatment;
- (4) Capability to assimilate high peak flows and temporary shock loads or emergency conditions;
- (5) Space and facilities for sludge disposal;
- (6) Personnel skills required and their availability for operation and supervision;
- (7) Capacity to absorb growth; and the relative times required to place a separate and a regional system in operation;
- (8) Desirability of the site selection alternatives for the treatment plant in view of considerations of efficiency of land use, potential service area, and relative transmission distances;
- (9) The effect for a reasonable distance downstream on the quality of the receiving waters; and
- (10) Effectiveness of the proposal in identifying all sources of pollution, and in achieving a coordinated, comprehensive and orderly plan for abatement of pollution in the region.

(c) A preliminary engineering report shall accompany each application and shall include factual findings and conclusions with respect to items (1) through (10) above.

(d) For the purpose of this regulation, "a region" is defined to mean one or more drainage areas or parts thereof. A "regional solution" is one which is based upon a feasibility study of the region for which a single system of sewage collection and treatment would be physically and economically feasible.

#### 2.3.5.2 Siting Studies for Major Electric Generation Projects.

(a) An application under Section 3.8 of the Compact for approval of an electric generating project with a design capacity of 100,000 KW or more shall include, as part of the application: (1) a master siting study, (2) a site selection analysis for the project, and (3) the environmental statement otherwise required.

(b)(i) The master siting study shall describe in general terms all existing major electric generating projects of the application and of other public utilities using the water resources of the Basin, and all such projects proposed or planned for the ensuing 15-year period. The master siting study shall describe particularly the impact of each proposed project on the water resources and related land resources of the Basin. It shall include, with as much detail as is available, a description of the five-mile reach of any stream within which each proposed project is or will be located, the concept, capacity and fuel source of each project, the quantity and method of heat and moisture dissipation, the water resource requirements and water-related ecological effects of each proposed project in the study.

(ii) The master siting study will be reviewed by the Commission in relation to the Comprehensive Plan, may be employed as an input to the Comprehensive Plan, and may be considered, in whole or in part, for inclusion in the Plan. A master siting study may be amended from time to time to reflect changing power demands, technology and water resource conditions. The Commission will act in relation to a master siting study or amendment thereof only after public hearing.

(c) The site selection analysis shall demonstrate the relationship of the proposed project, and its specific location, to the master siting study. Prior to submitting the site selection analysis, the applicant shall circulate it for comment among other interested public utilities, the federal and state governmental agencies having jurisdiction over the siting of electric generating stations in the state in which the project is located, regional or county planning commissions having jurisdiction in the project area, and such major water users as the Commission shall designate, and such comments shall be appended to and submitted together with the application. Prior to acting on the application, the Commission will make the site selection analysis available for public review and comment.

(d) The Commission will review each application for major electric generating project with reference to the doctrine of equitable apportionment, including such priority of uses as will recognize alternative water resources and sites for electric generating projects, the increasing demands on the water resources of the Basin and the optimum beneficial use of the water resources of the Basin. ]

**[ (e) The Commission will not act upon an application for approval under Section 3.8 of the Compact to initiate a partial or preliminary phase of an electric generating project which is subject to this regulation unless the application conforms to requirements of paragraph (a) hereof. ]**

2.3.5. [ 3 ] 1 Water Supply Projects—Conservation Requirements. Maximum feasible efficiency in the use of water is required on the part of water users throughout the Basin. Effective September 1, 1981 applications under Section 3.8 of the Compact for new water withdrawals subject to review by the Commission shall include and describe water-conserving practices and technology designed to minimize the use of water by municipal, industrial and agricultural users, as provided in this section.

(a) Applications for approval of new withdrawal from surface or ground water sources submitted by a municipality, public authority or private water works corporation whose total average withdrawals exceed one million gallons per day shall include or be in reference to a program prepared by the applicant consisting of the following elements:

(1) Periodic monitoring of water distribution and use, and establishment of a systematic leak detection and control program;

(2) Use of the best practicable water-conserving devices and procedures by all classes of users in new construction or installations, and provision of information to all classes of existing users concerning the availability of water-conserving devices and procedures; and

(3) A contingency plan including use priorities and emergency conservation measures to be instituted in the event of a drought or other water shortage condition. Contingency plans of public authorities or private water works corporations shall be prepared in cooperation with, and made available to, all municipalities in the area affected by the contingency plan, and shall be coordinated with any applicable statewide water shortage contingency plans.

(b) Programs prepared pursuant to subsection (a) of this section shall be subject to any applicable limitations of public utility regulations of the signatory party in which the project is located.

(c) Applications for approval of new industrial or commercial water withdrawals from surface or ground water sources in excess of one million gallons per day shall contain (1) a report of the water-conserving procedures and technology considered by the applicant, and the extent to which they will be applied in the development of the project; and (2) a contingency plan including emergency conservation measures to be instituted in the event of a drought or other water shortage. The report and contingency plan shall estimate the impact of the water conservation measures upon consumptive and nonconsumptive water use by the applicant.

(d) Applications for approval of new agricultural irrigation water withdrawals from surface or ground water sources in excess of one million gallons per day shall include a statement of the operating procedure or equipment to be used by the applicant to achieve the most efficient method of application of water and to avoid waste.

(e) Reports, programs and contingency plans required under this section shall be submitted by the applicant as

part of the permit application to the state agency having jurisdiction over the project, or directly to the Commission in those cases where the project is not subject to the jurisdiction of a state agency. State agencies having jurisdiction over a project that is subject to the provisions of this section shall determine the adequacy and completeness of the applicant's compliance with these requirements and shall advise the Commission of their findings and conclusions.

2.3.6 Sequence of Approval. A project will be considered by the Commission under Section 3.8 of the Compact either before or after any other state or federal review, in accordance with the provisions of the Administrative Agreement applicable to such project.

2.3.7 Form of Referral by State or Federal Agency. Upon approval by any state or federal agency of any project reviewable by the Commission under these regulations, if the project has not prior thereto been reviewed and approved by the Commission, such agency shall refer the project for review under Section 3.8 of the Compact in such form and manner as shall be provided by Administrative Agreement.

**(a) The Commission will rely on the appropriate agency in each state to review and regulate the potability of all public water supplies. Applications before the Commission should address the impact of the withdrawal, use and disposal of water on the water resources of the Basin.**

**(b) The Commission will rely on signatory party reviews as much as possible and generally the Commission will not review the performance standards of individual components of treatment processes but will require compliance with all policies in the Comprehensive Plan including all applicable Water Quality Standards.**

2.3.8 Form of Submission of Projects not Requiring Prior Approval by State or Federal Agencies. Where a project does not require approval by any other state or federal agency, or where such approval is required but an Administrative Agreement is not in force, the project shall be submitted directly to the Commission for review and determination of compatibility with the Comprehensive Plan, in such form of application, with such supporting documentation, as the Executive Director may reasonably require for the administration of the provisions of the Compact. These shall include without limitation thereto:

(a) **Exhibits to Accompany Application.** The application shall be accompanied by the following exhibits: (1) abstract of proceedings authorizing project, where applicable; (2) general map showing specific location and dimension of a structural project, or specific language of a standard or policy in the case of a nonstructural proposal; (3) section of the United States Geological Survey topographic map showing the territory and watershed affected; (4) maps, drawings, specifications and profiles of any proposed structures, or a description of the specific effects of a nonstructural project; (5) written report of the applicant's engineer showing the proposed plan of operation of a structural project; (6) map of any lands to be acquired or occupied; (7) estimate of the cost of completing the proposed project, and sufficient data to indicate a workable financial plan under which the project will be carried out; and (8) **[ a description of the construction procedures to be followed in excavating, backfilling, retention of sediment, reseeded and landscaping ] analyses and conclusions of regional**

**water supply and wastewater investigations**, all with particular reference to minimizing soil erosion and sedimentation in the stream.

(b) **Letter of Transmittal.** The application shall be accompanied by a letter of transmittal in which the applicant shall include a list of all enclosures, the names and addresses to which communications may be directed to the applicant, and the names and addresses of the applicant's engineer and counsel, if any.

(c) Unless otherwise ordered by the Commission, two copies of the application and accompanying papers shall be filed. If any application is contested, the Commission may require additional copies of the application and all accompanying papers to be furnished by the applicant. In such cases, certified copies or photographic prints or reproductions may be used.

**2.3.9 [ Preliminary Action; ] Informal Conferences[ ; ] and Emergencies.**

(a) Whenever the Executive Director shall deem necessary, or upon request of the applicant, an informal conference may be scheduled to explain, supplement or review an application.

**[ (b) The appropriate agency of a signatory party shall perform a technical review for the Commission, in accordance with Administrative Agreement, of each project finally determined to have a substantial effect on the water resources of the Basin; except that the Commission staff will perform the technical review: (1) whenever the agency of the signatory party is itself the sponsor, or (2) whenever the agency of the signatory party does not have the necessary regulatory jurisdiction, or (3) upon request of the agency of the signatory party, and (4) as to those projects which are subject to an environmental assessment or environmental impact statement under these Rules of Practice and Procedure and the National Environmental Policy Act.**

(c) Upon completion of its technical review, the agency of the signatory party shall, in accordance with Administrative Agreement, prepare and file with the Executive Director an action report with respect to the project. The Executive Director shall prepare a memorandum of comment stating his concurrence or nonconcurrence with the findings and recommendations of the action report. The report, memorandum, and a proposed docket decision with reference thereto shall be placed before the Commission by the Executive Director at its next regular meeting. Whenever time permits, a copy of the proposed docket decision shall be furnished to the applicant, and the applicant shall be given an opportunity to comment thereon and to consent to the conditions stated therein, before action by the Commission. The Commission will act upon the project in accordance with Section 3.8 and Article 11 of the Compact (to the extent applicable). ]

**[ (d) ]** In the event of an emergency requiring immediate action to protect the public interest or to avoid substantial and irreparable injury to any private person or property, and the circumstances do not permit a review, hearing and determination in the regular course of these regulations, the Executive Director with the approval of the chairman of the Commission may issue an emergency certificate authorizing an applicant to take

such action as the Executive Director may deem necessary and proper in the circumstances, pending review, hearing and determination by the Commission as otherwise required in these regulations.

**[ 2.3.10 Hearings.**

**(a) The Executive Director may, and whenever any substantial objection is filed pursuant to this section shall, cause a hearing to be scheduled upon an application received under Section 2.3.8 of these regulations. He may, and at the request of the applicant shall, cause a hearing to be scheduled as to any application referred under Section 2.3.7 of these regulations. Notice of the intention of the Commission to act upon an application received pursuant to Section 2.3.8 of these regulations, or upon a request for a hearing with regard to an application received pursuant to Section 2.3.7, shall be published by the Executive Director in one or more newspapers of general circulation in the area affected, at least once a week for two successive weeks, which publications shall not be less than seven nor more than 21 days prior to the date on which action is proposed to be taken. Such notice shall direct any person objecting to the application to file his objection with the Commission not later than two days before the scheduled date of action. If the Executive Director determines that any filed objection is substantial, he shall defer consideration by the Commission, furnish a copy of each objection to the applicant, and schedule a hearing on the application to be held not less than ten nor more than 30 days after the last day for filing objections. Notice of the hearing shall be served forthwith by certified mail upon the applicant and each person filing a substantial objection. Proof of such publication and of service of notice shall be filed with the Commission on or before the date for which the hearing is scheduled.**

**(b) The application and supporting documents, maps and data, as filed or amended shall be open to inspection by any interested person prior to the hearing.**

**2.3.11 Objections. Every objection filed pursuant to Section 2.3.10 shall be in writing and shall particularly specify the ground thereof. Amendments to the objections may be permitted by the Commission. All objections and supporting documents shall be filed in duplicate in such form as the Director may prescribe. No person may be heard in opposition to an application except on objections so filed. Such objections shall be heard and determined under the procedure prescribed by Article 6 of these regulations. ]**

**2.3.1 [ 12 ] 10 Limitation of Approval.**

**(a) Approval by the Commission under these regulations shall expire three years from the date of Commission action unless prior thereto the sponsor has expended substantial funds (in relation to the cost of the project) in reliance upon such approval. An approval may be extended or renewed by the Commission upon application.**

**(b) Any application that remains dormant (no proof of active pursuit of approvals) for a period of three years from date of receipt, shall be automatically terminated. Any renewed activity following that date will require submission of a new application.**

[ 2.3.13 Certificate of Compliance. The Executive Director, upon application duly made to him, and after appropriate inspection and such other proof as may be required, may certify to any applicant that the applicant has duly complied with the requirements of any action or determination by the Commission pursuant to these regulations. The Executive Director may make such certification whenever he finds and determines that there has been sufficient compliance to satisfy the purposes and objectives of the Commission's action or determination notwithstanding the existence of any technical variation or omission in the work done. All such certifications shall be reported to the Commission at its next meeting thereafter. ]

ARTICLE 4  
(Reserved.)

[ ENVIRONMENTAL IMPACT STATEMENTS

Section 2.4.1 Scope.

(a) Purpose. The National Environmental Policy Act of 1969 implemented by Executive Order 11514, mandates that all federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of federal agencies." Section 102 (2) (C) of the Act and the Council on Environmental Quality's Guidelines of April 23, 1971, (36 FR) require that all federal agencies prepare environmental statements on all major federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the agency decision-making process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed actions and to assist agencies in implementing the policies as well as the letter of the Act.

(b) Policy. The Delaware River Basin Commission will, in consultation with other appropriate federal, state and local agencies and the public, assess the environmental impacts of any proposed action concurrent with initial technical and economic studies in order that adverse effects will be avoided, and environmental quality will be maintained, restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impacts will be explored and both the long and short-range implications to man, his physical and social surroundings, and to nature, will be evaluated in order to avoid, to the fullest extent practicable, undesirable consequences as they relate to the quality of the human environment. This assessment shall take place as early as possible and in all cases prior to any decision that may significantly affect the environment and, where required, a draft environmental impact statement will be prepared and circulated in accordance with these regulations.

(c) Definitions.

(1) Action is a resolution by the Commission approving, disapproving, modifying or otherwise disposing of a project, program, legislation or any part thereof.

(2) Applicant is proposed action's sponsor including the Commission when it sponsors an action.

(3) Environment for the purposes of this regulation is the major natural, man-made or affected environment as implied by the National Environmental Policy Act of 1969.

(4) Environmental Assessment is an analysis by the Commission prior to the preparation of an environmental impact statement, of an Applicant's environmental report or of a Commission-sponsored action to determine whether the action proposed will have a significant effect involving the quality of the human environment.

(5) Environmental Impact Statement is a document prepared by the Commission which identifies and analyzes in detail the environmental impacts of a major action by the Commission having significant effects involving the quality of the human environment.

(6) Environmental Report is a document to be submitted by Applicants proposing an action which requires an environmental assessment.

(7) Negative Declaration is a determination by the Executive Director, based upon an environmental assessment, that a proposed action will not require an Environmental Impact Statement.

(8) Notice of Intent is an announcement to other federal, state and local agencies and to the public that the Commission will be preparing an Environmental Impact Statement for a given action.

(9) Responsible Official is the Executive Director or his designee of the Delaware River Basin Commission.

(10) Significant Effect is that degree of impact upon the quality of the human environment determined by the Commission or the Executive Director as sufficient to justify an environmental impact statement.

2.4.2 Actions Requiring an Environmental Report. The applicant, for any action within the following classifications, shall submit not later than the completion of preliminary engineering or feasibility studies, an environmental report.

(a) All action required by the regulations to include an Environmental Impact Statement;

(b) Major action the Commission may wish to initiate;

(c) Action to include in the Commission's Comprehensive Plan the following:

(1) major policy or regulations significantly affecting the quality of the human environment; and

(2) master plans including a sequence of the contemplated projects which together may have a significant effect upon the quality of the human environment; and

(d) When requested by the Executive Director based upon an environmental review of the action.

2.4.3 Applicant's Environmental Report. Upon receipt of the report, the Executive Director shall prepare an environmental assessment of the action. Additional information, studies, maps, etc., may be requested from the Applicant. The environmental assessment will be the basis for the determination of the need for an environmental impact statement. ]

[A supplemental guideline covering the substantive contents of an environmental report will be made available to all applicants. In brief, an environmental report will include the following:

(a) A description of the proposed action including the decision-making process, discussing alternatives to illustrate why the proposed action was chosen.

(b) A description of the existing environmental setting without the proposed action.

(c) The probable anticipated environmental impact primary and secondary, including both beneficial and unavoidable adverse effects from the proposed action and the basis for the conclusion. Resources irreversibly and irretrievably committed should be identified.

(d) All reasonable alternatives to the proposed action that have been considered including that of no action.

(e) An evaluation of environmental benefits, costs and risks, including short-term uses versus long-term productivity, weighing the proposed action and the alternatives considered against the quality of the human environment.

(f) Any other information, data, maps, charts, etc., which may be requested by the Commission for use in its analysis of the proposed action.

**2.4.4 Environmental Assessment.** An environmental review will be made for those actions requiring an environmental report. The assessment is made to identify and evaluate the expected and potential environmental impacts of the action and the alternatives considered. The assessment will determine whether significant impact upon the environment can be anticipated from the proposed action. The results of an environmental assessment will be either the preparation of the environmental impact statement or a negative declaration.

The contents of an environmental assessment will include the following:

(a) Description of the project;

(b) Analysis of significant impacts;

(c) Summation of any objections;

(d) Agencies consulted and their concerns, including interested state, regional, county and local agencies. The Environmental Protection Agency will be consulted in all instances; and

(e) Conclusions.

#### 2.4.5 Negative Declaration.

(a) A negative declaration may be issued by the Executive Director prior to taking any official action on a project which, as a result of an environmental assessment (Section 2.4.4 above), has been determined will not cause significant environmental impacts. The assessment will become a part of the project's records and be available for public inspection.

(b) Prior to the issuance of a negative declaration, the Executive Director shall publish notice of his intent to do so unless good cause to proceed with an environmental impact statement is submit-

ted in writing by any interested person or agency within 15 days from the date of the notice publication.

(c) The negative declaration will include the environmental assessment, copies of any relevant correspondence and the official determination by the Executive Director that the proposed action is not a major action significantly affecting the quality of the human environment.

(d) Once a negative declaration has been made, the proposed project may immediately proceed to Commission action.

(e) When a negative declaration has been made for a proposed action ordinarily requiring the preparation of an environmental impact statement under the provisions of Section 2.4.6, the declaration, complete with the environmental assessment, will be made available to the public.

**2.4.6 Actions Requiring an Environmental Impact Statement.** The list of general classifications which require an environmental impact statement is based upon the reviewable projects activity of the Commission. These actions have been identified by an analysis of environmental impacts typically associated with the principal types of Commission action. Where an environmental impact statement is prepared for a master plan or program having a chain of contemplated projects, subsequent statements on major components will be required only where significant impacts were not adequately evaluated in the overview statement relating to the total plan or program. Inclusion of the action in the Comprehensive Plan prior to January 1, 1970 does not exempt the action from an environmental impact statement.

Actions identified as requiring an environmental impact statement include the following:

(a) Any project, plan, regulation or policy identified via the process of an environmental assessment as having significant effect upon the quality of the human environment;

(b) Major large-scale programs or master plans involving a sequence of contemplated projects including new towns, watershed programs, wastewater and water supply plans and recreation plans;

(c) Impoundments;

(d) Diversions;

(e) Fossil-fueled electric generating stations;

(f) Liquid petroleum products pipelines;

(g) Draining or filling or otherwise altering marshes or wetlands;

(h) Substantial encroachments upon a stream or upon the 100-year flood plain of the Delaware River or its tributaries; and

(i) Any other action which the Executive Director, in his discretion, determines is a major action which may have a significant effect upon the quality of human environment and/or environmental impact of which is substantially controversial.

**2.4.7 Lead Agency.** The Executive Director shall review the proposed action with other federal agencies to determine whether DRBC should be lead agency for the preparation of the environmental ]



[ impact statement. Cooperative and/or joint agency efforts will be taken whenever practicable. When any action requiring an environmental impact statement under these regulations is also required to have an environmental impact statement by regulations of another federal agency, the Executive Director will consult with such agency and establish appropriate lead agency arrangements that will meet the requirements of the National Environmental Policy Act and the revised (June 1973) Council on Environmental Quality Guidelines, to avoid duplication.

If another federal agency, in its role as lead agency, has determined that, after an environmental assessment, any project listed in these regulations does not require an environmental impact statement, the Executive Director shall request from the lead agency a letter to that effect and after a review of the project may exempt the project from this section of the rules.

**2.4.8 Early Notice.** Once the determination has been made that a project requires an environmental impact statement, a public announcement, hereinafter called Notice of Intent, shall be issued to the Council on Environmental Quality, appropriate federal, state and municipal agencies, and be publicly posted in the Commission headquarters. The Notice of Intent shall also be sent to citizens and citizens organizations identified as having an interest in the project. The Notice of Intent shall define the Commission as lead agency and request comments which may be helpful in the preparation of the draft statement. A current list of administrative actions for which environmental impact statements are being prepared will be available for public inspection upon request.

**2.4.9 Pre-draft Consultation with Appropriate Agencies.**

(a) Consultation with federal agencies. When the Commission is considering an action requiring an environmental impact statement, it will, prior to the preparation of the draft statement, consult with federal agencies having jurisdiction over reasonable alternatives to the proposed action or jurisdiction by law or special expertise with respect to the environmental impacts of the proposed action and reasonable alternatives.

(b) Consultation with state and local agencies. In every case in which implementation of the proposed action or its reasonable alternatives would require exercise of authority by a state or local agency, that agency will be consulted prior to the preparation of the draft statement. Use will be made of the state and local A-95 clearinghouses.

**2.4.10 Draft Environmental Impact Statement.** The Executive Director shall prepare a substantive draft environmental impact statement as soon as practicable after the decision that the statement is necessary. Where a plan or program has been developed, the relationship between the plan and the subsequent projects or phases encompassed by it shall be evaluated to determine the preferable and most meaningful point in time for preparing a statement. Where practicable the statement will be drafted for the total program at the completion of the overall planning stage. Individual actions included in the plan will not require separate state-

ments except where significant change has occurred. A supplemental statement will be issued covering only that change.

The discussion of alternatives to the proposed action and their impact on the environment will accompany the proposed action through the Commission's entire review process. Generally the content of an environmental impact statement will include the following: (Substantive description of the content is available in supplemental guidelines upon request).

(a) Summary;

(b) Description of the proposed action, statement of its purpose and its components in detail commensurate for an assessment of potential environmental impact;

(c) A succinct description of the environmental setting without the proposed action;

(d) The relationship of the proposed action to water and land use plans, policies, and controls for the affected area;

(e) The probable impact of the proposed action on the environment, beneficial and adverse, including secondary or indirect, as well as primary or direct, consequences;

(f) Any probable adverse environmental effects which cannot be avoided, summarizing those effects discussed in (e) above that are adverse and unavoidable;

(g) All reasonable alternatives to the proposed action that have been considered including that of no action, with an objective evaluation of the environmental impacts from each;

(h) An evaluation of the proposed action in relation to short-term use of man's environment and the maintenance and enhancement of long-term productivity;

(i) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented;

(j) An indication of other interests and considerations of federal policy thought to offset the adverse environmental effects of the proposed action; and

(k) When determined by the Executive Director as necessary, an evaluation of environmental benefits, costs and risks of the proposed action compared to the alternatives considered against the quality of the human environment.

**2.4.11 Processing the Draft Environmental Impact Statement.**

(a) The Executive Director shall distribute ten copies of the draft environmental impact statement and two completed National Technical Information Service (NTIS) accession notice cards to the Council on Environmental Quality.

(b) The Executive Director shall announce to other agencies and the general public via the Federal Register and in accordance with other chapters and sections of the Administrative Manual, both the availability of the draft environmental impact statement and the date of a public hearing on environmental factors which will be held not ]

[less than 15 days after the draft environmental impact statement has been made available to the public.

(c) Concurrent with the announcement of availability, the Executive Director shall provide copies of the draft environmental impact statement to the Environmental Protection Agency and to appropriate field offices of reviewing federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved as listed in Appendix 11 of the Council on Environmental Quality's guidelines. At the same time, copies shall also be provided to the appropriate state and local agencies and to interested organizations and persons.

(d) All comments made upon the draft environmental impact statement should be submitted to DRBC within 45 days after the date of publication in the Federal Register announcing the availability of the draft. Extensions of review time will be at the discretion of the Executive Director.

**2.4.12 Final Environmental Impact Statement.** Following receipt of comments on the draft environmental impact statement and public hearing, the Executive Director shall prepare a final environmental impact statement responding to written and/or recorded suggestions, criticisms, and comments raised through the review of the draft statement. Distribution will be to the Council on Environmental Quality, the Environmental Protection Agency and those who responded to the draft statement and to written requests.

**2.4.13 Public Availability of Statements.** All draft and final environmental impact statements, including comments received thereon, shall be available for public examination as per the Freedom of Information Act in the Commission's offices and such other offices as the Executive Director may designate.

**2.4.14 Earliest Date for Commission Action.** As directed by the Commission the Executive Director will forward the final environmental impact statement to the Council on Environmental Quality. The Commission will act upon a project that is subject to the requirements of this section not less than 90 days after a draft environmental impact statement has been released for public comment and not less than 30 days (which may run concurrently within the 90 days) after the final environmental impact statement has been received by the Council on Environmental Quality. The Commission will include or refer to the environmental assessment or the environmental impact statement, and will make specific findings and conclusions with respect to the environmental effects of the project.

**2.4.15 Emergency Circumstances.** In the event of emergency circumstances those projects requiring an environmental impact statement as provided for in Section 2.3.9 of these Rules, the Executive Director will consult with the Council on Environmental Quality with respect to waiver, suspension or deferment of the requirements of this Article before any action is taken.

**2.4.16 Adequacy of Draft and Final Environmental Impact Statements.** The draft and final environmental impact statements will represent the Commission's independent evaluation of the environmental impacts of the action and the appropriate

alternatives to the proposed action. Redraft statements will be prepared if, prior to the submission of a final statement to the Council on Environmental Quality, the original draft is inadequate because significant information relevant to the total action was omitted from the original draft or only came to light after circulation of the original draft. All redraft statements shall be circulated for comment in the same manner as original draft environmental impact statements.

**2.4.17 Procedure for Commenting upon Environmental Impact Statements.**

(a) Comments prepared on draft environmental impact statements authored by other agencies will be based upon the relationship of the action proposed to the Commission's Comprehensive Plan.

(b) Comments will be organized consistent with the structure of the draft statement and will be as specific, substantive and factual as possible.

(c) Five copies of all comments made thereon will be furnished to the Council on Environmental Quality. ]

ARTICLE 5  
APPEALS OR OBJECTIONS TO DECISIONS OF  
THE EXECUTIVE DIRECTOR [ REVIEW ] IN  
WATER QUALITY CASES

**Section 2.5.1 Scope.** This article shall apply to the review, hearing and decision of objections and issues arising as a result of administrative actions and decisions taken or rendered by the Executive Director under the Basin Regulations. **Any hearings shall be conducted pursuant to the provisions of Article 6.**

**2.5.2 Notice and Request for Hearing.** The Executive Director shall serve notice of an action or decision by him under the Basin Regulations by personal service or certified mail, return receipt requested. The affected discharger shall be entitled (and the notice of action or decision shall so state) to show cause at a Commission hearing why such action or decision should not take effect. A request for such a hearing shall be filed with the Secretary of the Commission not more than [ 20 ]30 days after service of the Executive Director's determination. Failure to file such a request within the time limit shall be deemed to be an acceptance of the Executive Director's determination and a waiver of any further hearing.

**2.5.3 Form of Request.** A request for a hearing may be informal but shall indicate the name of the individual and the address to which an acknowledgment may be directed. It may be stated in such detail as the objector may elect. The request shall be deemed filed only upon receipt by the Commission.

**[ 2.5.4 Report. ]** Whenever the Executive Director determines that the request for a hearing is insufficient to identify the nature and scope of the objection, or that one or more issues may be resolved, reduced or identified by such action, he may require the objector to prepare and submit to the Commission, within such reasonable time (not less than [ 20 ]30 days) as he may specify, a technical report of the facts relating to the objection prior to the scheduling of the hearing. The report shall be required by notice in writing served upon the objector by certified mail, return receipt requested, addressed to the person or entity filing the request for hearing at the place indicated in the request.

2.5. [ 5 ] 4 Form and Contents of Report.

(a) Generally. A request for a report under this article may require such information and the answers to such questions as may be reasonably pertinent to the subject of the action or determination under consideration.

(b) Waste Loading. In cases involving objections to an allocation of the assimilative capacity of a stream, **wasteload allocation for a point source, or load allocation for a new point source**, the report shall be signed and verified by a technically qualified person having personal knowledge of the facts stated therein, and shall include such of the following items as the Executive Director may require:

(1) A specification with particularity of the ground or grounds for the objection; and failure to specify a ground for objection prior to the hearing shall foreclose the objector from thereafter asserting such a ground at the hearing;

(2) A description of industrial processing and waste treatment operational characteristics **and outfall configuration** in such detail as to permit an evaluation of the character, kind and quantity of the discharges, both treated and untreated, including the physical, chemical and biological properties of any liquid, gaseous, solid, radioactive, or other substance composing the discharge in whole or in part;

(3) The thermal characteristics of the discharges and the level of heat in flow;

(4) Information in sufficient detail to permit evaluation in depth of any in-plant control or recovery process for which credit is claimed;

**(5) The chemical and toxicological characteristics including the processes and/or indirect discharges which may be the source of the chemicals or toxicity;**

[ 5 ] 6 An analysis of all the parameters that may have an effect on the strength of the waste or impinge upon the water quality criteria set forth in the Basin Regulations, including a determination of the rate of biochemical oxygen demand and the projection of a first-stage carbonaceous oxygen demand;

[ 6 ] 7 Measurements of the waste as closely as possible to the processes where the wastes are produced, with the sample composited either continually or at frequent intervals (one-half hour or, where permitted by the Executive Director, one hour periods), so as to represent adequately the strength and volume of waste that is discharged; and

[ 7 ] 8 Such other and additional specific technical data as the Executive Director may reasonably consider necessary and useful for the proper determination of a wasteload allocation.

2.5. [ 6 ] 5 Protection of Trade Secrets; Confidential Information. No person shall be required in such report to divulge trade secrets or secret processes. All information disclosed to any Commissioner, agent or employee of the Commission in any report required by these Rules shall be confidential for the purposes of Section 1905 of Title 18 of the United States Code which provides:

"Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his

employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation or association; or permits any income return or copy thereof to be seen or examined by any persons except as provided by law; shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and shall be removed from office or employment. June 25, 1948, C.645, 62 Stat. 791."

2.5. [ 7 ] 6 Failure to Furnish Report. The Executive Director may, upon five days' notice to the objector dismiss the request for a hearing as to any objector who fails to file a complete report within such time as shall be prescribed in the Director's notice.

2.5. [ 8 ] 7 Informal Conference. Whenever the Executive Director deems it appropriate, he may cause an informal conference to be scheduled between an objector and such member of the Commission staff as he may designate. The purpose of such a conference shall be to resolve or narrow the ground or grounds of the objections.

2.5. [ 9 ] 8 Consolidation of Hearings. Following such informal conferences as may be held, to the extent that the same or similar grounds for objections are raised by one or more objectors, the Executive Director may in his discretion and with the consent of the objectors, cause a consolidated hearing to be scheduled at which two or more objectors asserting that ground may be heard.

#### ARTICLE 6

#### [ Conduct of ] Administrative Hearings

##### Section 2-6.1 Hearings Generally.

(a) Scope of Article. This article shall apply to [ **hearings** ] **contested cases** required [ **for the purposes of** ] **to be held under** Articles [ - ] 3 and 5 of these regulations [ **and** ], to the [ **extent applicable, to the** ] conduct of **other** administrative hearings [ **for which no other provision is made by statute or regulation.** ] **involving contested cases and to proceedings which Commission regulation or the Commission directs be conducted pursuant to this article.**

[ (b) **Timely Request.** Any person aggrieved by any ] (b) **Definition of Contested Case.** "Contested case" means a proceeding in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are involved. Such a proceeding may involve personnel matters, project applications and docket decisions but shall not extend to the review of any proposed or adopted rule or regulation of the Commission.

(c) **Requests for Hearings.** Any person seeking a hearing to review the action or decision of the [ **Executive Director taken under any Basin Regulation shall be entitled upon timely filing of a request therefor, to a hearing in accordance with these regulations.** ] **The Commission or the Executive Director may request a hearing pursuant to the provisions of this article provided such a request is received by the Commission within thirty (30) days**

of the action or decision which is the subject of the requested hearing. Requests shall be submitted in writing to the Secretary of the Commission and shall identify the specific action or decision for which a hearing is requested, the date of the action or decision, the interest of the person requesting the hearing in the subject matter of the proposed hearing and a summary statement setting forth the basis for objecting to or seeking review of the action or decision. Any request filed more than thirty days after an action or decision will be deemed untimely and such request for a hearing shall be considered denied unless the Commission by unanimous vote otherwise directs. Receipt of requests for hearings, pursuant to this article, whether timely filed or not, shall be submitted by the Secretary to the Commissioners for their information.

**[(c)](d) Optional Joint Hearings.** Whenever designated by a department, agency or instrumentality of a signatory party, and within any limitations prescribed by the designation, a Hearing Officer designated pursuant to this article may also serve as a Hearing Officer, examiner or agent pursuant to such additional designation **[. The hearing officer ]** and may conduct joint hearings for the Commission and for such other department, agency or instrumentality. Pursuant to the additional designation, a Hearing Officer shall cause to be filed with the department, agency or instrumentality making the designation, a certified copy of the transcript of the evidence taken before him and, if requested, of his findings and recommendations. Neither the Hearing Officer nor the Delaware River Basin Commission shall have or exercise any power or duty as a result of such additional designation to decide the merits of any matter arising under the separate laws of a signatory party (other than the Delaware River Basin Compact).

**[(d)](e) Schedule.** The Executive Director shall cause the schedule for each hearing to be listed in advance upon a 'hearing docket' which shall be posted in public view at the office of the Commission.

**(f) Notice of Hearing.** Notice of any hearing to be conducted pursuant to this article shall comply with the provisions of Section 14.4(b) of the Compact relating to public notice unless otherwise directed by the Commission.

#### Section 2.6.2 Authorization to Conduct Hearings.

**(a) Written Requests for Hearings.** Upon receipt of a written request for a hearing pursuant to this article, the Executive Director shall review the record available with regard to the action or decision for which a hearing is requested. Thereafter, the Executive Director shall present the request for a hearing to the Commission for its consideration. The Commission shall grant a request for a hearing pursuant to this article if it determines that an adequate record with regard to the action or decision is not available, the contested case involves a determination by the Executive Director or staff which requires further action by the Commission or that the Commission has found that an administrative hearing is necessary or desirable. If the Commission denies any request for a hearing in a contested case, the party seeking such a hearing shall be limited to such remedies as may be provided by the Compact or other applicable law or court rule.

**(b) Commission Directed Hearings.** This article shall be applicable to any proceeding which Commission regulation or the Commission directs be conducted in accordance with the provisions hereof.

#### 2.6.3 [ 2.6.2 ] Hearing Officer.

**(a) Generally.** Hearings shall be conducted by one or more members of the Commission, by the Executive Director, or by such other Hearing Officer as the chairman may designate, except as provided in paragraph (b) below.

**(b) Wasteload Allocation Cases.** In cases involving the allocation of the assimilative capacity of a stream:

**(1)** The Executive Director shall appoint a hearing board of at least two persons. One of them shall be nominated by the water pollution control agency of the state in which the discharge originates, and he shall be chairman. The board shall have and exercise the powers and duties of a Hearing Officer;

**(2)** A quorum of the board for purposes of the hearing shall consist of two members; and

**(3)** Questions of practice or procedure during the hearing shall be determined by the chairman.

#### [ 2.6.3 ] 2.6.4 Hearing Procedure.

**(a) Participation in the Hearing.** In any hearing, the person requesting the hearing shall be deemed an interested party and shall be entitled to participate fully in the hearing procedure. In addition, any person whose legal rights may be affected by the decision rendered in a contested case shall be deemed an interested party. Interested parties **[ The hearing officer shall have the power to rule upon offers of proof and the admissibility of evidence, to regulate the course of the hearings, and to hold conferences for the settlement or simplification of issues.**

**(b) The hearing officer shall cause each witness to be sworn or to make affirmation.**

**(c) Any party to a hearing ]** shall have the right to be represented by counsel, to present evidence and to examine and cross-examine witnesses. In addition to interested parties, any persons having information concerning a contested case or desiring to present comments concerning the subject matter of the Hearing for inclusion in the record may submit a written statement to the Commission. Any interested party may request the right to examine or cross-examine any person who submits a written statement. In the absence of a request for examination of such person, all written statements submitted shall be included within the record and such statements may be relied upon to the extent determined by the Hearing Officer or the Commission.

**(b) Powers of the Hearing Officer.** The Hearing Officer shall:

**(1) Rule upon offers of proof and the admissibility of evidence, regulate the course of the hearings, hold conferences for the settlement or simplification of procedures or issues, and shall schedule submission of documents, briefs and the time for the hearing.**

**(2) Cause each witness to be sworn or to make affirmation.**

**(3) Limit [ (d) When necessary, in order to prevent undue prolongation of the hearing, the hearing officer may limit ]** the number of times any witness may testify, **[ the ]** limit repetitious examination or cross-examination of witnesses[, ] or the extent **[ of ]** to which corroborative or cumulative testimony shall be accepted.

**(4) Exclude**

**[ (e) The hearing officer shall exclude ]** irrelevant, immaterial[, ] or unduly repetitious evidence, but the interested parties shall not be bound by technical rules of evidence[, ] and all relevant evidence of reasonably probative value may be received.

**[ (f) Any person entitled to be heard may appear and be heard in person or be represented by an attorney at law or, if the applicant is a corporation, by its corporate officer, an authorized employee, or by an attorney at law.**

**(g) Briefs and oral argument may be required by the hearing officer and shall be permitted upon request made prior to the close of the hearing by any party. They shall be ](5) Require briefs and oral arguments to the extent determined necessary which shall be included as part of the record unless otherwise ordered by the [ hearing officer ] Hearing Officer.**

**[ 2.6.4 ] 2.6.5 Staff and Other Expert Testimony.**

**(a) Presentation on Behalf of the Commission.** The Executive Director shall arrange for the presentation of testimony by the Commission's technical staff and other experts, as he may deem necessary or desirable, to incorporate in the record or support the administrative action, determination or decision which is the subject of the hearing.

**(b) [ A party to the hearing may submit the ] Expert Witnesses. An interested party may submit in writing to the Hearing Officer the report and proposed testimony of an expert witness.[, to be made part of the record, whether or not the expert is present, provided that such testimony has been reduced to writing, sworn, and copies thereof distributed to all parties appearing at the hearing. Such ] No expert report or proposed testimony, however, shall [ not be admitted whenever ] be included in the record if the expert is not [ present and ] available for [ cross- ]examination [ at the hearing ] unless the report and proposed testimony shall have been [ made available to all parties of record at least five days ] provided to the Commission and all interested parties prior to the hearing and [ all ] the Commission and interested parties have waived the right of cross-examination.**

**(c) The Executive Director may designate for inclusion in the record those records of the Commission which the Executive Director deems relevant to a decision in a contested case or to provide an understanding of applicable Commission policies, regulations or other requirements relating to the issues in the contested case. The designation of such Commission documents shall be provided to all interested parties prior to the hearing.**

**2.6.6 [ 2.6.5 ] Record of Proceedings.** A record of the proceedings and evidence at each hearing shall be made

by a qualified stenographer designated by the Executive Director. Where demanded by the applicant, objector, or any other person who is a party to these proceedings, or where deemed necessary by the Hearing Officer, the testimony shall be transcribed. In those instances where a transcript of proceedings is made, two copies shall be delivered to the Commission. The applicant, objector, or other persons who desire copies shall obtain them from the stenographer at such price as may be agreed upon by the stenographer and the person desiring the transcript.

**[ 2.6.5.1 ] 2.6.7 Assessment of Costs [ . ]; Appeals.**

**(a) Whenever an adjudicatory hearing is required, the costs thereof, as herein defined, shall be assessed by the Hearing Officer to the Hearing applicant unless apportioned between the interested parties where cost sharing is deemed fair and equitable by the Hearing Officer.** For the purposes of this section costs include all incremental costs incurred by the Commission, including, but not limited to, hearing examiner and expert consultants reasonably necessary in the matter, stenographic record, rental of **[ the hall ] a hearing room** and other related expenses.

**(b) Upon scheduling of a matter for [ adjudicatory ] hearing, the Secretary shall furnish to the applicant and/or interested parties a reasonable estimate of the costs to be incurred under this section. The applicant and/or interested parties may be required to furnish security for such costs either by cash deposit or by a surety bond of a corporate surety authorized to do business in a signatory state.**

**(c) An appeal of the assessment of costs may be submitted in writing to the Commission within ten (10) days of the assessment. A copy of the appeal shall be filed with the Secretary and served on all interested parties. The filing of said appeal shall not stay the Hearing.**

**[ 2.6.6 ] 2.6.8 Findings, and Report and Commission Review.**

**(a) The Hearing Officer shall prepare a report of his findings and recommendations. In the case of an objection to a waste load allocation, the hearing officer shall make specific findings of a recommended allocation [ of carbonaceous oxygen demand, ] which may increase, reduce or confirm the Executive Director's determination. The report shall be served by personal service or certified mail (return receipt requested) upon each party to the hearing or its counsel unless all parties have waived service of the report. The applicant and any objector may file objections to the report within 20 days after the service upon him of a copy of the report. A brief shall be filed together with any objections. The report of the Hearing Officer together with objections and briefs shall be promptly submitted to the Commission. The Commission may require or permit oral argument upon such submission prior to its decision.**

**(b) The Executive Director, in addition to any submission to the Hearing Officer, may also submit to the Commission staff comments upon, or a response to, the Hearing Officer's findings and report and, where appropriate, a draft docket or other recommended Commission action. Interested parties shall be served with a copy of such submission and may have not less than ten (10) days to respond before action by the Commission.**

**[ 2.6.7 ] 2.6.9** Action by the Commission.

(a) The Commission will act upon the findings and recommendations of the Hearing Officer pursuant to law.

(b) **Commission Counsel shall assist the Commission with its review of the hearing record and the preparation of a Commission decision to the extent directed to do so by the Chairman.**

(c) The determination of the Commission will be in writing and shall be filed together with any transcript of the hearing, report of the Hearing Officer, objections thereto, and all plans, maps, exhibits and other papers, records or documents relating to the hearing. **[ Subject to the provisions of Section 2-4.6, all ]** All such records, papers and documents may be examined by any person at the office of the Commission, and shall not be removed therefrom except temporarily upon the written order of the Secretary after the filing of a receipt therefor in form prescribed by the Secretary. Copies of any such records and papers may be made in the office of the Commission by any person, subject to such reasonable safeguards for the protection of the records as the Executive Director may require.

**6.10 Appeals from Final Commission Action; Time for Appeals.**

Any party participating in a hearing conducted pursuant to the provisions of this article may appeal any final Commission action. To be timely, such an appeal must be filed with an appropriate federal court, as provided in Article 15.1(p) of the Commission's Compact, within forty-five (45) days of final Commission action.

ARTICLE 7  
PENALTIES AND SETTLEMENTS IN LIEU OF  
PENALTIES (No change.)

ARTICLE 8  
PUBLIC ACCESS TO RECORDS AND INFORMATION  
(No change.)

ARTICLE 9  
GENERAL PROVISIONS (No change.)

**[ RESOLUTION NO. 80-11: SUSPENSION OF RULES RELATING TO ENVIRONMENTAL REVIEWS**

A RESOLUTION suspending the Rules of Practice and Procedure relating to environmental reviews.

WHEREAS, the Compact of the Delaware River Basin Commission authorizes the Commission to promote and aid the coordination of the activities and programs of the signatory parties concerning water resources administration; and

WHEREAS, the Commission, pursuant to its Compact powers adopted Resolution No. 70-23 amending its Rules of Practice and Procedure to require environmental assessments and the preparation of environmental impact statements under certain circumstances; and

WHEREAS, by Resolutions Nos. 71-7, 73-15 and 76-20, the Commission further amended its Rules of Practice and Procedure to extend the requirements relating to environmental assessments and impact statements; and

WHEREAS, the provisions concerning environmental assessments and the preparation and processing of environmental impact statements are

now generally set forth in Article 4 of the Commission's Rules of Practice and Procedure as revised; and

WHEREAS, for the past two budget periods the Commission has been unsuccessful in obtaining adequate financial support for the continued implementation of the environmental impact statement program from the signatory parties as is evidenced by the reports prepared and submitted to the Commission by its Executive Director; and

WHEREAS, efforts to obtain financing from the U.S. Congress for the fiscal period 1980 did not succeed and the sum of \$126,000 included by the U.S. House of Representatives for this purpose was specifically eliminated by congressional action; and

WHEREAS, Commission efforts to obtain financial support from the U.S. Congress for fiscal period 1981 has also not succeeded; and

WHEREAS, the signatory state members have not been provided adequate funds from their appropriations for this purpose; and

WHEREAS, the Commission does not have available to it sufficient financial resources to permit the continuation of this program at the present time and to carry out its responsibilities mandated by the Compact; and

WHEREAS, an appropriate agency of the executive branch of the federal government can assume the "lead agency" and other environmental assessment functions for significant projects within the basin involving federal loans, grants or permits; and

WHEREAS, the Commission continues to be sensitive to, and recognizes the importance of, environmental aspects of projects which it reviews, and intends to continue to consider such issues within the procedures established by the Compact, consistent with budget and staff constraints; now therefore,

**BE IT RESOLVED** by the Delaware River Basin Commission:

1. The Rules of Practice and Procedure are hereby suspended as follows:

(a) Except to the extent hereafter provided, Article 4 and the provisions of Sections 2-3.5 and 2-3.9 of the Commission's Rules of Practice and Procedure relating to environmental assessments are hereby suspended until further action of the Commission. To the extent that federal law may require the conduct of environmental assessments and the preparation of environmental impact statements, the Commission shall request appropriate agencies of the signatory parties to prepare such assessments and to make available all their findings and conclusions to the Commission. The Commission shall not act as lead agency for environmental assessments and the preparation of environmental impact statements unless funding therefor is expressly provided by Commission action or otherwise approved by the Commission.

(b) The provisions of Article 3 and Article 4 which would otherwise be suspended by paragraph 1 of this resolution shall remain in full force and effect in connection with the Level B Study, and the Merrill Creek and Point Pleasant projects and shall ]

[be applicable to the environmental assessments which are now in process and any environmental impact statements which such assessments may require or which are now being prepared. Such assessments and statements shall be completed in accordance with the Commission's Rules of Practice and Procedure concerning environmental matters.

(c) All reviews of projects under Section 3.8 of the Delaware River Basin Compact conducted while the suspension provided for in this resolution remains in effect shall be without reference to the requirements of the Comprehensive Plan established in Resolution No. 71-6 (Section 1.10.2 of the Water Code) except to the extent that environmental information is otherwise available from agencies of the signatory parties.

2. The Executive Director and Commission staff are hereby directed to review those sections of the Rules of Practice and Procedure which are hereby suspended, and to prepare proposed revisions of such sections as might permit the Commission to reinstate environmental assessments on an amended basis provided necessary financial resources are developed.]

DIRK C. HOFMAN, *pro tem*  
Chairman

W. BRINTON WHITALL,  
Secretary

SUSAN M. WEISMAN,  
Secretary

**Fiscal Note:** 68-35. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART V. DELAWARE RIVER BASIN COMMISSION

#### CHAPTER 901. GENERAL PROVISIONS

#### § 901.1. Rules of practice and procedure.

The rules of practice and procedure as set forth in 18 CFR part 401 ([ 1994 ] 1997) are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 97-1473. Filed for public inspection September 12, 1997, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 21]

### State Forests

The Department of Conservation and Natural Resources (Department) proposes to amend Chapter 21 (relating to general provisions). The proposed amendments would modernize the State Forest regulations which have not been updated in more than 25 years. The proposed revisions will allow the Department to better manage the use of State Forest land and to protect fragile ecosystems.

#### 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 Warren A. Ely, Chief, Division of State Forest Management, P. O. Box 8552, Rachel Carson State Office Building, Harrisburg, PA 17105-8552, (717) 787-2014, or Susan Wood, Assistant Counsel, P. O. Box 8767, Rachel Carson State Office Building, Harrisburg, PA 17105-8767, (717) 772-4171. Information regarding submitting comments on this proposal appears in Section I 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).

#### C. Statutory Authority

The proposed rulemaking is being made under the authority of section 313 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.102—1340.1103) which directs the Department to formulate, adopt and promulgate regulations regarding conduct on State Forest land.

#### D. Background and Purpose

The regulations which govern conduct on State Forest land have not been revised for more than 25 years. In their current form, they are badly outdated and are no longer sufficient to allow the Department to protect and control the use of State Forest land. The recreational and commercial use of State Forest land has increased dramatically in the last quarter century and these revisions are sorely needed. The Department's Advisory Council has reviewed the revisions and generally agrees that they are needed.

#### E. Summary of Regulatory Requirements

The following is a summary, by sections, of the significant changes:

*Section 21.1 (Definitions):* Definitions of the following terms are added: "State Forest land," "commercial activity," "group activity," "pack animal" and "State Forest designated hiking trail."

*Section 21.12 (Mooring and launching):* Subsection (d) allows boaters to launch small watercraft such as canoes and rubber rafts from any point on the shoreline. However, to protect the environment, boats on trailers must be launched from designated launch areas.

*Section 21.21 (Motor vehicles):* Subsection (b) prohibits operating motor vehicles on roads, trails and other areas not designated for their use. From a practical standpoint, this section will have little impact on the using public. However, it will make enforcement more efficient and will cause the Department's rules and regulations to be identical to the Game Commission's thereby reducing confusion among visitors to both agencies' lands.

The proposed added wording in subsection (d) will allow adjoining landowners to receive commercial deliveries, such as fuel oil, without the necessity of obtaining a Road Use Agreement.

*Section 21.23a (All-terrain vehicles):* This proposed new section cites the law under which all-terrain vehicles may be operated and, reflecting existing practice, states the times of year they may be operated. All-terrain vehicles are prohibited from April 2 until the Friday before Memorial Day in order to protect the forest resource

during the spring when soils are saturated and also to avoid possible conflict with spring gobbler season.

*Section 21.23b (Trail bikes and other motorized off-road vehicles):* New language is proposed to be added to address the possibility that, in the future, facilities may be provided for trail bikes and other motorized off-road vehicles.

*Section 21.24 (Spark arrestors):* Needless technical language is proposed to be deleted and replaced with a simple statement that functional spark arrestors on all motorized vehicles including all-terrain vehicles, trail bikes and other off-road motor vehicles are required.

*Section 21.25 (Parking):* This is a new proposed section that replaces paragraph (4) of § 21.21. It expands the areas where parking is prohibited. It will allow State Forest Officers to issue parking tickets instead of requiring a citation to be issued or filed. This will have the benefit of avoiding court costs for the person who parks in prohibited areas. This section is also found in the regulations of the Bureau of State Parks.

*Sections 21.26 and 21.27 (Horses, pack animals; bicycles, person-powered vehicles):* These proposed new sections prohibit horses, pack animals and bicycles from the two National hiking trails and the 18 State Forest designated hiking trails unless posted as open to the use. Those specific trails are maintained by volunteers from the hiking community and horses and bicycles have the capability to cause severe damage where the trails pass through fragile ecosystems.

*Section 21.31 (Prohibitions):* The language in this section is proposed to be expanded to provide for protection of a broader array of products of the forest. Also, the provisions of former § 21.70 (relating to removal of plants) have been included here.

*Section 21.61 (Camping permit):* This proposed revision would require that a camping permit be acquired by all campers on State Forest land. This will allow the Department to do a better job in monitoring camping activity. In addition, since camping continues to increase dramatically, it may be necessary in the future to control numbers. Requiring a camping permit will allow the Department to do that. At present, camping permits are free. There is no plan to charge for them in the near future.

*Section 21.62 (Open fires):* Since the spring and fall are normally the times of year when the danger of wildfires is at its highest, open fires are prohibited during these periods unless authorized by the District Forester.

*Section 21.65 (Target shooting):* Pennsylvania game laws do not define "approved targets." Therefore, the proposed new wording in this section prohibits target shooting whenever there is a possibility of injuring or damaging people, animals, trees or property.

*Section 21.67 (Posting and soliciting):* Soliciting is proposed to be added as being prohibited on State Forest land without the permission of the Department.

*Section 21.69 (Swimming):* Reserved. The prohibition against swimming is proposed to be deleted as being too restrictive and, for the most part, unenforceable.

*Section 21.70 (Removal of plants):* This section is proposed to be incorporated into § 21.31 (relating to prohibitions) and is therefore reserved.

*Section 21.70a (Snow plowing):* This is a proposed new section. It prohibits snow plowing without the written permission of the District Forester or a representative because many State Forest roads also serve as snowmobile trails. In addition, plowing earthen roads can lead to damage due to increased traffic on wet roads.

*Section 21.73 (Pets):* This is a proposed new section that permits pets on State Forest land, but requires that they be kept under control at all times. This is to insure the safety of State Forest visitors and wildlife.

*Section 21.74 (Disorderly conduct):* This is a proposed new section that allows State Forest officers to take action when disorderly conduct occurs.

*Section 21.75 (Sanitation):* This is a proposed new section that is intended to protect the waters on State Forest land and to protect the health of State Forest visitors.

*Section 21.76 (Feeding of wildlife):* This is a proposed new section that limits wildlife feeding in compliance with 34 Pa.C.S. (relating to Game and Wildlife Code).

*Section 21.77 (Commercial activity):* This new proposed section prohibits selling, distributing, delivering, servicing, guiding or renting any equipment, material or commodity or otherwise engaging in commercial activity on State Forest land without the approval of the District Forester.

*Section 21.78 (Group activities):* This proposed new section reflects the Department's current policy of prohibiting group activities on State Forest land without the written permission of the District Forester.

*Section 21.79 (Structures):* This proposed new section prohibits building or erecting structures or memorials or engaging in construction or excavation activity without the written authorization of the Department. This language reflects current State Parks' regulations.

*Section 21.80 (Trespass):* This proposed new section adds a trespass provision and the means to enforce it. It corrects the current situation in which State Forest officers are sometimes severely hampered in the performance of their duties. A similar provision is included in the regulations of the Bureau of State Parks.

No companion Federal regulations exist.

Beginning in January 1998, the Department will hold a series of informational public meetings across this Commonwealth. In addition, copies of the proposed revisions will be mailed to special interest and user groups such as hiking, snowmobiling and equestrian user groups. Finally, a press release concerning the proposed amendments will be prepared.

#### F. Benefits, Costs and Compliance

##### Benefits

The revisions to the State Forest regulations will provide for improved protection of the forest resource and to the public recreating on State Forest land. Therefore, all citizens will benefit from their adoption.

##### Compliance Costs

Visitors to State Forest land will be required to comply with the regulations governing conduct. However, there will be no cost to them arising from compliance. There will be a minimal cost to the Department in that it will be necessary to revise some existing signs and create a few new ones.



*Compliance Assistance Plan*

Not applicable.

*Paperwork Requirements*

There will be a modest increase in the number of camping permits issued.

*G. Sunset Review*

These proposed amendments will be reviewed in accordance with the sunset review schedule to be developed by the Department to determine whether the proposed amendments effectively fulfill the goals for which they were intended.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 2, 1997, the Department submitted a copy of the 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 10 days of the close of the Committees' 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 the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

*I. Public Comments*

Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Department by November 12, 1997.

*J. Public Meetings*

The Department will hold four public meetings for the purpose of explaining the proposed rulemaking and responding to questions. They will be held at 7 p.m. on the following dates and locations:

September 22, 1997, at the Landisburg Fire Company off of Route 850 in Landisburg, PA.

September 24, 1997, at the Wellsboro Fire Company on East Avenue in Wellsboro, PA.

September 25, 1997, at the Ramada Inn at Exit 10 of the Pennsylvania Turnpike in Somerset, PA.

September 29, 1997, at the Delaware Forest District Office located on Route 611 in Swiftwater, PA.

No formal record of questions or comments will be kept for these meetings.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Warren A. Ely directly at (717) 787-2014 or

through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

**Fiscal Note:** 7B-1. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 17. CONSERVATION AND NATURAL RESOURCES****PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES****Subpart C. STATE FORESTS****CHAPTER 21. GENERAL PROVISIONS****PRELIMINARY PROVISIONS****§ 21.1. Definitions.**

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

[ **Bureau**—The Bureau of Forestry of the Department. ]

**Commercial activity**—An activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

**District Forester**—The Department's Bureau of Forestry employe so designated.

**Group activity**—An organized activity occurring as a scheduled event and requiring a large land area or unique land formation and which may conflict with normal or traditional uses or pose a potential environmental problem.

**Pack animal**—A horse, mule, donkey or other heavy beast of burden.

**State Forest designated hiking trail**—Any trail on State Forest land which is listed as a major named hiking trail in the State Forest resource plan and posted as a State Forest designated hiking trail.

**State Forest land**—Land which is owned or leased by the Commonwealth and which is administered by the Bureau of Forestry.

**§ 21.2. Scope.**

This chapter applies to State [ **forests in the Commonwealth under the jurisdiction of the Department** ] Forest land.

**§ 21.3. Violations.**

(a) A person is guilty of a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) if that person commits an act which is prohibited by § 21.21 (relating to [ **licensed** ] motor vehicles).

\* \* \* \* \*

**BOATING****§ 21.11. Use.**

Unless posted otherwise, all waters on State Forest land [ **shall be** ] are open for the operation of watercraft. Operation of watercraft in waters posted against [ **such** ] this operation [ **shall be** ] is prohibited.

**§ 21.12. Mooring and launching.**

(a) Overnight mooring or storage of watercraft from November 15 through March 31 **[ shall be ]** is prohibited **except on lands leased from the Commonwealth.**

(b) The launching or mooring of watercraft on **[ waters ] lakes and ponds** in State Forests requires the appropriate valid State Recreation Area Watercraft Permit affixed aft of amidship on the starboard—right-side.

\* \* \* \* \*

(d) **[ Fees are as follows:**

- (1) Mooring Permit \$15/year**
- (2) Launching Permit \$5.00/year**
- (3) Boat Dock Permit \$5.00/year ]**

**Small, hand-carried boats, rafts and canoes may be launched from any point on the shoreline. Boats on trailers may be launched only at designated launch areas.**

(e) **[ Boat launching shall be prohibited at other than designated launching areas.**

(f) **[ (e) Boat mooring [ shall be ] is prohibited at other than designated mooring areas.**

**§ 21.13. Motorized boats.**

Use of motors, except electric motors, for the propulsion of watercraft **[ shall be ]** is prohibited.

**MOTORIZED VEHICLES**

**§ 21.21. [ Licensed motor ] Motor vehicles.**

(a) **This section pertains to motor vehicles other than those addressed in §§ 21.22, 21.23a and 21.23b (relating to snowmobiles; all-terrain vehicles; and trail bikes and other motorized off-road vehicles).**

(b) **[ Licensed motor vehicles shall be permitted on State Forest roads open to public travel. ]** Operation of motor vehicles on State Forest land in the following manners **[ shall be ]** is prohibited:

(1) Operation of **[ any ]** a motor vehicle in **[ a reckless or negligent manner, ]** careless disregard for the safety of persons or property, or in excess of posted speed limits or, where no speed limit is posted, in excess of 25 miles per hour.

(2) **Driving on roads, trails or other areas not specifically designated and posted for motor vehicle traffic unless authorized in writing by the District Forester or a designee.**

**[ (2) ] (3) Driving on roads, trails[ , ] or other areas closed to [ vehicular traffic ] motor vehicles by posted signs or barriers.**

**[ (3) ] (4) The use of State Forest roads for commercial purposes without a Road Use Agreement from the Department. An individual or corporation whose property adjoins State Forest land is not required to obtain a Road Use Agreement to use State Forest roads for incidental commercial purposes to make deliveries to the property.**

**[ (4) Parking a vehicle in front of gates or on roads in such a manner as to interfere with the free use of the gate or the road. ]**

(5) Operating unlicensed **[ or ]**, unregistered **or uninspected** motor vehicles on State Forest **[ roads open to public travel ]** land.

**§ 21.22. Snowmobiles.**

(a) Snowmobiling **[ shall be ]** is permitted in accordance with 75 Pa.C.S. Chapter 77 (relating to snowmobiles) **and this section.**

(b) Snowmobiles may be operated on designated snowmobile roads, designated trails[ , ] and designated **and posted** areas on State Forest land from the day following the last day of **regular or extended** antlerless deer season as established by the Game Commission until the following April 1, **inclusive**, or earlier, as determined by **[ snow conditions ] the District Forester.**

(c) Operation of snowmobiles on **[ any ]** a road, trail[ , ] or area not **[ specially ] specifically** designated **and posted** for snowmobile use or at any time of year in which snowmobiling **[ shall ]** is not **[ be ]** permitted under this section **[ shall be ]** is prohibited.

**§ 21.23. Trail bikes[ , ] and other motorized off-road vehicles.**

**This section pertains to motorized off-road vehicles other than those addressed in §§ 21.22 and 21.23a (relating to snowmobiles; and all-terrain vehicles).**

**[ (a) ] (1) Trail bikes[ , ] and other motorized off-road vehicles [ , and all other similar motorized recreation vehicles ]** may be operated only on **[ designated ]** roads, **[ designated ]** trails[ , ] or **other** areas **[ which ]** that have been **specifically** designated **and posted** for their use.

**[ (b) ] (2) [ Unless authorized in writing by the Bureau, all such vehicles are excluded from State Forest land between September 25 and the day following the last day of antlerless deer hunting season, inclusive, as established by the Game Commission. ] Trail bikes and other motorized off-road vehicles may be operated only during the times of year authorized by the Department's Bureau of Forestry by posted signs.**

**[ (c) ] (3) Operation of trail bikes[ , off-road vehicles, ] and [ all ] other [ similar ] motorized [ recreation ] off-road vehicles on any road, trail[ , ] or other area not [ specially ] specifically designated and posted for their use, or at any time of the year in which their use is excluded under this section [ shall be ], is prohibited.**

**§ 21.23a. All-terrain vehicles.**

(a) **The operation of all-terrain vehicles is permitted in accordance with 75 Pa.C.S. Chapter 77 (relating to all-terrain vehicles) and this section.**

(b) **All-terrain vehicles may be operated on designated and posted roads, trails and other areas from the Friday before Memorial Day until September 24, inclusive, and from the day following the last day of the regular or extended antlerless deer season as established by the Game Commission until April 1, inclusive.**

(c) **Operation of all-terrain vehicles on a road, trail or area not specifically designated and posted**

for all-terrain vehicle use, or at any time of year in which all-terrain vehicle use is excluded under this section is prohibited.

§ 21.24. Spark arrestors.

[ (a) All trail bikes, off-road vehicles, and other similar motorized recreation vehicles operating in, on, or through State Forest land shall have an approved, properly installed spark arrestor which shall meet and be qualified to either of the following:

(1) The United States Department of Agriculture, Forest Service Standard 5100-1a.

(2) The 80% efficiency level when determined in accordance with the appropriate SAE recommended practices J335 or J350 noise level restrictions.

(b) The United States Forest Service publication, *Spark Arrestor Guide*, will be used as the reference sources in determining whether or not a spark arrestor is approved.

(c) Operation of any trail bike, off-road vehicle, or other similar motorized recreation vehicle in, on, or through State Forest land without an approved spark arrestor shall be prohibited. ]

Operation of any motorized vehicle, all-terrain vehicle, trail bike or other motorized off-road vehicle in, on or through State Forest land without a fully functional spark arrestor is prohibited.

§ 21.25. Parking

(a) Parking a motor vehicle, all-terrain vehicle, snowmobile, trail bike, other motorized off-road vehicle, boat trailer, camp trailer or other equipment which obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround on State Forest land is prohibited.

(b) Violations of this section will be handled as follows:

(1) Prior to the filing of a citation charging a summary offense under this section, the Department may issue a parking ticket, which will be handed to the violator or placed on the windshield of the violator's vehicle. The violator may avoid criminal proceedings by paying a charge to the Department, equivalent to the maximum fine as provided in 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic), within 5 days of the violation in the manner specified on the ticket.

(2) When a parking ticket has been issued, the Department may institute criminal proceedings only upon failure of the violator to pay the charge in accordance with the time limit specified in paragraph (1) and in the manner specified on the ticket.

(3) When a parking ticket has not been issued, the Department may institute criminal proceedings by issuing a citation.

ANIMALS AND NONMOTORIZED VEHICLES

§21.26. Horses and pack animals.

Horses and pack animals are permitted on State Forest land with the following exceptions:

(1) National and State Forest designated hiking trails unless posted as being open to their use.

(2) A road, trail or other area posted against the use of the animals.

§ 21.27. Bicycles and person-powered vehicles.

Bicycles and person-powered vehicles are permitted on State Forest land with the following exceptions:

(1) National and State Forest designated hiking trails unless posted as being open to their use.

(2) A road, trail or other area posted against the use of the vehicles.

[ FUEL WOOD ]

FOREST PRODUCTS

§ 21.31. [ Permit ] Prohibitions.

[ Cutting and removing any wood from State Forest land without a permit issued by the District Forester or his designee shall be prohibited. ] The following activities are prohibited:

(1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead plant, vine, shrub, tree or flower on State Forest land without written authorization of the District Forester or a designee, except that berries, nuts, leeks and mushrooms may be gathered without authorization if they are gathered for one's own personal or family consumption.

(2) Removing rocks, shale, sand, clay, soil or other mineral products from State Forest land without written authorization of the District Forester or a designee.

(3) Removing peat, sawdust, bark, mulch or other products from State Forest land without written authorization of the District Forester or a designee.

(4) Removing or disturbing historical or archeological resources from State Forest land without written authorization of the District Forester or a designee.

§ 21.32. Designated trees.

Cutting or removal of other than designated or marked trees [ shall be ] is prohibited.

§ 21.33. Cutting practices.

(a) The stump height of cut trees [ shall ] may not exceed the diameter of the stump or 12 inches whichever is smaller.

(b) All tops and slash shall be removed 25 feet from streams, roads, trails and State Forest boundaries.

(c) [ The use of unauthorized cutting practices or the ] The blocking of drainage ditches [ along forest roads or streams ], pipes and other structures with tops and slash [ shall be ] is prohibited.

§ 21.34. Removal.

[ (a) ] The removal of fuel wood and other forest products from the forest by [ means ] the use of tractors, skidders or any method other than hand carrying [ shall be ] is prohibited [ unless otherwise authorized in writing by ] without written authorization of the District Forester or a designee.

[ (b) All wood of greater than 4-inch diameter from a felled tree must be removed. ]

§ 21.35. [ Liability ] (Reserved).

[ The Commonwealth will not be liable for any accidents, injuries or damages incurred by or caused by the permittee in cutting and removing fuel wood. ]

MISCELLANEOUS PROVISIONS

§ 21.61. Camping permit.

Camping is defined as overnight lodging using standard camping equipment. Camping without a current camping permit issued by the District Forester or [ his ] a designee is prohibited. [ ; provided, however, that primitive backpack campers not using developed facilities shall not need a permit if they stay no more than one night at any campsite. ]

§ 21.62. Open fires.

(a) [ Small fires for cooking or warming purposes shall be ] Subject to the prohibition in subsection (b), small campfires are permitted only [ at places ] where adequate precautions are taken to prevent the spread of fire into the forest [ ; all ]. All other fires are prohibited. Campfires shall be attended at all times.

(b) [ All open ] Open fires [ of any kind shall be ] are prohibited when the forest-fire danger is [ posted as ] determined by the District Forester to be High, Very High or Extreme and from March 1 to May 25, inclusive and from October 1 to December 1, inclusive, without authorization from the District Forester or a designee.

(c) A person causing a wildfire, in addition to possible criminal penalty, [ shall be ] is liable for all damages, costs of extinction [ , ] and fines.

§ 21.63. Hunting and trapping.

(a) Hunting [ shall be ] and trapping on State Forest land are permitted in accordance with current Pennsylvania game laws [ on all areas ] and regulations unless otherwise posted.

(b) Hunting and trapping in violation of posted closure or special restriction notices [ shall be ] are prohibited.

§ 21.64. Fishing.

(a) Fishing [ shall be ] in waters on State Forest land is permitted in accordance with current Pennsylvania fish and boat laws and regulations, unless otherwise posted.

(b) Fishing in violation of posted closure or special restriction notices [ shall be ] is prohibited.

§ 21.65. Target shooting.

Target shooting with firearms [ or ], bows and arrows [ at other than protected and approved targets and in conformity with the Pennsylvania game laws shall be prohibited ] or devices capable of launching projectiles and causing injury to persons or property is prohibited at any location where it could cause or threaten injury, damage or disturbance to a person, animal, living tree, sign, structure or equipment.

§ 21.66. Destruction of property.

Damaging, defacing or removing any sign, structure, equipment or other material [ shall be ] is prohibited.

§ 21.67. Posting and soliciting.

Posting of signs or soliciting without [ the permission of the Department ] written authorization of the District Forester or a designee is prohibited.

§ 21.68. Littering and disposal.

Littering [ of areas with ] or disposal of garbage, paper, household refuse, waste or other [ waste ] material of any kind is prohibited.

§ 21.69. [ Swimming ] (Reserved).

[ Unless otherwise authorized, swimming shall be prohibited in all dams, ponds, lakes and streams on State Forest lands. ]

§ 21.70. [ Removal of plants ] (Reserved).

[ Picking, digging, cutting, damaging or removing any living plant, vine, shrub or tree or flower thereof shall be prohibited unless authorized by written permit from the Department. ]

§ 21.70a. Snow plowing.

The plowing or removal of snow from State Forest land without written authorization of the District Forester or a designee is prohibited.

§ 21.71. Closure.

(a) Areas or portions of a State Forest or State Forest facilities may be closed or restricted to certain [ specified ] uses by the [ Department ] District Forester or a designee.

(b) [ Restricted areas or facilities will be conspicuously posted to inform the public of the restricted use of the area. ] The public will be informed of the closed or restricted areas or facilities by any form of communication, which may include posted signs, or by fencing or other enclosure manifestly designed to exclude intruders.

(c) Violation of the closure or restriction notices under subsection [ (a) ] (b) is prohibited.

§ 21.72. Closure because of fire danger.

(a) [ In the event ] If the forest-fire danger rating is Very High or Extreme, [ the Director of the Bureau may close ] all or portions of the State Forest may be closed to certain specified uses.

\* \* \* \* \*

§ 21.73. Pets.

Pets are permitted on State Forest land if they are kept under control and attended at all times.

§ 21.74. Disorderly conduct.

The following are prohibited:

(1) Fighting, threatening, violent or tumultuous behavior.

(2) The possession or consumption of alcoholic beverages by persons under 21 years of age.

**§ 21.75. Sanitation.**

The use of water outlets, springs, lakes or waterways for washing purposes, or the discharge of trailer, camper or motor home sewage, sink water or bath water on or into the ground or surface waters, is prohibited.

**§ 21.76. Feeding of wildlife.**

(a) Feeding of wildlife, except for elevated song-bird feeders of less than one-half bushel capacity, is prohibited on State Forest land from 30 days prior to the beginning of spring gobbler season until the day following the last day of flintlock muzzleloader deer season.

(b) Placing of wildlife feeders of more than one-half bushel capacity on State Forest land without the authorization of the District Forester or a designee, is prohibited.

**§ 21.77. Commercial activity.**

Selling, distributing, delivering, servicing, guiding or renting any equipment, material or commodity or otherwise engaging in commercial activity on State Forest land without written authorization of the District Forester or a designee is prohibited.

**§ 21.78. Group activities.**

Group activities are prohibited without written authorization of the District Forester or a designee.

**§ 21.79. Structures.**

Building or erecting a structure or memorial, or engaging in construction or excavation activity, without written authorization of the Department is prohibited.

**§ 21.80. Trespass.**

(a) A person who violates this chapter or disregards instructions or warnings given by a State Forest officer or interferes with a State Forest officer in the performance of the duties of the officer may be ordered to leave State Forest land.

(b) A person who refuses to leave State Forest land, after receiving an order to leave from a State Forest officer, commits an act of criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass).

[Pa.B. Doc. No. 97-1474. Filed for public inspection September 12, 1997, 9:00 a.m.]

## DEPARTMENT OF REVENUE

[61 PA. CODE CH. 93]

### Inheritance Tax; Disclaimers of Nonprobate Taxable Assets

The Department of Revenue (Department), under the authority contained in section 2103 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 9103), proposes to add § 93.81 (relating to disclaimers of nonprobate taxable assets), to read as set forth in Annex A.

Section 2103(a) of the TRC provides that the Department may adopt and enforce rules and regulations for the

just administration of Article XXI of the TRC (72 §§ 9101—9106) Inheritance Tax.

#### *Purpose of Regulation*

Based on the decision and order received from Commonwealth Court in *In Re Estate of Bernecker*, 654 A.2d 246 (Pa. Cmwlth. 1995), the Department is revising its policy on the effectiveness of disclaimers of nonprobate taxable assets for Commonwealth Inheritance Tax purposes.

#### *Explanation of Regulatory Requirements*

Section 93.81(b) sets forth specific conditions which the Department will utilize in determining whether a disclaimer executed in regard to nonprobate taxable assets and nontrust assets of resident decedents is valid for Commonwealth Inheritance Tax purposes when made either by the disclaiming party or the personal representative of the deceased individual or the guardian or attorney-in-fact of the incapacitated person or minor to whom the interest, absent the disclaimer, would have devolved.

#### *Fiscal Impact*

The Department has determined that the revenue impact of the proposed regulation may be a nominal loss to the Commonwealth. In most cases, disclaimers are used to reduce the beneficiary's Federal Estate Tax, rather than Pennsylvania Inheritance Tax. Use of disclaimers would most likely be by beneficiaries whose rate or level of taxation would exceed that of parties receiving assets through probate. It is believed that disclaimers from lower rates of tax to higher rates of tax through the estate would be rare.

#### *Paperwork*

The proposed regulation will not generate significant additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

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

#### *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed regulation to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days of the date of the publication of this notice in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 3, 1997, the Department submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed regulation, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the Department within 10 days of the close of the Committees' 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 of objections raised, prior to final publication of the regulation, by the Department, the General Assembly and the Governor.

ROBERT A. JUDGE, Sr.,  
Secretary

**Fiscal Note:** 15-390. (1) General Fund; (2) Implementing Year 1997-98 is \$Minimal Revenue Loss; (3) 1st Succeeding Year 1998-99 is \$Minimal Revenue Loss; 2nd Succeeding Year 1999-00 is \$Minimal Revenue Loss; 3rd Succeeding Year 2000-01 is \$Minimal Revenue Loss; 4th Succeeding Year 2001-02 is \$Minimal Revenue Loss; 5th Succeeding Year 2002-03 is \$Minimal Revenue Loss; (4) FY 1995-96 \$Non-Applicable; FY 1994-95 \$; FY 1993-94 \$; (8) recommends adoption. This proposed regulation is in response to a Commonwealth Court decision that makes disclaimers of nonprobate taxable assets valid in certain instances. Properly executed disclaimers could result in a minimal loss of revenue to the General Fund.

#### Annex A

### TITLE 61. REVENUE

#### Part I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE IV. COUNTY COLLECTIONS

#### CHAPTER 93. INHERITANCE TAX DIVISION

#### Subchapter B. ENTRY INTO SAFE DEPOSIT BOX PENALTIES

#### § 93.81. Disclaimers of nonprobate taxable assets.

(a) *General.* The Department is revising its policy on the validity of disclaimers of nonprobate taxable assets for Pennsylvania Inheritance Tax purposes to reflect the decision and order received from the Commonwealth Court in *In Re Estate of Bernecker*, 654 A.2d 246 (Pa. Cmwlth. 1995).

(b) *Scope.*

(1) Disclaimers executed with regard to nonprobate taxable assets of resident decedents, including rights of survivorship interests in multiple-party accounts, titled tangible personal property or real estate, beneficial interests in third-party beneficiary contracts (that is, retirement benefit plans, annuity contracts, individual retirement accounts, Keogh plan proceeds, matured endowment insurance policies and certain out-of-State government lottery contracts) and inter vivos gifts are valid for Pennsylvania inheritance tax purposes if the following apply:

(i) They are made either by the disclaiming party or the personal representative of the deceased individual or the guardian or attorney-in-fact of the incapacitated person or minor to whom the interest, absent the dis-

claimer, would have devolved.

(ii) The applicable conditions in paragraphs (3)—(7) have been met.

(2) The same rule applies to nonresident decedents with nonprobate taxable assets subject to Pennsylvania Inheritance Tax.

(3) The disclaimer shall be in writing and shall satisfy the requirements of 20 Pa.C.S. Chapter 62 (relating to disclaimers) in effect at the time the disclaimer is made.

(4) The disclaimer shall be signed and dated within 9 months of the date of death of the decedent whose interest is being disclaimed. (*See In Re Pomerantz' Estate*, 28 D. & C.3d 521 (Montg. 1983)).

(5) The disclaimer shall be signed and dated by the individual, his personal representative if the individual seeking to disclaim has died, or the guardian or attorney-in-fact of an incapacitated individual or minor.

(6) If the disclaimer is made by the personal representative, the guardian of an incapacitated or minor person, or the attorney-in-fact of the person whose interest is being disclaimed, the petition required by 20 Pa.C.S. § 6202 (relating to disclaimers by fiduciaries or attorneys-in-fact) shall be filed with the applicable county orphans' court within 9 months of the date of death of the decedent whose interest, absent the disclaimer, would have devolved. (*See, McGrady Estate*, 42 D. & C.2d 519, 17 Fiduc. Rep. 408 (O.C. Phila. 1967) and *In Re Pomerantz' Estate*, 28 D. & C.3d 521 (O.C. Montg. 1983)).

(7) A personal representative may make a disclaimer on behalf of a decedent without court authorization if the following apply:

(i) The will of the decedent authorizes the personal representative to do so (*See* 20 Pa.C.S. § 6202).

(ii) A copy of the probated last will and testament is attached to the Inheritance Tax return filed with the Department.

(iii) The disclaimer is signed and dated within 9 months of the date of death of the decedent as provided in section 2116(c) of the TRC (72 P.S. § 9116 (c)) and paragraph (4).

(8) Notice of the filing of an estate's first and final account and of its call for audit or confirmation shall include notice of the disclaimer of the decedent's devolved interest, including the written disclaimer of any nonprobate taxable assets of the decedent, under section 2116(c) of the TRC. The notice shall be given to Office of Chief Counsel, Pa. Dept. of Revenue, Dept. 281061, Harrisburg, Pennsylvania 17128-1061.

[Pa.B. Doc. No. 97-1475. Filed for public inspection September 12, 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 September 2, 1997.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-28-97	F.N.B. Corporation, Hermitage. To acquire up to 20.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove	Hermitage	Approved

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-27-97	Johnstown Bank and Trust Company, Johnstown; Laurel Bank, Ebensburg; and Fayette Bank, Uniontown Surviving Institution— Johnstown Bank and Trust Company, Johnstown, with a change in corporate title to Laurel Bank	Johnstown	Filed
8-28-97	Northwest Savings Bank, Warren, and Northwest Interim Savings Bank I, Warren Surviving Institution— Northwest Savings Bank, Warren  Subject merger is being effected solely in connection with the two-tier reorganization of Northwest Bancorp, M.H.C., Warren.	Warren	Approved
8-28-97	Harris Savings Bank, Harrisburg, and Harris Interim Savings Bank I, Harrisburg Surviving Institution— Harris Savings Bank, Harrisburg  Subject merger is being effected solely in connection with the two-tier reorganization of Harris Financial, MHC, Harrisburg.	Harrisburg	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-29-97	Fulton Bank Lancaster Lancaster County	Oregon Dairy Farm Market 2900 Oregon Pike Manheim Township Lancaster County	Filed

##### Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-2-97	Three River Bank and Trust Company Jefferson Borough	<i>To:</i> 269 Clairton Blvd. (West Mifflin) Pittsburgh Allegheny County  <i>From:</i> 5253 Brownsville Road (Baldwin) Pittsburgh Allegheny County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-26-97	Summit Bank Bethlehem Northampton County	55 Blue Valley Dr. Bangor Northampton County	Approved
8-29-97	Wayne Bank Honesdale Wayne County	Jackson Street Thompson Susquehanna County	Effective
9-2-97	Summit Bank Bethlehem Northampton County	3900 Hamilton Blvd. Allentown Lehigh County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-29-97	The Fidelity Deposit & Discount Bank Dunmore Lackawanna County	To provide for the acquisition of fiduciary powers.	Approved Effective 9-2-97

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-1476. Filed for public inspection September 12, 1997, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

#### (Part I Permits)

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

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

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

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

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

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



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


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

**PA 0031178.** Sewage, **Melody Lakes Properties**, 1045 North West End Boulevard, Lot No. 10, Quakertown, PA 18951.

This application is for renewal of an NPDES permit to discharge 72,000 gpd of treated sewage from Melody Lakes Properties Sewage Treatment Plant, in Richland Township, **Bucks County**. This is an existing discharge to an unnamed tributary to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 72,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	50
Ammonia (as N)		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Phosphorus (as P)	0.5	1.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
(Issuance through Year 2)	0.8	2.0
(Year 3 through Expiration)	0.03	0.1

The EPA waiver is in effect.

*Other conditions:* Conditions for future permit modification. Effective disinfection. Final water quality based effluent limitations for Total Residual Chlorine.

**PA 0050962.** Sewage, **Ridge View Terrace, Inc.**, 165 West Ridge Pike, Limerick, PA 19468.

This application is for renewal of an NPDES permit to discharge treated sewage from Ridge View Terrace Mobile Home Park sewage treatment plant in Limerick Township, **Montgomery County**. This is an existing discharge to Landis Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of .016 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus (as P)	2.0	4.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine		
(years 1 and 2)	1.0	1.5
(years 3, 4 and 5)	0.5	1.0

The EPA waiver is in effect.

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

**PA 0039861.** Reconstituted tobacco, SIC: 2121, **Consolidated Cigar Corporation**, McAdoo-Tresckow Road, McAdoo, PA 18237.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater and contact cooling water to a wet weather channel to Catawissa Creek in Banks Township, **Carbon County**.

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

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

*Outfall 101*—Waste Treatment Plant: The proposed effluent limits, based on a design flow of 0.037 mgd, are:

*Parameter*

CBOD<sub>5</sub> (1)

Total Suspended Solids (1)

1. In no case shall the arithmetic means of the effluent values of the biochemical oxygen demand (5 day) and suspended solids discharged during a period of 30 consecutive days exceed 15% respective arithmetic means of the influent values for those parameters during the same time period, except as specifically authorized by the permitting authority.

*Outfall 001*—Combined Discharge from waste treatment and contact cooling water: The proposed effluent limits, based on a design flow of 0.120 mgd, are:

*Parameter*

*lbs/day Monthly average*

CBOD<sub>5</sub>

13.1

Total Suspended Solids

9.7

Dissolved Oxygen

minimum of 6.0 mg/l at all times

pH

6.0—9.0 at all times

*Other Conditions:* 1. Disposal of collected screenings

The EPA waiver is in effect.

**PA 0032816.** Water supply filter back wash, SIC: 4941, **Jim Thorpe Municipal Authority**, 101 East Third Street, Jim Thorpe, PA 18229.

This proposed action is for reissuance of an NPDES permit for an existing discharge of filter backwash to Mauch Chunk Creek in Jim Thorpe Borough, **Carbon County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.084 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron	2	4	6
Total Aluminum	1.2	2.4	3.0
Total Manganese	1	2	2.5
Total Suspended Solids	30	60	60
pH	6.0—9.0 at all times		

*Other Conditions:* (1) Sludge disposal requirement

The EPA waiver is in effect.

**PA 0061727.** Sewerage, **Passionist Nuns Monastery**, St. Gabriel's Retreat, 631 Griffin Pond Road, Clarks Summit, PA 18411-2899.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into a wet weather channel leading to Leggetts Creek in South Abington Township, **Lackawanna 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Authority on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .00825 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(5-1 to 10-31) Fecal Coliform	12.0	24.0
(5-1 to 9-30) (10-1 to 4-30) pH	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean 6.0—9.0 standard units at all times	
Total Residual Chlorine (Months 1—24) (Months 25—60)	monitor and report 1.2	2.8

The EPA waiver is not in effect.

**PA 0055174.** Industrial waste, **Buckeye Pipe Line Company, L. P.**, 135 Buckeye Road, Macungie, PA 18062.

This application is for renewal of an NPDES permit to discharge untreated stormwater from the Buckeye Pipe Line facility in Lower Macungie Township, **Lehigh County**. This is an existing discharge to an unnamed tributary to Swabia Creek.

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

The proposed effluent limits are as follows:

The proposed effluent limits for Outfalls 001, 002 and 003 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons Diesel Range Organics Gasoline Range Organics			monitor/report monitor/report monitor/report

*Other Requirements:*

1. DMR to DEP
2. PPC Plan Requirements
3. Other Wastewater
4. Definitions

The EPA waiver is in effect.

**PA 0053813.** Industrial waste, **Farm and Home Oil Company**, 100 Tank Farm Road, Macungie, PA 18062.

This application is for renewal of an NPDES permit to discharge treated stormwater from the Farm and Home Oil Petroleum Marketing Terminal in Lower Macungie Township, **Lehigh County**. This is an existing discharge to Brinker Pond to an unnamed tributary to Swabia Creek.

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

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons Diesel Range Organics Gasoline Range Organics		monitor/report monitor/report monitor/report	

*Other Requirements:*

1. DMR to DEP
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

The EPA waiver is in effect.

**PA 0070084.** Industrial waste, **Agway Petroleum Corporation**, P. O. Box 4852, Syracuse, NY 13221.

This application is for renewal of an NPDES permit to discharge treated stormwater from the Agway Petroleum Marketing Terminal in Lower Macungie Township, **Lehigh County**. This is an existing discharge to unnamed tributary to Swabia Creek.

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

The proposed effluent limits for Outfalls 001 and 002 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable			
Petroleum Hydrocarbons			monitor/report
Diesel Range Organics			monitor/report
Gasoline Range Organics			monitor/report

*Other Requirements:*

1. DMR to DEP
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Requirements
6. Definitions

The EPA waiver is in effect.

**PA 0061069.** Optical glass, SIC: 3229, **Schott Glass Technologies, Inc.**, 400 York Avenue, Duryea, PA 18642.

This proposed action is for reissuance of an NPDES permit for an existing discharge of noncontact cooling water and stormwater to storm sewer to the Lackawanna River in Duryea Borough, **Luzerne County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.0146 mgd, are:

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum<sup>2</sup></i>
pH (std units)	within the range 6.0—9.0		
Total Suspended Solids	30	60	60
Oil and Grease	15		30
Total Iron	monitor only		
Total Copper	monitor only		
Total Aluminum	monitor only		
Total Lead	monitor only		
Total Manganese	monitor only		
Total Zinc	monitor only		
Chloroform	monitor only		

Outfall 002, 003, 004, 005:

No specific discharge parameters are being established for these outfalls. The permittee shall ensure that the discharge contains flows from stormwater areas only, no industrial process water is allowed to be discharged through these outfall points. A Stormwater Preparedness, Prevention and Implementation Plan which addresses best management practices (BMPs) to control the discharges of pollutants to the receiving waters is required.

*Other Conditions:* none.

The EPA waiver is in effect.

**PA 0012394.** Industrial waste, SIC: 3443, **Patterson-Kelly Company**, P. O. Box 458, East Stroudsburg, PA 18301.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Wet Weather Channel to Brodhead Creek in East Stroudsburg Borough, **Monroe County**.

The receiving stream is classified for the following uses: trout stocking, migratory fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is East Stroudsburg water supply located at East Stroudsburg.

The proposed effluent limits for Outfall 001, based on a design flow of 0.016 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
TSS		100	200		
Oil and Grease	15		30		
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0011517.** Industrial waste, **Keystone Cement Company**, Route 329, P. O. Box A, Bath, PA 18014.

This application is for renewal of an NPDES permit to discharge untreated cooling water from the Keystone Cement facility, located in East Allen Township, **Northampton County**. This is an existing discharge to Monocacy Creek.

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

The proposed effluent limits for Outfall 003, based on an average flow of 0.44 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Temperature			100°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Stormwater Outfall 004 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			monitor/report
COD			monitor/report
Oil and Grease			monitor/report
pH	within the limits of 6.0—9.0 standard units at all times		
Total Suspended Solids			50
Total Kjeldahl Nitrogen			monitor/report
Total Phosphorus			monitor/report
Iron (Dissolved)			monitor/report

The EPA waiver is in effect.

**PA 0011801.** Industrial waste, **Ashland Chemical Company**, 400 Island Park Road, Easton, PA 18042-6899.

This application is for renewal of an NPDES permit to discharge treated process wastewater, cooling water, treated groundwater and stormwater from the Ashland Chemical Company facility in Glendon Borough, **Northampton County**. This is an existing discharge to Lehigh River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.086 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia as N	20	40	50
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110
pH	within limits of 6.0—9.0 standard units at all times		
Total Dissolved Solids	1,300	2,600	3,250
True Color (pt-co)			100
Total Organic Carbon		monitor/report	
Chemical Oxygen Demand		monitor/report	
Fluoride		monitor/report	
Total Silver	0.059	0.118	0.148

**PA 0052591.** Sewerage, **Richard C. Becker**, Walnutport Mobile Court, 901 South Best Avenue, Route 145, Walnutport, PA 18088-1218.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Bertsch Creek in Lehigh Township, **Northampton 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Northampton Municipal Water Authority, located on the Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.050 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
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	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
(Months 1—24)	monitor and report	
(Months 25—60)	1.2	2.8

The EPA waiver is in effect.

**PA 0060348.** Sewerage, Commonwealth of Pennsylvania, **Department of Transportation**, Bureau of Design, 555 Walnut Street, 7th Floor, Forum Place, Harrisburg, PA 17101-1900.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary to Kleinhans Creek in Palmyra Township, **Pike County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .015 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	9.0	18.0
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	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
(Months 1—36)	monitor and report	
(Months 37—60)	1.2	2.8

The EPA waiver is in effect.

**PA 0061344.** Industrial waste, SIC: 4961, **Westwood Energy Properties Limited Partnership**, P. O. Box 312, Tremont, PA 17981.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater (001) to Lower Rausch Creek in Frailey Township, **Schuylkill County**.

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

#### *Outfall 001*

The proposed effluent limits, based on a design flow of 0.36 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
Total Iron	8	16	20	24	48
Dissolved Iron	7	14	17	21	42

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Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
Total Manganese	8	16	20	24	48
Total Mercury	0.0002	0.0004	0.0005	0.0006	0.0012
Total Zinc	0.18	0.36	0.45	0.54	10.8
pH	6.0—9.0 at all times				

*Internal Monitoring Point 101*

The proposed effluent limits, based on a design flow of 0.055 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	30	100			
Oil and Grease	15	20			
pH	6.0—9.0 at all times				

*Internal Monitoring Point 201*

The proposed effluent limits, based on a design flow of 0.032 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	30	100			
Oil and Grease	15	20			
pH	6.0—9.0 at all times				

*Internal Monitoring Point 301*

The proposed effluent limits, based on a design flow of 0.0058 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
TSS	30	100			
Oil and Grease	15	20			
pH	6.0—9.0 at all times				

*Internal Monitoring Point 401*

The proposed effluent limits, based on a design flow of 0.27 mgd, are:

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
Free Chlorine		0.2	0.5		
Total Chromium	0.2	0.2			
pH	6.0—9.0 at all times				

*Internal Monitoring Point 501*

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

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Average Weekly	Instantaneous Maximum	Average Monthly	Average Weekly
CBOD <sub>5</sub>	25		50	0.21	
TSS	30		60	0.25	
Total Chlorine	report				
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0061263.** Industrial waste, SIC: 4931, **Wheelabrator Frackville Energy Company, Inc.**, P. O. Box 392, Frackville, PA 17931.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated stormwater (001), industrial wastewater (002) and sewage (003) to Mill Creek in Mahoning Township, **Schuylkill County**.

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

*Outfall 001*

The proposed effluent limits, based on a design flow of an average storm event, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
TSS			50		

*Outfall 002*

The proposed effluent limits, based on a design flow of 0.096 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
Cadmium	0.015	0.03	0.0375	0.012	0.024
Chromium		0.02			
Copper	0.07	0.14	0.0175	0.056	0.112
Lead	0.16	0.32	0.4	0.13	0.26
Silver	0.014	0.028	0.035	0.011	0.022
Zinc		1.0			9.6
Aluminum	5	10	12.5	4	8
Total Iron	6	12	15	4.8	9.6
TSS	30	100			
Oil and Grease	15	20			
TDS	1,500	2,000		1,200	1,600
Free Available Chlorine		0.2	0.5		
pH	6.0—9.0 at all times				

*Outfall 003*

The proposed effluent limits, based on a design flow of 0.0012 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
CBOD <sub>5</sub>	25		50	0.25	
TSS	30		60	0.3	
Fecal Coliforms	200				
pH	6.0—9.0 at all times				

The EPA waiver is in effect.

**PA 0036463.** Industrial waste, SIC: 4952, **GenCorp, Inc.**, Hickory Drive, P. O. Box 429, Auburn, PA 17922-0429.

This proposed action is for renewal of an NPDES permit for discharge of treated industrial waste to an unnamed tributary to the Schuylkill River in West Brunswick Township, **Schuylkill County**.

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

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

*Outfall 101:*

The proposed effluent limits, based on a design flow of 0.0022 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 su at all times	

*Outfall 001:*

The proposed effluent limits, based on a design flow of 0.01 mgd, are:



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	25	50
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	6.0—9.0 su at all times	

The EPA waiver is in effect.

**PA 0060461.** Sewerage, **Silver Lake Township Municipal Authority**, P. O. Box 1975, Brackney, PA 18812.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Laurel Lake Creek in Silver Lake 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) policy was applied to NY-PA border where Snake Creek crosses into Liberty Township, Susquehanna County.

The proposed effluent limits for Outfall 001 based on a design flow of .07 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5
(11-1 to 4-30)	7.5		15
Dissolved Oxygen	a minimum of 6 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			
1st Month—36th Month	monitor and report		
37th Month—Expiration Date	.13		.29

The EPA waiver is in effect.

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

**PA 0008923.** Wastewater, SIC: 3229, **Corning Asahi Video Products Company**, P. O. Box 9, State College, PA 16801-0009.

This proposed action is for re-issuance of an NPDES permit for an existing discharge of treated wastewater to Logan Branch of Spring Creek in College Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed/assumed downstream potable water supply (PWS) considered during the evaluation is Bald Eagle Creek located at Lock Haven approximately 30 miles downstream.

For Outfall 001 which receives wastewater from combined effluent from industrial waste treatment and other contact and noncontact cooling sources. The permittee is authorized to discharge 2.12 mgd during the period from permit effective date until the 223 furnace expansion around (4/98).

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>			
	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (std units)	within the range 6.0—9.0			
Total Suspended Solids		13	26	26
Oil and Grease		11	22	22
Total Antimony		monitor	monitor	
Total Aluminum		monitor	monitor	
Total Barium		monitor	monitor	
Total Lead		200	400	500

For Outfall 001 which receives wastewater from combined effluent from industrial waste treatment and other contact and noncontact cooling sources. The permittee is authorized to discharge 2.12 mgd during the period from the 223 furnace expansion around (4/98) until permit issuance date plus 3 years.

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (std units)	within the range 6.0—9.0		
Total Suspended Solids	16	32	32
Oil and Grease	14	28	28
Total Antimony	monitor	monitor	
Total Aluminum	monitor	monitor	
Total Barium	monitor	monitor	
Total Lead	70	105	140
Total Zinc	monitor	monitor	

For Outfall 101 an internal monitoring point which receives abrasive industrial wastewater from the IW treatment facility generated by the glass finishing production lines. The permittee is authorized to discharge 0.47 mgd during the period from permit effective date until the 223 furnace expansion around (4/98).

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>			
	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (std units)	within the range 6.0—9.0			
Total Lead		0.17	0.34	0.43
Fluoride		22	46	55

For Outfall 101 an internal monitoring point which receives abrasive industrial wastewater from the IW treatment facility generated by the glass finishing production lines. The permittee is authorized to discharge 0.9 mgd during the period after furnace 223 expansion approximately (4/98) to permit expiration.

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>			
	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				
pH (std units)	within the range 6.0—9.0			
Total Lead		0.11	0.23	0.28
Fluoride		15	30	38

For Outfall 001 which receives wastewater from combined effluent from industrial waste treatment and other contact and noncontact cooling sources. The permittee is authorized to discharge 2.12 mgd during the period from permit effective date until expiration.

<i>Discharge Parameter</i>	<i>Temperature (°F)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature*	monitor	monitor	monitor

\*Temperature Reduction/Best Demonstrated technology and additional monitoring of Logan Branch of Spring Creek

For Outfall 001 which receives wastewater from combined effluent from industrial waste treatment and other contact and noncontact cooling sources. The permittee is authorized to discharge 2.12 mgd during the period from permit issuance date plus 3 years to expiration date (unless Part C, Special Condition No. 7 Section A.2.b is declared).

<i>Discharge Parameter</i>	<i>Concentrations (mg/l)</i>			
	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (std units)	within the range 6.0—9.0			
Total Suspended Solids		16	32	32
Oil and Grease		14	28	28
Total Antimony*		0.0115	0.023	0.029
Total Aluminum*		0.575	1.15	1.44
Total Barium*		1.15	2.30	2.875
Total Lead*		0.006	0.012	0.015
Total Zinc	monitor	monitor	monitor	XXX

*Other Conditions:*

- (1) Preliminary water quality based effluent limitations for Outfall 001.

<i>Parameter</i>	<i>Units</i>	<i>Monthly Average</i>
Total Antimony	mg/l	0.0115
Total Aluminum	mg/l	0.575
Total Barium	mg/l	1.15
Total Lead	mg/l	0.006

- (2) Requirement to submit a Toxic Reduction Evaluation Work Plan within 90 days of permit issuance date.
- (3) Procedures for granting time extensions to achieve final water quality based effluent limitations.
- (4) Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
- (5) Chemical Additives Usage
- (6) Chronic Whole Effluent Toxicity Testing

The EPA waiver is not in effect.

**PA 0110281.** Sewage, SIC: 4952, **Philip C. Hall (Vali-View MHP)**, P. O. Box 438, Montoursville, PA 17754.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Twin Run in Fairfield Township, **Lycoming County**.

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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located 15 river miles downstream on the West Branch of the Susquehanna River.

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

	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
Total Cl <sub>2</sub> Residual	1	2.3
NH <sub>3</sub> -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 at all times	

*Other Conditions:* none.

The EPA waiver is in effect.

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

**PA 0002305.** Industrial waste, SIC: 3471, **Robertshaw Controls Company**, One Robertshaw Drive, New Stanton, PA 15672.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water, stormwater from metal finishing and processing in New Stanton Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Sewickley 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 McKeesport Municipal Water Authority, located at McKeesport on the Youghiogheny River, 20.5 miles below the discharge point.

*Interim Limits*

*Outfall 001:* existing discharge, design flow of 0.279 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				
Oil and Grease			15		30
Cadmium			0.003	0.006	
Total Chromium			0.32	0.64	
Hexavalent Chromium			0.010	0.020	
Copper			0.035	0.070	

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Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Lead			0.050	0.100	
Nickel			0.200	0.400	
Free Cyanide			0.005	0.010	
Zinc			0.200	0.400	
Silver			0.023	0.046	
Temperature					110°F
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

Final Limits

Outfall 001: existing discharge, design flow of 0.279 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Oil and Grease			15		30
Cadmium			0.003	0.006	
Total Chromium			0.32	0.64	
Hexavalent Chromium			0.010	0.020	
Copper			0.035	0.070	
Lead			0.016	0.032	
Nickel			0.200	0.400	
Free Cyanide			0.005	0.010	
Zinc			0.200	0.400	
Silver			0.023	0.046	
Temperature	same limits as Outfall 002				
Total Residual Chlorine			0.023	0.046	
pH	not less than 6.0 nor greater than 9.0				

Outfall 101: existing discharge, design flow of 0.000672 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Mercury			0.013	0.026	

Outfall 201: existing discharge, design flow of 0.053 mgd.

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			31	60	
Oil and Grease			26	52	
Cadmium			0.26	0.69	
Chromium			1.71	2.77	
Copper			2.07	3.38	
Lead			0.43	0.69	
Nickel			2.38	3.98	
Silver			0.24	0.43	
Zinc			1.48	2.61	
Cyanide			0.65	1.20	
Total Toxic Organics				2.13	
Total Residual Chlorine			0.5		1.25
pH	not less than 6.0 nor greater than 9.0				

Outfall 301: existing discharge, design flow of 0.236 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	110°F				

*Interim Limits*

*Outfall 002:* existing discharge, design flow of 0.052 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	110°F				

*Final Limits*

*Outfall 002:* existing discharge, design flow of 0.052 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					
(1-1 to 1-31)	40.3°F				
(2-1 to 2-29)	40.4°F				
(3-1 to 3-31)	46.9°F				
(4-1 to 4-15)	53.0°F				
(4-16 to 4-30)	59.0°F				
(5-1 to 5-15)	64.7°F				
(5-16 to 5-31)	73.1°F				
(6-1 to 6-15)	80.9°F				
(6-16 to 6-30)	84.9°F				
(7-1 to 7-31)	87.5°F				
(8-1 to 8-31)	87.4°F				
(9-1 to 9-15)	84.3°F				
(9-16 to 9-30)	78.3°F				
(10-1 to 10-15)	72.3°F				
(10-16 to 10-31)	66.3°F				
(11-1 to 11-15)	58.4°F				
(11-16 to 11-30)	50.3°F				
(12-1 to 12-31)	42.3°F				
pH	not less than 6.0 nor greater than 9.0				

*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>
	This outfall shall contain uncontaminated stormwater runoff only				

The EPA waiver is not in effect.

**PA 0036593.** Sewage. Commonwealth of Pennsylvania, **Department of Corrections**, R. D. 1, Box 67, Waynesburg, PA 15370.

This application is for renewal of an NPDES permit to discharge treated sewage from State Correctional Institute in Morgan Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary South Fork Tenmile 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 Tri County Joint Water Authority.

*Outfall 001:* existing discharge, design flow of .062 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
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—24th month	monitor and report			
25th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Outfall 001:* expanded discharge, design flow of 0.150 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
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	0.5			1.6
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 0090131.** Sewage, **Samuel Bottone**, R. D. 1, Lot 6, Beryl Acres, Scenery Hill, PA 15360.

This application is for renewal of an NPDES permit to discharge treated sewage from the Beryl Acres STP in North Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary South Branch Pigeon 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 Ellsworth Municipal Water Works.

*Outfall 001:* existing discharge, design flow of .011 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.8			7.6
(11-1 to 4-30)	11.4			22.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	.63			1.47
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0090913.** Sewage, **Independence Township**, P. O. Box 156, Avella, PA 15312.

This application is for renewal of an NPDES permit to discharge treated sewage from the P&W Patch Sewage Treatment Plant in Independence Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Cross 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 City of Wheeling on the Ohio River.

*Outfall 001:* existing discharge, design flow of .024 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	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)	4.0	6.0		8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	.08			.19
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0095044.** Sewage, **Northgate Townhouses Condominium Association**, 380Z Northgate Drive, Apollo, PA 15613.

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

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Pine 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 Freeport Water Company.

*Outfall 001:* existing discharge, design flow of .0042 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.2			6.4
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	.038			.088
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0098094.** Sewage, **Mark Gruber**, P. O. Box 500, Clinton, PA 15026.

This application is for renewal of an NPDES permit to discharge treated sewage from the Pittsburgh Airport Park Sewage Treatment Plant in Independence Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Raccoon 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 Midland Borough Water Works.

*Outfall 001:* existing discharge, design flow of .0125 mgd.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 100,000/100 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 0204455.** Sewage, **Orchard Estates MHP LLC**, c/o The Carlyle Group, Inc., 9073 Nemo Street, Los Angeles, CA 90069.

This application is for renewal of an NPDES permit to discharge treated sewage from The Orchard Estates Mobile Home Park STP in Economy Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Big Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of .02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	.13			.31
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.

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

**PA 0102679.** Sewage, **Runamuck Camping Area**, 8896 US Highway 6, Conneaut Lake, PA 16316.

This application is for a renewal of an NPDES permit to discharge treated sewage to the Unnamed Tributary to Conneaut Lake in Sadsbury Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality, warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the City of Franklin's intake on French Creek located at Franklin, approximately 30 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.008 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10	20
TSS	10	20
Ammonia-Nitrogen (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	12
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen	minimum of 5 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0026697—Amendment No. 1.** Sewage, **Butler Area Sewer Authority**, 100 Littman Road, Butler, PA 16001-3256.

This application is for an amendment of an NPDES permit to discharge treated sewage to Connoquenessing Creek in Butler Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelenople Water Works intake on Connoquenessing Creek located at Zelenople, approximately 21 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 10.0 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(WQ-93) Total Residual Chlorine	0.33	1.1

Delete all permit requirements pertaining to Copper and Dichlorobromomethane based on the Department's review of the facility's Toxics Reduction Evaluation Report.

The EPA waiver is not in effect.

**PA 0024856.** Sewage, **Taylor Township Sewer Authority**, P. O. Box 489, West Pittsburgh, PA 16160-0489.

This application is for a renewal of an NPDES permit to discharge treated sewage to the Beaver River in Taylor Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickley intake on the Beaver River located in North Sewickley Township, Beaver County, approximately 11 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.2 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0025291.** Sewage, **Southwest Warren County Municipal Authority**, 174 Main Street, P. O. Box 132, Tidioute, PA 16351.

This application is for renewal of an NPDES permit to discharge treated sewage to the Allegheny in Tidioute Borough, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at River Mile 90 in Emlenton which is 76.65 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.250000, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 ml as a geometric average	
Total Residual Chlorine	0.8	2.6
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0035505.** Sewage, **Faith Builders Educational Programs**, P. O. Box 127, Guys Mills, PA 16327.

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

The receiving water is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the City of Franklin on French Creek located at River Mile 2.17 which is 54.76 miles below point of discharge.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	20 25	40 50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	1.5 4.5	3.0 9.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 28,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0103781.** Industrial waste, SIC: 3317, **Sharon Tube Company**, 134 Mill Street, Sharon, PA 16146.

This application is for renewal of an NPDES permit, to discharge treated industrial waste, noncontact cooling water and stormwater to the Shenango River in Sharon, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the W. PA Water Company on the Shenango River located at New Castle, approximately 24 miles below point of discharge.

The proposed discharge limits, based on a design flow of N/A 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>
Zinc			monitor and report
Iron			monitor and report
Oil and Grease			monitor and report

The proposed discharge limits, based on a design flow of 0.8822 mgd, are:

*Outfall No. 002*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
Oil and Grease	15		30
Iron (Interim) (Final)*	monitor and report 1.7		4.3

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Lead	monitor and report		
Zinc	monitor and report		
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 0.2962 mgd, are:

*Suboutfall No. 302*

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

The proposed discharge limits, based on a design flow of 0.3187 mgd, are:

*Suboutfall No. 402*

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

1. Final water quality based effluent based limitation for Iron (Total).
2. Requirement to submit a Toxic Reduction Evaluation.
3. Conditions for future permit modification.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

The EPA waiver is in effect.

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**A. 4945 Amendment No. 1.** Sewerage, **Rochester Area Joint Sewer Authority**, 300 West Park Street, Rochester, PA 15074. Application for the excavation and replacement of the Lacock Run Interceptor located in Rochester Borough, **Beaver County**.

**A. 0297408.** Sewerage, **Arienne Mueller**, 5713 Wesleyann Drive, Gibsonia, PA 15044. Application for the construction and operation of a Sewage Treatment Plant located in the Township of Richland, **Allegheny County** to serve the Mueller residence.

**A. 6597405.** Sewerage, **Joseph Benzinger**, 2110 Hulton Road, Verona, PA 15147. Application for the construction and operation of a single residence sewage treatment plant to serve the Benzinger Residence located at Lot 1—Glover Plan of Lots located in North Huntingdon Township, **Westmoreland County**.

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

**WQM Permit No. 2597418.** Sewage, **Dear, Inc., dba Lakeview Estates**, 12430 East Lake Road, North East, PA 16428. This project is for the expansion of an existing facility in North East Township, **Erie County**.

**WQM Permit No. 4397410.** Sewage, **Willow Bend Mobile Home Park**, 1309-100 Bend Road, Mercer, PA 16137. This project is for the construction and operation of a sewage treatment plant to serve the Willow Bend Mobile Home Park in Lackawannock Township, **Mercer County**.

**WQM Permit No. 2597417.** Sewage, **Robert Farrell, SRSTP**, 6008 Longwood Dr., Erie, PA 16505. This project is for the construction of a Single Residence Sewage Treatment Plant in Harborcreek Township, **Erie County**.

**WQM Permit No. 6297406.** Sewage, **Donald E. Shinn, SRSTP**, 736 Cobham Park Rd., Warren, PA 16365. This project is for the construction of a Single Residence Sewage Treatment Plant in Glade Township, **Warren County**.

**WQM Permit No. 2597419.** Sewage, **James Becker, SRSTP**, 2103 Woodlawn Ave., Erie, PA 16510. This project

is for the construction of a Single Residence Sewage Treatment Plant in Waterford Township, **Erie County**.

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

*Northwest Regional Office: Regional Oil & Gas Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860.*

**PA 0008729.** Industrial waste, SIC: 4922 (Natural Gas Transmission), **CNG Transmission Corporation**, 445 West Main Street, Clarksburg, WV 26301.

This application is for renewal of an NPDES Permit to discharge noncontact cooling water and stormwater to a branch of Cook Creek in Lawrence Township, **Tioga County**. This is an existing discharge.

The receiving water is classified for warm water fish, water supply and recreation. No downstream potable water supply will be adversely affected by the continuance of this discharge.

The proposed discharge limits for Outfall 001 are:

<i>Parameter</i>	<i>Effluent Concentrations (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report	
Oil and Grease	15	30
Total Suspended Solids	30	60
Temperature	monitor and report	
pH	6.0 to 9.0 at all times	

The EPA waiver is in effect.

**INDIVIDUAL PERMITS (PAS)**

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

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

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

which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

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

*Northcentral Regional Office, Regional Water Management Program Manager, 208 W. 3rd Street, Williamsport, PA 17701, (717) 327-3669.*

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

*Allegheny County Conservation District, District Manager, Lexington Technology Park, 400 Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

**NPDES Permit PAS10A104.** Stormwater. **Oxford Development Company**, One Oxford Center, Pittsburgh, PA 15219 has applied to discharge stormwater from a construction activity located in Pine Township, **Allegheny County**, to UNT to Pine Creek.

*Carbon County Conservation District, District Manager, 92 Blakeslee Boulevard East, Lehigh, PA 18235, (610) 377-4894.*

**NPDES Permit PAS101315.** Stormwater. **Lake Hauto Woods Partnership**, The Landmark Building, 115 S. Centre Street, Pottsville, PA 17901 has applied to discharge stormwater from a construction activity located in Nesquehoning Boro, **Carbon County**, to Nesquehoning Creek and Tippets Pond.

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

**NPDES Permit PAS101909-1.** Stormwater. **Ponderosa Acres**, 416 River Avenue, Williamsport, PA 17701 has applied to discharge stormwater from a construction activity located in Gallagher Township, **Clinton County**, to Lick Run.

*Dauphin County Conservation District, District Manager, 1451 Peters Mountain Road, Dauphin, PA 17018, (717) 921-8100.*

**NPDES Permit PAS10I032.** Stormwater. **S H W Properties**, c/o Dennis Herr, Oregon Commons, 1525 Oregon Pike, Lancaster, PA 17601 has applied to discharge stormwater from a construction activity located in Derry Township, **Dauphin County**, to Swatara Creek.

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

**NPDES Permit PAS10V013-1.** Stormwater. **Delaware Valley School District**, HC 77, Box 379A, Milford, PA 18337 has applied to discharge stormwater from a construction activity located in Westfall Township, **Pike County**, to the Delaware River.

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

**NPDES Permit PAS10Y068.** Stormwater. **Michael Manning & Associates**, 1706 Rathon Street, New Cumberland, PA 17070 has applied to discharge stormwater from a construction activity located in Fairview Township, **York County**, to Fishing Creek and Big Trout Run.

## SAFE DRINKING WATER

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

*Northcentral Field Operations, Bureau of Water Supply, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**A. 4197501.** The Department issued a permit for construction to **Limestone Township Municipal Water Authority**, R. R. 2, Box 823, Jersey Shore, PA 17740 (Limestone Township, **Lycoming County**) for construction of two new wells, raw water storage, an Environmental Productions Division pressure sand filtration system, disinfection and finished water storage.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

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

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

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

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

**M. B. Land Company**, Horsham Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, Suite 500, 401 City Ave., Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and VOCs. The applicant proposes to remediate the site to meet the Statewide health and background standards. A final report was simultaneously submitted.

**Exton Properties, L. P.**, West Whiteland Township, **Chester County**. Jennifer Menges-Smith, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, has submitted a Notice of Intent to Remediate site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

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

**Eastway Sunoco**, 4203 Buffalo Road, **Erie County**, Harborcreek Township, has submitted a Notice of Intent to Remediate Soil and Groundwater. The site has been contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. The Notice of Intent to Remediate was published in the *Erie Times News* on August 11, 1997.

### LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

Under Act 2, 1995

Preamble 2

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

**Greenway Court Apartments**, City of Philadelphia, **County of Philadelphia**. Charlene R. Drake, React Environmental Services, Inc., 654A Mount Road, Aston, PA 19014, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on August 22, 1997.

*Northcentral Regional Office, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**Playworld Systems**, New Berlin Borough, **Union County**. Michael M. Molesevich on behalf of his client Playworld Systems, P. O. Box 505, New Berlin, PA 17855, has submitted a Notice of Intent to Remediate soil contaminated with BTEX. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Item* on August 13, 1997.

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

**Spedd, Inc.**, Warren Industrial Center, 920 Pennsylvania Avenue West, **Warren County**, City of Warren, has submitted a Notice of Intent to Remediate groundwater and soil. The site has been found to be contaminated with lead, heavy metals, solvents and PHCs. The applicant proposes to remediate the site to meet the Special Industrial Area Standard. The Notice of Intent was published in the *Warren Times Observer* on August 18, 1997.

### SOLID AND HAZARDOUS WASTE

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**A. 300655. NGK Metals Corporation** (P. O. Box 13367, Reading, PA 19612-3367). Application for repermitting of a residual waste landfill site in Muhlenberg Township, **Berks County**. Application determined to be administratively complete in the Regional Office August 22, 1997.

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

**A. 101217.** (Permit Modification). **Wellsboro Area Transfer Station**, Casella Waste Management of PA (200 Tioga St., Wellsboro, PA 16901). Modification to existing transfer station located in Delmar Township, **Tioga County**. Application received in the regional office on August 13, 1997 and deemed administratively complete on August 29, 1997.

**A. 101649.** (Permit Modification). **Phoenix Resources, Inc.**, Construction/Demolition Facility, (R. R. 1, Box 12A, Wellsboro, PA 16901). Modification to existing construction/demolition facility to modify natural attenuation soil specifications. Facility is located in Duncan

Township, **Tioga County**. Application received in the regional office on August 28, 1997.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 300818. Pennsylvania Power Company**, 1 East Washington Street, P. O. Box 891, New Castle, PA 16103, located in Taylor Township, **Lawrence County**. An application to repermit the residual waste landfill at the New Castle Power Plant was determined to be administratively complete by the Regional Office on August 19, 1997.

#### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

##### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

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

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

**Harrisburg Hospital**, 111 South Front Street, Harrisburg, PA 17101; Patrick W. Wilson, Manager; License No. **PA-HC 0083**; renewal application received on August 26, 1997.

**York Waste Disposal, Inc.**, 1110 East Princess Street, York, PA 17405; Jinni Shoemaker, Sales Assistant; License No. **PA-HC 0057**; renewal application received on August 22, 1997.

**Cumberland Waste Service, Inc.**, 142 Vaughn Road, Shippensburg, PA 17257; Michael R. Grove, President; application received August 27, 1997.

## AIR POLLUTION

### OPERATING PERMITS

#### Construct, modify or activate air contaminant sources

##### 25 Pa. Code § 129.1

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

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

**36-320-026D:** The Department intends to issue an operating permit to **R. R. Donnelly & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) for a three-unit printing press controlled by a thermal oxidizer in Lancaster, **Lancaster County**.

**36-320-028:** The Department intends to issue an operating permit to **Mellott Wood Preserving Company, Inc.** (P. O. Box 209, Needmore, PA 17212) for a wood-fired boiler in Belfast Township, **Fulton County**.

**67-2006:** The Department intends to issue an operating permit to **York County Solid Waste and Refuse Authority** and the operator **York Resource Energy Systems, Inc.** for the York County Resource Recovery Facility (2561 Blackbridge Road, York, PA 17402) in Manchester Township, **York County**.

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

**41-308-001B:** The Department intends to issue an operating permit to **Coastal Aluminum Rolling Mills, Inc.** (2475 Trenton Avenue, Williamsport, PA 17701) for the operation of an aluminum coal rolling mill (Mill 4) and associated air cleaning devices (a prefilter, a final filter and a stack skimmer) in the City of Williamsport, **Lycoming County**.

**41-313-007G:** The Department intends to issue an operating permit to **Lonza, Inc.** (3500 Trenton Avenue, Williamsport, PA 17701) for the operation of various halohydrantoin reaction vessels and dryers and associated air cleaning devices (scrubbers and fabric collectors) in the City of Williamsport, **Lycoming County**.

**OP-19-0003A:** The Department intends to issue an operating permit to **Heinz Pet Products** (6670 Low Street, Bloomsburg, PA 17815) for the operation of a can side stripe operation and associated air cleaning device (a catalytic oxidizer) in South Centre Township, **Columbia County**.

**OP-55-0001B:** The Department intends to issue an operating permit to **Pennsylvania Power & Light Company** (Two North Ninth Street, Allentown, PA 18101) for the operation of a dry fly ash handling system and associated air cleaning devices at the Sunbury Steam Electric Station in Shamokin Dam Borough, **Snyder County**.

#### Notice of Intent to Issue Title V Operating Permits

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

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of scheduled public hearings at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southeast Regional Office: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Edward Brown, (610) 832-6242.*

**09-00017: PECO Energy—Falls Station** (Bristol and Tyburn Roads, Falls, PA 19030) located in Falls Township, **Bucks County**. The facility is primarily used for provid-

ing electrical energy for peak demand periods. The facility's major air emission points are three combustion turbines which emit major levels of nitrogen oxides (NO<sub>x</sub>) and sulfur oxides (SO<sub>x</sub>).

**23-00018: PECO Energy—Chester Station** (Front and Ward Streets, Chester, PA 19013) located in the City of Chester, **Delaware County**. The facility is primarily used for providing electrical energy for peak demand periods. The facility's major air emission points are three combustion turbines which emit major levels of nitrogen oxides (NO<sub>x</sub>) and sulfur oxides (SO<sub>x</sub>).

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

**40-00019. Pope & Talbot Inc.** (901 Sathers Drive, P. O. Box 6000, Pittston, PA 18640) (Pittston Plant) located in Pittston Township, **Luzerne County**. The facility's major sources of emissions include Flexographic Printing which primarily emit volatile organic compounds (VOCs).

*Southcentral Regional Office: Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 657-4587.*

**05-05021: Creative Pultrusions, Inc.** (Pleasantville Park, Alum Bank, PA 15521) located in West St. Clair Township, **Bedford County**. The facility's major sources include pultrusion lines and a chrome electroplating operation which primarily emit hazardous air pollutants.

**06-05002: Allentown Cement, Inc.** (P. O. Box 619, Blandon, PA 19590-0199) located in Maiden Creek Township, **Berks County**. The facility's major sources are equipment for producing portland cement including kilns, calcination, cooling, sizing and storing equipment which primarily emit particulate matter emissions.

**06-05065: Glen-Gery Corporation** (423 Pottsville Pike, Shoemakersville, PA 19555) located in Perry Township, **Berks County**. The facility's major sources of emissions include two kilns, which are primary emitters of the hazardous air pollutants: hydrogen fluoride (HF) and hydrochloric acid (HCL), and primary emitters of the criteria pollutants: sulfur oxides (SO<sub>x</sub>) and particulate matter (PM<sub>10</sub>).

**29-05001: JLG Industries, Inc.** located in Ayr Township, **Fulton County**. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

**36-05019: Grinnell Corporation** (1411 Lancaster Avenue, PA 17512) located in Columbia Borough, **Lancaster County**. The facility's major sources of emissions include foundry operations which primarily emit the following contaminants: volatile organic compounds and particulate matter.

**36-05024: Bigbee Steel & Tank Company** (99 West Elizabethtown Road) located in Rapho Township, **Lancaster County**. The facility's major source are four paint spray booths which primarily emit VOC emissions.

**36-05061: Lancaster Malleable Casting Company** (1170 Litz Avenue, Lancaster, PA 17601) located in Manheim Township, **Lancaster County**. The facility's major operations include sand handling, melting, pouring/cooling/knockout, annealing, grinding/cleaning, finishing and core making which primarily emit carbon monoxide (CO) and sulfur oxides (SO<sub>x</sub>).

**36-05066: U. S. Lock & Hardware Company** (P. O. Box 60, Columbia, PA 17512) located in Columbia Bor-

ough, **Lancaster County**. The facility's major operations include core and mold manufacturing, melting, pouring, shakeout, casting cleaning and sand handling which primarily emit carbon monoxide emissions.

**36-05068: Masonic Homes** (1 Masonic Drive, Elizabethtown, PA 17022) located in Elizabethtown Borough, **Lancaster County**. The facility's major sources include three boilers, coal fired.

**67-05002: Stone Container Corporation** (423 Kings Mill Road, York, PA 17405) located in York, **York County**. The facility's major sources of emissions include two boilers which primarily emit nitrogen oxides and sulfur oxides.

**67-05027: York Wallcoverings** (750 Linden Avenue, York, PA 19404) located in York City, **York County**. The facility's major sources are equipment for producing wall-paper including surface coaters and printing presses which primarily emit VOC emissions.

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**30-00077: Texas Eastern Transmission Corporation** (P. O. Box 1642, Houston, TX 77251-1642) for their Holbrook Station located in Richhill Township, **Greene County**. The facility's major sources include various compressor engines, generators, and turbines which emit major quantities of NO<sub>x</sub>.

#### PLAN APPROVALS

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

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

**39-399-044:** Installation of pipe reamers with fabric collectors by **Tyler Pipe, Penn Division** located in Macungie Township, **Lehigh County**.

**40-306-007C:** Installation of a gas turbine with water injection by **Williams Power Company—Hazleton** located in Hazle Township, **Luzerne County**.

**40-313-033A:** Installation of toner production lines by **Coates Reprographics Inc.** located in Dallas Borough, **Luzerne County**.

**48-306-010A:** Installation of a Natural Gas Boiler (Unit 3A) by **Pennsylvania Power and Light Co.** located in Lower Mt. Bethel Township, **Northampton County**.

**54-302-034A.** Installation of a no. 6 oil-fired steam boiler by **Guilford Mills, Inc.** located in Pine Grove Borough, **Schuylkill County**.

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

**22-317-010C:** Installation of a venturi prescrubber and ductwork to connect the prescrubber to a boiler by **Moyer Packing Company** (Route 225, Elizabethtown, PA 17023) in Washington Township, **Dauphin County**.

**67-399-021:** Construction of a municipal waste combustor ash recycling facility by **American Ash Recycling Corp. of America** (6622 Southpoint Drive, Suite 310, Jacksonville, FL 32216) for their facility located at 1058 Roosevelt Avenue, West Manchester Township, **York County**.



## MINING

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

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

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

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

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

sires 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*

**32970103.** Transfer Application from **General Mining, Inc. to Kent Coal Mining Company** (P. O. Box 729, Indiana, PA 15701), commencement, operation and restoration of bituminous strip-auger mine in Conemaugh and Young Townships, **Indiana County**, affecting 113.0 acres, receiving stream Marshall Run to Blacklegs Creek, application received August 26, 1997.

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

**26920105. Twilight Industries** (Division of U. S. Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012). Renewal application received for continued operation and reclamation of a bituminous surface auger mine located in Jefferson Township, **Fayette County**. Receiving streams unnamed tributaries of both Washington Run and Little Redstone Creek. Renewal application received August 19, 1997.

**26920101R. Black Rock Exploration Co., Inc.** (273 Main Street, Greenville, PA 16125). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Brownsville Boro, Brownsville Township, Luzerne Township, and Redstone Township, **Fayette County**. Receiving streams Monongahela River watershed. Renewal application received August 22, 1997.

**65920102R. Sosko Coal Company** (R. D. 3, Box 330, Mt. Pleasant, PA 15666). Renewal application received for continued restoration of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**. Receiving streams unnamed tributary to Jacobs Creek to Jacobs Creek to the Youghiogheny River. Renewal application received August 22, 1997.

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

**17970112. Cougar Contracting, Inc.** (P. O. Box 217, Houtzdale, PA 16651), commencement, operation and restoration of bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 86 acres, receiving streams unnamed stream to Muddy Run. Application received August 7, 1997.

**17930116. Hamilton Bros. Coal, Inc.** (R. R. 2, Box 563, Clymer, PA 15728), revision to an existing bituminous surface mine-auger permit for a reduction in permit acreage from 148 acres to 107 acres, Beccaria Township, **Clearfield County**, receiving streams Snyder Run and three unnamed tributaries to Clearfield Creek. Application received August 19, 1997.

**17890115. Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine—sandy shale (demonstration) permit in Boggs Township, **Clearfield County** affecting 639 acres, receiving streams Camp Hope Run, Sandbourn Run, unnamed tributary to Sandbourn Run to Clearfield Creek. Application received August 7, 1997.

**17970113. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 65 acres, receiving streams Deer Run to West Branch Susquehanna River. Application received August 19, 1997.

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

**16803004. Milestone Crushed, Inc.** (P. O. Box N, Parker, PA 16049), transfer of an existing bituminous surface, strip and tipple refuse disposal operation in Perry Township, **Clarion County** affecting 165.0 acres. Receiving streams unnamed tributaries to Fiddler's Run and Fiddler's Run. Transfer from C & K Coal Company. Application received August 27, 1997.

*McMurray District Office*

**32841307. Tanoma Coal Co., Inc.** (R. D. 1, Box 594, Marion Center, PA 15759), to renew the permit for the Tanoma Mine in Rayne Township, **Indiana County**, no additional discharges. Application received July 18, 1997.

**63831302. Eighty Four Mining Co.** (P. O. Box 729, Indiana, PA 15710), to revise the permit for the Mine #84 in South Strabane Township, **Washington County** to install 8' ventilation shaft (Smith Shaft), unnamed tributary to Little Chartiers Creek. Application received August 18, 1997.

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

*Coal Permits Received*

**40850203C2. Silverbrook Anthracite, Inc.** (322 Simpson Street, Dupont, PA 18641), correction to an existing mining operation to include coal refuse disposal in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream South Branch Newport Creek. Application received August 22, 1997.

*Noncoal Permits Received*

**67870301C. York Building Products Co., Inc.** (1020 North Hartley Street, York, PA 17404), correction to an existing quarry operation to add an additional NPDES Discharge Point to NPDES Permit #PA0010235 in West Manchester Township, **York County** receiving stream Willis Run. Application received August 21, 1997.

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

### ENCROACHMENTS

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

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. § 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this

notice as well as questions to the Bureau or Field Office indicated as the responsible office.

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

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

**E46-783. Encroachment. Horsham Township,** 1025 Horsham Road, Horsham, PA 19044. To construct and maintain a 2-foot × 8-foot culvert in and along Pennypack Creek (WWF, MF) for the purpose of constructing the Horsham Township Jogging Path located along the PECO Energy easement near the terminus of Colonial Drive (Ambler, PA Quadrangle N: 10.1 inches; W: 3.8 inches) in Horsham Township, **Montgomery County**.

**E46-785. Encroachment. Meadowview Homes, Inc.,** 1120 N. Bethlehem Pike, P. O. Box 280, Springhouse, PA 19477. To construct and maintain the Road "A" crossing consisting of 86 linear feet of 60-inch reinforced concrete culvert, associated endwalls and roadway approach fill across an unnamed tributary of the Stoney Creek (TSF) and 0.52 acre of wetland associated with the construction of the Sunny Brooke Estates Residential Subdivision. The site is located just north of the intersection Skippack Pike (S. R. 0073) and North Wales Road (T-377) (Lansdale, PA USGS Quadrangle N: 10.5 inches; W: 8.1 inches) in Worcester Township, **Montgomery County**.

**E46-784. Encroachment. Upper Merion Township,** 175 West Valley Forge Rd., King of Prussia, PA 19406-0139. To replace an existing deteriorating pedestrian bridge over Crow Creek (a.k.a. Abram's Creek) (WWF) at Sweetbriar Park. The project consists of removing the existing 3-foot wide by 50-foot long metal grate bridge superstructure, concrete abutments and stairways, and constructing a new bridge at this location. The new structure will be a 5-foot wide by 52-foot long prefabricated steel frame with wooden deck bridge placed on new reinforced concrete abutments. The site located just next to the Hansen Road cul-de-sac at a point approximately 2,000 feet north of its intersection with Valley Forge Road (S. R. 23) (Valley Forge, PA Quadrangle N: 19.5 inches; W: 0.3 inch) in Upper Merion Township, **Montgomery County**.

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

**E13-104. Encroachment. Carbon County Economic Development Corporation,** P. O. Box 210, Jim Thorpe, PA 18229-0210. To place fill in 0.475 acre of wetlands (PEM) for the construction of a 40,080 square foot multitenant building and associated parking lot. The project is located within the Green Acres Industrial Park, approximately 2.4 miles west of the intersection of S. R. 0054 and S. R. 0209 (Nesquehoning, PA Quadrangle N: 19.7 inches; W: 15.4 inches) in Nesquehoning Borough, **Carbon County** (Philadelphia District U. S. Army Corps of Engineers).

**E40-472. Encroachment. Ecumenical Enterprises, Inc.,** 1075 Memorial Highway, Dallas, PA 18612. To construct and maintain a pedestrian crossing of a tributary to Toby Creek (CWF), and approach walkways for the purpose of connecting the two V2 Sections of The

Meadows Campus. The crossing will consist of a 49-inch by 33-inch corrugated steel pipe arch culvert. The project is located on the west side of S. R. 1047, approximately 0.1 mile northwest of the intersection of S. R. 1047 and S. R. 1044 (Center Hill Road) (Kingston, PA Quadrangle N: 16.6 inches; W: 12.8 inches), in Dallas Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-473.** Encroachment. **Penn State Seed Company, Inc.**, Box 390, Route 309, Dallas, PA 18612. To maintain fill within the floodway along the easterly (right) bank of a 600-foot reach of Leonard Creek (HQ-CWF), including fill within 0.06 acre of (PFO) wetlands. The project is located on the east side of S. R. 0309, approximately 2,300 feet south of the Luzerne/Wyoming County line (Centermoreland, PA Quadrangle N: 1.9 inches; W: 14.7 inches), in Dallas Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E52-151** Encroachment. **Charles and Marie Dowd**, P. O. Box 147, Mill Rift, PA 18340-0547. To construct and maintain a pedestrian bridge having a span of 28 feet and an underclearance of approximately 15 feet to be built on the existing concrete abutments across Bushkill Creek (EV). This project is located on the southwest side of S. R. 1017 at 126 Bluestone Boulevard (Port Jervis South, PA Quadrangle N: 6.1 inches; W: 16.3 inches) in Westfall Township, **Pike County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E31-140.** Encroachment. **Mount Union Borough**, Ben Daniel, P. O. Box 90, Mount Union, PA 17066. To construct and maintain a Little League Baseball Field in the 100 year floodplain of Hill Valley Creek located along the south side of Hill Valley Creek about 0.6 mile upstream from its confluence with the Juniata River (Mount Union, PA Quadrangle N: 1.0 inch; W: 0.6 inch) in Mount Union Borough, **Huntingdon County**.

**E67-604.** Encroachment. **Shrewsbury Township**, John O'Keefe, R. D. 4, Box 40160, Glen Rock, PA 17327. To maintain Township Bridge No. 323 on Seitzland Road (T-431) across the South Branch Codorus Creek by underpinning the bridge foundation with reinforced concrete and to stabilize the eroded left upstream bank with 50 l. f. of mortared riprap (Glen Rock, PA Quadrangle N: 6.1 inches; W: 13.9 inches) in Shrewsbury Township, **York County**.

**E67-605.** Encroachment. **Kinsley Equities II Limited Partnership**, Robert Kinsley, 2700 Water Street, York, PA 17403. To fill 0.18 acre and 0.16 acre of wetlands for construction of 127 l. f. of 2-foot diameter reinforced concrete pipe (RCP), and 92 l. f. of 3-foot diameter RCP culvert for an access road crossing through two wetland areas to lots within the Susquehanna Business Park, located on the east side of Susquehanna Trail (T-956), (Dover, PA Quadrangle N: 12.7 inches; W: 1.9 inches) in Conewago Township, **York County**.

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

**E08-326.** Encroachment. **Manville Cook**, R. R. 2, Box 85, Wysox, PA 18848. To remove a 500 foot by 50 foot gravel bar from Johnson Creek and to backfill 550 feet of the adjacent eroded left stream bank which will be graded at a :3:1 slope and stabilized with log deflectors and

vegetation located approximately 1,000 feet south of the SR 187 and SR 467 intersection (Rome, PA Quadrangle N: 13.25 inches; W: 13.75 inches) in Wysox Township, **Bradford County**. This project proposes to impact approximately 575 linear feet of Johnson Creek which is classified as Cold Water Fishery.

**E14-309.** Encroachment. **Garner Lumber Inc.**, P. O. Box 462, James Creek, PA 16657. To construct and maintain a ford crossing to haul forest products across Beech Creek located 0.3 mile upstream of the confluence of Twin Run and Beech Creek (Howard, PA Quadrangle N: 19.9 inches; W: 10.3 inches) in Beech Creek Township, **Clinton County** and Liberty Township, **Centre County**. Estimated stream disturbance is about 30 feet; stream classification is CWF.

**E19-171.** Encroachment. **Christopher J. Welkom**, R. R. 9, Box 323B, Bloomsburg, PA 17815. To construct and maintain a 6 foot 6 inch diameter steel culvert pipe in an unnamed tributary to Black Run. This property is located off Tunnel Road approximately 0.5 mile north of Black Run Road (Millville, PA Quadrangle N: 14.0 inches; W: 5.0 inches) in Madison Township, **Columbia County**. Estimated stream disturbance is approximately 80 feet; stream classification is CWF.

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

**E11-255.** Encroachment. **PA Dept. of Transportation**, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a single normal span of 57.5 feet and an underclearance of 9.8 feet over Chest Creek (HQ-CWF); to temporarily place and maintain fill in a de minimis area of PEM wetlands less than or equal to 0.05 acre during construction and to construct a temporary crossing consisting of three 84-inch CMP pipes upstream in Chest Creek. The project is located along SR 1007, 200 feet west of Bradley Junction (Carrolltown, PA Quadrangle N: 9.3 inches; W: 6.1 inches) in Allegheny and East Carroll Townships, **Cambria County**.

**E32-387.** Encroachment. **H. Banks Wright**, Box 79, Armagh, PA 15920. To remove existing structure and to construct and maintain a 142" x 91" corrugated metal arch culvert in an unnamed tributary to Mardis Run (CWF) for the purpose of providing access to a proposed warehouse site (New Florence, PA Quadrangle N: 15.0 inches; W: 4.7 inches) in East Wheatfield Township, **Indiana County**.

**E56-279.** Encroachment. **Somerset County Commissioners**, 111 East Union Street, Ste. 100, Somerset, PA 15501. To remove existing structure known as Heckle Bridge (County Bridge No. 66/T-383) and to construct and maintain a 2-span 58.25-foot/bridge with an underclearance of 14.5 feet over the Casselman River (WWF) (Meyersdale, PA Quadrangle N: 15.90 inches; W: 6.00 inches) in Summit Township, **Somerset County**.

**E63-439.** Encroachment. **Washington County**, 701 Courthouse Square, 100 Beau Street, Washington, PA 15301. To remove existing structure and to construct and maintain a bridge across Robinson Fork Wheeling (WWF) with a span of 44.0 feet and a minimum underclearance of 4.5 feet on T-360 approximately 2,000 feet northeast of the intersection of T-360 and SR 3037 (Claysville, PA Quadrangle N: 2.1 inches; W: 12.3 inches) in West Finley Township, **Washington County**.

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

**E25-470A.** Encroachment. **Millcreek Mall Corporation, The Cafaro Company**, 1445 Belmont Avenue, P. O. Box 2186, Youngstown, OH 44504-0186. To amend existing Permit No. E25-470 (as amended 11/28/94) to authorize the construction and maintenance of 10.7 acres of replacement wetlands located within the Conneaut Creek (WWF, MF) watershed. The replacement wetlands will be located east of S. R. 0215 adjacent to Conneaut Creek approximately 4,000 feet north of the intersection of S. R. 0215 and S. R. 3002 (West Cherry Hill Road) at Kidders Corner (East Springfield, PA Quadrangle N: 7.9 inches; W: 2.8 inches) located in Springfield Township, **Erie County**.

**ACTIONS**

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

(Part I Permits)

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35

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

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

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

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

**NPDES Permit No. PA 0031739.** Sewage, **Great Valley School District**, P. O. Box 617, Devault, PA 19432.

The following notice reflects changes to the notice published in the November 9, 1996, *Pennsylvania Bulletin*:

The revised effluent limits for Outfall 001, are as follows:

<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Not Detectable	Not Detectable

Total residual Chlorine

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

**NPDES Permit No. PA-0070491.** Sewerage, **Mahoning Valley Nursing & Rehabilitation Center**, 397 Hemlock Drive, Lehighton, PA 18235-9640 is authorized to discharge from a facility located in Mahoning Township, **Carbon County** to Stewart Creek.

**NPDES Permit No. PA-0070254.** Sewerage, **Lynn Township Sewer Authority**, P. O. Box 208, New Tripoli, PA 18066 is authorized to discharge from a facility located in Lynn Township, **Lehigh County** to Ontelaunee Creek.

**NPDES Permit No. PA-0012505.** Industrial waste, **LaFarge Corporation**, 5160 Main Street, Whitehall, PA 18052 is authorized to discharge from a facility located in Whitehall Township, **Lehigh County** to the Lehigh River.

**NPDES Permit No. PA-0063657.** Sewage, **Wyoming Area School District**, 20 Memorial Street, Exeter, PA 18643-2698 is authorized to discharge from a facility located at the Sarah J. Dymond Elementary School,

Sutton Creek Road, Harding, PA 18643, in Exeter Township, **Luzerne County** to an Unnamed Tributary to Sutton Creek.

**NPDES Permit No. PA-0063011.** Industrial waste, **Hazleton City Authority**, Water Department, 400 E. Arthur Gardner Parkway, Hazleton, PA 18201 is authorized to discharge from a facility located in Hazle Township, **Luzerne County** to Dreck Creek Reservoir—Dam F.

**NPDES Permit No. PA-0046795.** Industrial waste, **Agway Petroleum Corporation**, P. O. Box 4852, Syracuse, NY 13221 is authorized to discharge from a facility located in Pittston Township, **Luzerne County** to an Unnamed Tributary of Collins Creek.

**NPDES Permit No. PA-0036811.** Industrial waste, **Interstate Energy Company**, 2543 Applebutter Road, Hellertown, PA 18055 is authorized to discharge from a facility (Gilbert Terminal) located in Lower Saucon Township, **Northampton County** to the Lehigh River.

**NPDES Permit No. PA-0062600.** Industrial waste, **Agway Petroleum Corporation**, P. O. Box 4852, Syracuse, NY 13221 is authorized to discharge from a facility

(Schuylkill Haven Bulk Plant) located in North Manheim Township, **Schuylkill County** to an Unnamed Tributary of Mahanoy Creek.

**NPDES Permit No. PA-0043885.** Sewage, **Greater Pottsville Area Sewer Authority**, 401 North Centre Street, P. O. Box 1163, Pottsville, PA 17901 is authorized to discharge from a facility (Main STP) located in Pottsville City, **Schuylkill County** to the Schuylkill River.

**NPDES Permit No. PA-0060526.** Industrial waste, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397 is authorized to discharge from a facility (Forest City Water Treatment Plant) located in Forest City Borough, **Susquehanna County** to the Lackawanna River.

**NPDES Permit No. PA-0062651.** Industrial waste, **Agway Petroleum Corporation**, P. O. Box 4852, Syracuse, NY 13221 is authorized to discharge from a facility (New Milford Bulk Plant) located in New Milford Borough, **Susquehanna County** to Salt Lick Creek.

**Permit No. 3997404.** Sewerage, **City of Allentown**, 112 Union Street, Allentown, PA 18102-4910. Permit to construct and operate modifications to the Kline Island STP, located in the City of Allentown, **Lehigh County**.

**Permit No. 3997405.** Sewerage, **Parkland School District**, 1210 Springhouse Road, Allentown, PA 18104-2119. Permit to construct and operate wastewater treatment facilities for the proposed Parkland Senior High School, located in South Whitehall Township, **Lehigh County**.

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

**NPDES Permit No. PA0031844.** Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690 is authorized to discharge from a facility located at North Washington Elementary School STP, Washington Township, **Westmoreland County** to Unnamed Tributary of Pine Run.

**NPDES Permit No. PA0096733—Amendment No. 1.** Sewage, **Lance L. Safran**, 5800 Steel Road, Murrysburg, PA 15668 is authorized to discharge from a facility located at Pleasant View Mobile Home Park STP, Saltlick Township, **Fayette County**.

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

**WQM Permit No. 6297404.** Sewerage, **Thomas L. Holden**, SRSTP, P. O. Box 274, Sheffield, PA 16347. Construction of Thomas L. Holden SRSTP located in Sheffield Township, **Warren County**.

**WQM Permit No. 4397203.** Industrial waste, **Consumer Pennsylvania Water Company**, Shenango Valley Division, 665 South Dock Street, P. O. Box 572, Sharon, PA 16146-1835. This project is for the construction and operation of wastewater treatment facilities in the City of Sharon, **Mercer County**.

**WQM Permit No. 4397408.** Sewage, **Jackson Center Borough**, R. D. 1, Box 38, Jackson Center, PA 16133. This project is for the expansion of sewage treatment facilities in Jackson Center Borough, **Mercer County**.

**NPDES Permit No. PA 0024899.** Sewage, **Borough of Lake City**, 2350 Main Street, Lake City, PA 16423 is authorized to discharge from a facility located in Lake City, **Erie County** to Elk Creek.

**NPDES Permit No. PA 0034789.** Industrial waste, **St. Marys Area Water Authority**, 429 Ridgeway Road, P. O. Box 33, St. Marys, PA 15857 is authorized to discharge from a facility located in St. Marys, **Elk County** to Laurel Run.

**NPDES Permit No. PA 0020541.** Sewage, **Girard Borough**, 34 Main Street West, Girard, PA 16417 is authorized to discharge from a facility located in Girard Borough, **Erie County** to Elk Creek.

**NPDES Permit No. PA 0222348.** Sewage, **Thomas L. Holden**, P. O. Box 410, Sheffield, PA 16347 is authorized to discharge from a facility located in Sheffield Township, **Warren County** to Unnamed Tributary to South Branch Tionesta Creek.

#### INDIVIDUAL PERMITS (PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D048	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Lower Makefield Township Bucks County	Brock Creek Tributary to Buck Run
<i>Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.</i>			
<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U066	JAMD, Inc. 101 Timberline Drive Bangor, PA 18072	Northampton Co. Washington Township	Little Martins Crk.
PAS10U069	Red Rock Land Corp. 163 Treeline Drive Pen Argyl, PA 18072	Northampton Co. Forks Township	Bushkill Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS107202	North Coast Energy 3896 Oakwood Avenue Youngstown, OH 44515	Warren County Conewango Township	Morse Run

**INDIVIDUAL PERMITS  
(PAR)**

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**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

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

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

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

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

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

*Facility Location  
County and  
Municipality*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Susquehanna County Rush Township	PAR106409	Pennsylvania Department of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Wyalusing Creek	Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-5485
McKean County Port Allegany	PAR104105	Ball Foster Glass Container Co. LLC P. O. Box 4200 Muncie, IN 47307-4200	Allegheny River	Northwest Region Water Management Program Manager 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Girard Borough Erie County	PAR158302	Walton Paint Company DBA Beaver Paint Company 710 Beaver Road Girard, PA 16417	Unnamed Tributary to Elk Creek	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Adams Twp. Butler County	PAR118316	Lectromat, Inc. P. O. Box 608 Mars, PA 16046	Breakneck Creek	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Zelienople Borough Butler County	PAR118321	The F. B. Leopold Co., Inc. 227 South Division Street Zelienople, PA 16063	Glade Run to Connoquenessing Creek to Beaver River	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Hermitage City Mercer County	PAR208336	Advanced Monobloc Corporation One Llodio Drive Hermitage, PA 16148	Unnamed Tributary to Shenango River Basin and City of Hermitage Pond/Industrial Park Flood Control	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Erie City Erie County	PAR218306	A. Duchini Inc. P. O. Box 10005 Erie, PA 16514	Garrison Run to Lake Erie	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Summit Twp. Butler County	PAR208302	Bear Metallurgical Co. 679 East Butler Road Butler, PA 16001	Ohio River Basin Connoquenessing Creek Unnamed Tributary	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Farrell Mercer County	PAG058310	John H. Weeter Guttman Oil Company 200 Speers Street Belleverson, PA 15012	Pine Run	Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942

## SAFE DRINKING WATER

### Permit issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

**A. 1897502.** The Department issued an Innovative Technology Construction Permit to **Crawford Township Authority**, R. R. 2, Box 388, Jersey Shore, PA 17740, (Crawford Township, **Clinton County**) for construction of an Environmental Products Division pressure sand filtration plant, storage tanks for finished water, backwash water, and raw water and an intake on Rauchtown Creek.

**A. 4146292-A8.** The Department issued a permit for construction to **Aqua Penn Spring Water Company**, One Aqua Penn Drive, P. O. Box 938, Milesburg, PA 16853 (Boggs Township, **Centre County**) for construction of a new raw water pump station, new ozonator and raw water storage tank and additional labels.

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

**Permit No. 4397503.** Public water supply, **Consumers PA Water Company**, Shenango Valley Division, 665 S. Dock St., Sharon, PA 16146-1835. This project is to construct a 2 million gallon per day (mgd) booster pump station at Seig Hill. This booster pump station will provide increased pressure to the Oak Tree Subdivision and will also serve to provide water to Hubbard, Ohio in periods of increased demands. The booster pump station is located in Shenango Township, **Mercer County**.

*Type of Facility:* Community Water Supply.

*Consulting Engineer:* Jack N. Walter, P. E., Consumers PA Water Company, 665 S. Dock St., Sharon, PA 16146-1835.

*Permit to Construct Issued:* August 27, 1997.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 3

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require

the Department of Environmental Protection 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.

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

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

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

**Pennsylvania Electric Company, d/b/a GPU Energy**, for the Brockway Subdistrict Facility, Borough of Brockway, **Jefferson County**, James Street and Evergreen Avenue Intersection, has submitted a Final Report to Remediate soil. The site has been found to be contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

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

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

**Buckham Transport Ltd.**, Box 601, Peterborough, Ontario, Canada K9J6Z8; License No. **PA-AH 0336**; renewal license issued August 28, 1997.

**MSE Environmental, Inc.**, 880 Verdulera Street, Camarillo, CA 93010; License No. **PA-AH 0499**; renewal license issued August 27, 1997.

**SLT Express, Inc.**, P. O. Box 710, Denver, CO 80201; License No. **PA-AH 0498**; renewal license issued August 27, 1997.

### RESIDUAL WASTE PROCESSING FACILITIES

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

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

**General Permit No. WMGR028. Pennsylvania Asphalt Pavement Association**, 3540 N. Progress Avenue, Harrisburg, PA 17110-9637. A permit for beneficial use of hot-mix asphalt plant residues consisting of baghouse fines and scrubber pond precipitates as a soil additive or soil amendment. The permit was issued by Central Office on August 27, 1997.

Persons interested in reviewing the permit may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 400558. Montenay Montgomery Limited Partnership**, 1155 Conshohocken Road, Conshohocken, PA 19428. This Amended Waste Management permit is for the acceptance of various categories of municipal-like residual waste at the Montgomery County Resource Recovery Incinerator Facility, located in Plymouth Township, **Montgomery County**. Permit was issued in the Southeast Regional Office on July 29, 1997.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 101295. Tri-County Landfill, Inc.**, 199 Landfill Road, Grove City, PA 16217, located in Pine and Liberty Townships, **Mercer County**.

An application to repermit the Tri-County Landfill, received February 1, 1991, was denied in the Regional Office on August 6, 1997. The application was denied in accordance with 25 Pa. Code § 273.202, as amended January 25, 1997; a municipal waste landfill may not be operated within 10,000 feet or 3,048 meters of an airport runway that is or will be used by turbine-powered aircraft during the life of disposal operations under the permit.



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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and municipal waste regulations for general permits for the processing of infectious or chemotherapeutic waste.**

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

**General Permit No. WMGI002. Winfield Environmental Co., LLC**, 520 S. Andreasen Drive, Escondido, CA 92029. A permit for disinfection of infectious waste by chemical disinfection using chlorine dioxide. The permit was issued by Central Office on August 26, 1997.

**General Permit No. WMGI009. O B F Industries, Inc.**, 2719 Curtiss Street, Downers Grove, IL 60515. A permit for the processing of infectious waste by using a formulation of glutraldehyde, silicon dioxide and potassium and/or sodium polyacrylate. The permit was issued by Central Office on August 22, 1997.

Persons interested in reviewing or registration information may contact the General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

**AIR POLLUTION  
OPERATING PERMITS**

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

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

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

**03-00190: Five Rubber Corporation** (1655 Orr Avenue, Kittanning, PA 16201) located in Kittanning Borough, **Armstrong County**. The facility has emissions of 40 tons of VOCs.

**PLAN APPROVALS**

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

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

**44-03004:** On August 18, 1997, the Department issued a plan approval to **Guardian Industries Corp.** (One Belle Avenue, Building 35, Lewistown, PA 17044-2434) for construction of the mirror coating operation controlled by a regenerative thermal oxidizer in Granville Township, **Mifflin County**.

**44-03005:** On August 18, 1997, the Department issued a plan approval to **Complete Resource Company** (1275 East Fifth Avenue, Columbus, OH 43219) for the installation of the portable crushing and screening plant con-

trolled by wet suppression in Brown Township, **Mifflin County**. This source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

**ER-06-5012:** On August 21, 1997, the Department issued an Emission Reduction Credit Approval to **Rexam DSI** (220 Corporate Drive, Reading, PA 19605) for the shutdown of a surface coating operation at their Reading Plant in Muhlenberg Township, **Berks County**.

**06-309-001B:** On August 21, 1997, the Department issued a plan approval to **Glen-Gery Corp.** (423 South Pottsville Pike, Shoemakersville, PA 19555) for the modification of a brick manufacturing operation controlled by a fabric collector at their Mid Atlantic Plant in Perry Township, **Berks County**.

**07-308-003D:** On August 22, 1997, the Department issued a plan approval to **Fry Metals, Inc.** (4100 Sixth Avenue, Altoona, PA 16602) for modification of the construction of the refining and dross treatment operations controlled by a postcombustion settling chamber and a fabric filter in the City of Altoona, **Blair County**.

**36-317-184B:** On August 22, 1997, the Department issued a plan approval to **Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) for modification and construction of the bakery operations at their Denver Bakery located in East Cocalico Township, **Lancaster County**.

**MINING**

**APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES**

**MINING ACTIVITY ACTIONS**

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

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

*Coal Applications Issued*

**11813005.** Permit renewal. **Ratay Coal, Inc.** (R. D. 1, Box 198, Penn Run, PA 15765), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation, only in Conemaugh Township, **Cambria County**, affecting 224.2 acres, receiving stream unnamed tributaries to/and Clapboard Run. Application received March 7, 1996. Permit issued August 25, 1997.

**56813127.** Permit renewal. **Richland Resources, Inc.** (R. D. 1, Box 198, Penn Run, PA 15765), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Quemahoning Township, **Somerset County**, affecting 82.9 acres, receiving stream unnamed tributaries to Stony Creek and to Stony Creek. Application received March 7, 1996. Permit issued August 25, 1997.

**11860101.** Permit renewal. **Laurel Land Development, Inc.** (P. O. Box 629, Carrolltown, PA 15722), commencement, operation and restoration of a bituminous strip mine in Blacklick Township, **Cambria County**, affecting 67.0 acres, receiving stream Coalpit Run. Application received April 7, 1997. Permit issued August 22, 1997.

**56870101.** Permit renewal. **Hilltop Mining, Inc.** (R. D. 4, Box 83-C, Berlin, PA 15530), commencement, operation and restoration of a bituminous strip-coal refuse disposal mine in Brothersvalley Township, **Somerset County**, affecting 15.8 acres, receiving stream unnamed tributary to Buffalo Creek. Application received July 3, 1997. Permit issued August 25, 1997.

**32970901.** **Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728), commencement, operation and restoration of a bituminous strip mine in Cherryhill Township, **Indiana County**, affecting 8.0 acres, receiving stream unnamed tributary to and Dixon Run. Application received April 2, 1997. Permit issued August 26, 1997.

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

**17920109.** **Thomas Coal Co., Inc.** (Star Route, Box 53, Curwensville, PA 15833), renewal of an existing bituminous surface mine permit in Bloom Township, **Clearfield County** affecting 151.5 acres, receiving streams unnamed tributaries of Bell Run and Bigler Run. Application received April 18, 1997. Permit issued August 19, 1997.

**17960124.** **Sky Haven Coal, Inc.** (R. R. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Brady and Bell Townships, **Clearfield County** affecting 127 acres, receiving streams: Buck Run to Beech Run to East Branch Mahoning Creek to Mahoning Creek to Allegheny River. Application received December 27, 1996. Permit issued August 22, 1997.

**17910122.** **Hamilton Bros. Coal, Inc.** (R. R. 2, Box 563, Clymer, PA 15728), renewal of an existing bituminous surface mine-auger permit in Beccaria Township, **Clearfield County** affecting 137 acres, receiving streams: tributaries to North Witmer Run to North Witmer Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received July 7, 1997. Permit issued August 25, 1997.

**17940122.** **Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), transfer of an existing bituminous surface mine-auger permit from Hepburnia Coal Company, Greenwood Township, **Clearfield County** affecting 120.2 acres, receiving streams: unnamed stream, tributary to Watts Creek, Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received May 5, 1997. Permit issued August 22, 1997.

**17950106.** **Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), transfer of an existing bituminous surface mine-auger permit from R. B. Contracting, Greenwood Township, **Clearfield County** affecting 100.2 acres, receiving streams: unnamed stream, tributary to Watts Creek, Watts Creek to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received May 5, 1997. Permit issued August 22, 1997.

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

**33920104.** **Dutch Run Coal, Inc.** (R. D. 2, Box 366, Shelocta, PA 15774), renewal of an existing bituminous strip and auger operation in Ringgold Township, **Jefferson County** affecting 68.8 acres. This renewal is issued for reclamation only. Receiving streams two unnamed tributaries to Painter Run. Application received June 19, 1997. Permit issued August 14, 1997.

**33870110.** **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), renewal of an existing bituminous strip and auger operation in Washington and Snyder Townships, **Jefferson County** affecting 63.0 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributary to Curry Creek and unnamed tributary to Mill Creek. Application received June 23, 1997. Permit issued August 14, 1997.

**10910103.** **D.W.L. Coal Company** (1201 West Main Street, Grove City, PA 16127), renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Cherry Valley Borough, **Butler County** affecting 126.0 acres. This renewal is issued for reclamation only. Receiving streams South Fork, Little Scrubgrass Creek and two unnamed tributaries to South Fork. Application received July 7, 1997. Permit issued August 14, 1997.

**10970102.** **Aspen Minerals, Inc.** (P. O. Box 269, Shippenville, PA 16254), commencement, operation and restoration of a bituminous strip operation in Oakland Township, **Butler County** affecting 76.0 acres. Receiving streams three unnamed tributaries to Lake Oneida. Application received February 12, 1997. Permit issued August 13, 1997.

**10970103.** **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous strip operation in Oakland Township, **Butler County** affecting 77.0 acres. Receiving streams two unnamed tributaries to Pine Run and one unnamed tributary to Connoquenessing Creek. Application received February 28, 1997. Permit issued August 13, 1997.

**102360-10970103-E-1.** **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet to unnamed tributary No. 3 to Connoquenessing Creek for the purposes of support facility construction and maintenance, and mineral extraction in Oakland Township, **Butler County**. Receiving streams two unnamed tributaries to Pine Run and one unnamed tributary to Connoquenessing Creek. Application received February 28, 1997. Permit issued August 13, 1997.

**102360-10970103-E-2.** **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet to unnamed tributaries No. 1 and No. 5 to Pine Run for the purposes of support facility construction and maintenance, and mineral extraction in Oakland Township, **Butler County**. Receiving streams two unnamed tributaries to Pine Run and one unnamed tributary to Connoquenessing Creek. Application received February 28, 1997. Permit issued August 13, 1997.

**33910110.** **MSM Coal Co., Inc.** (P. O. Box 243, DuBois, PA 15801), renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson**

**County** affecting 74.6 acres. Receiving streams two unnamed tributaries to Little Sandy Creek. Application received June 3, 1997. Permit issued August 25, 1997.

*McMurray District Office*

**56971301. GM & S Coal Corp.** (P. O. Box 233, Jennerstown, PA 15547), to operate the Geronimo Mine in Jenner Township, **Somerset County**, unnamed tributary to North Branch of Quemahoning Creek. Permit issued August 19, 1997.

**03841307. Keystone Coal Mining Corp.** (P. O. Box 729, Indiana, PA 15710), to revise the permit for the Emilie No. 4 in Plumcreek Township, **Armstrong County**, post mining land use change, no additional discharges. Permit issued August 28, 1997.

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

*Noncoal Permits Issued*

**20830301. Berkey's Nursery** (138 Jefferson St., P. O. Box 215, Spartansburg, PA 16434-0215), transfer of an existing sand and gravel operation in Sparta Township, **Crawford County** affecting 6.5 acres. Receiving streams Five Mile Creek. Application received June 19, 1997. Permit issued August 19, 1997.

**20970301. Meadville Redi-Mix Concrete, Inc.** (P. O. Box 418, Meadville, PA 16335), commencement, operation and restoration of a sand and gravel operation in Summit Township, **Crawford County** affecting 220.4 acres. Receiving streams none. Application received January 30, 1997. Permit issued August 21, 1997.

**4672SM9. Tionesta Sand & Gravel, Inc.** (P. O. Box 307, Tionesta, PA 16355), revision to an existing sand and gravel operation to change the postmining land use from a water impoundment to pastureland/land occasionally cut for hay on the Charles H. Theuret property in Pittsfield Township, **Warren County**. Receiving streams Hosmer Run. Application received June 18, 1997. Permit issued August 25, 1997.

**43910304. Meadville Redi-Mix Concrete, Inc.** (P. O. Box 418, Meadville, PA 16335), renewal of NPDES #PA0208361, French Creek Township, **Mercer County**. Receiving streams two unnamed tributaries to Powdermill Run. Application received July 3, 1997. Permit issued August 25, 1997.

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

**7773SM1A2C2. Pottstown Trap Rock Quarries, Inc.** (One Quarry Road, Douglassville, PA 19518), correction and renewal of NPDES #PA0595322 and to include wet processing in Douglassville Township, **Berks County** affecting 335.0 acres, receiving stream unnamed tributary to Schuylkill River. Correction issued August 29, 1997.

**01970301. National Earth Products, Inc.** (245 Butler Avenue, Lancaster, PA 17602), commencement, operation and restoration of a quarry operation in Mt. Joy Township, **Adams County** affecting 12.7 acres, receiving stream none. Permit issued August 29, 1997.

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

*Small Industrial Mineral Authorizations Granted*

**59970801. Jill D. Cross** (P. O. Box 240, Mainesburg, PA 16932), commencement, operation and restoration of a Small Industrial Mineral (Sandstone) permit in Clymer Township, **Tioga County** affecting 4 acres, receiving

streams: Baker Branch Asaph Run, tributary to Pine Creek. Application received July 24, 1997. Authorization granted August 19, 1997.

**53960805. Gordnier Excavating** (R. R. 3, Box 234A, Coudersport, PA 16915), commencement, operation and restoration of a Small Industrial Mineral (Flagstone, Shale, Rock and Topsoil) permit in Keating Township, **Potter County** affecting 1 acre, receiving streams East Branch Freeman Run, tributary to Freeman Run. Application received July 24, 1996. Authorization granted August 19, 1997.

**08970811. Scott A. Dunn** (R. R. 1, Box 250-B, Towanda, PA 18848), commencement, operation and restoration of a Small Industrial Mineral (Bluestone) permit in Pike Township, **Bradford County** affecting 1 acre, receiving streams Williams Creek. Application received May 20, 1997. Authorization granted August 28, 1997.

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

*General Small Noncoal Authorizations Granted*

**58970848. Donald R. Rood** (P. O. Box I, Nicholson, PA 18446), commencement, operation and restoration of a small bluestone quarry operation in Lenox Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted August 26, 1997.

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

**25970803. Rohrer-Blum** (8847 Hatch Hollow Road, Union City, PA 16438), commencement, operation and restoration of a small noncoal sand and gravel operation in Amith Township, **Erie County** affecting 2.0 acres. Receiving streams none. Application received March 17, 1997. Authorization granted August 28, 1997.

## **ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT**

### **ENCROACHMENTS**

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

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

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

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

**E09-729.** Encroachment Permit. **Toll Brothers, Inc.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006. To perform the following activities associated with the construction of the Mill Road Estates Residential Subdivision (a.k.a. Timber Ridge):

1. To relocate approximately 95 linear feet of an unnamed tributary to Brock Creek (WWF) in association with the widening of Oxford Valley Road.

2. To construct and maintain 75 linear feet of 36-inch reinforced concrete culvert, an 8-inch water line and an 8-inch sanitary sewer line crossing of an unnamed tributary of Brock Creek and adjacent wetlands. These activities are associated with the construction of Landmark Road.

3. To construct and maintain 94 linear feet of 42-inch reinforced concrete culvert and 74 linear feet of 18-inch reinforced concrete culvert, an 8-inch water line, and 8-inch sanitary sewer line crossing of an unnamed tributary of Brock Creek and adjacent wetlands. These activities are associated with the construction of Hearthstone Drive.

4. To place and maintain fill in wetlands to facilitate construction of Hearthstone Road, Arbor Court, Lot No. 26 and Lot No. 33. Also to install an 8-inch water line, 4-inch force main and 18-inch R.C.P. storm sewer utility line crossings of wetlands.

5. Issuance of this permit constitutes approval of the Environmental Assessment for a nonjurisdictional dam (outfall for Basin 1A) proposed at the project site.

This site is located just northwest of the intersection of Oxford Valley Road and Mill Road (Trenton West, NJ-PA Quadrangle N: 16.9 inches; W: 13.7 inches) in Lower Makefield Township, **Bucks County**. The applicant proposes to construct 0.6 acre of replacement wetlands at the project site.

**E23-257.** Encroachment Permit. **Pennsylvania Department of Transportation**, 200 Radnor-Chester Road, St. David's, PA 19087-5178. To reissue Permit No. E23-257 which authorized to replace the superstructure and to maintain a bridge having a clear span of 31 feet 11 5/8 inches with an underclearance of 17 feet 6 inches across Cobbs Creek on S. R. 1005 (Eagle Road), Segment 008C, Offset 3292, Section 06S, Station 154+94 (Lansdowne, PA Quadrangle N: 21.5 inches; W: 6.95 inches) in Haverford Township, **Delaware County**.

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

**E40-456.** Encroachment. **Luzerne County Convention Center Authority**, 54 West Union Street, Wilkes-Barre, PA 18711. To construct and maintain a stream enclosure of Coal Brook, consisting of approximately 840

linear feet of 7-foot-diameter corrugated steel pipe, for the purpose of constructing the Northeastern Pennsylvania Civic Arena/Convention Center. The project is located in the Highland Industrial Park (Wilkes-Barre East, PA Quadrangle N: 21 inches; W: 13.5 inches), in Wilkes-Barre Township, **Luzerne County**.

**E40-462.** Encroachment. **Luzerne County Commissioners**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. Giving its consent to remove the existing structure (County Culvert No. 37508) and to construct and maintain a single-span precast concrete slab bridge, having a span of approximately 10 feet and an underclearance of approximately 4 feet, across a Tributary to Big Wapwallopen Creek. The structure is located on T-393, approximately 0.7 mile south of the northern intersection of T-393 and S. R. 2045 (Freeland, PA Quadrangle N: 18.9 inches; W: 9.4 inches), in Wright Township, **Luzerne County**.

**E45-319.** Encroachment. **Jerry and Lynn Rosenbloom**, 209 Remington Road, Broomall, PA 19008. Giving its consent to place fill in a de minimis area of wetlands less than or equal to 0.05 acre for the purpose of constructing a single family dwelling on Lot 31 of Lake Naomi Estates residential subdivision. The project is located on the north side of Split Rock Lane, approximately 800 feet southwest of its intersection with Tanglewood Drive (Pocono Pines, PA Quadrangle N: 20.4 inches; W: 9.3 inches) in Tobyhanna Township, **Monroe County**.

**E52-148.** Encroachment. **Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718. Giving its consent to remove the existing structure and to construct and maintain a 2-slip, pile supported boathouse, having dimensions of 22 feet wide by 26 feet long in Corilla Lake. This project is located on the east side of S. R. 4003, approximately 800 feet north of township road T-441 (Narrowsburg, NY-PA Quadrangle N: 5.3 inches; W: 12.0 inches) in Lackawaxen Township, **Pike County**.

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

**E21-267.** Encroachment. **R. Scott Rankin**, 2048 Southpoint Drive, Hummelstown, PA 17036. To construct and maintain a 6' x 3' squash pipe across an unnamed tributary to Yellow Breeches Creek (Kellars Gap Hollow) to provide access for farm equipment located about 1,000 feet north of the Pentecostal Church in Brushtown Village (Dickinson, PA Quadrangle N: 16.5 inches; W: 10.48 inches) in Penn Township, **Cumberland County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E67-595.** Encroachment. **Wagman Construction, Inc.**, Jeff Winter, 3290 Susquehanna Trail North, York, PA 17404. To place fill in 0.1 acre of wetlands for the purpose of constructing a proposed medical facility to be located on the Dover Commons Tract west of SR 0074 just north of Palomino Road (West York, PA Quadrangle N: 21.6 inches; W: 13.1 inches) in Dover Township, **York County**. The permittee is responsible for compensating for wetlands by contributing to the wetland replacement fund. This permit also includes 401 Water Quality Certification.

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

**E41-401.** Encroachment. **Sun Pipe Line Co.**, John Nyce, Vice President, Ten Penn Center, 1801 Market St., Philadelphia, PA 19103-1699. Construct, operate, and maintain two (2) 8-inch diameter pipelines for the transmission of petroleum product beneath the West Branch Susquehanna River. The work shall consist of directional drilling beneath the existing river bed and installing two (2) 8-inch diameter pipes that measure 765 linear feet. The project is located along the southern right-of-way of SR 0180 approximately 2.5 miles south of the intersection of SR 2039 and SR 0180 (Montoursville South, PA Quadrangle N: 20.8 inches; W: 10.1 inches) in Armstrong and Loyalsock Townships, **Lycoming County**.

**E41-402.** Encroachment. **Walter G. Neidig**, P. O. Box 275, Muncy, PA 17756. Remove topsoil 5 feet deep and backfill with old concrete, asphalt, topsoil in the floodway of Muncy Creek located along SR 405 approximately 1,000 feet north of the Muncy Creek bridge (Muncy, PA Quadrangle N: 16.0 inches; W: 0.75 inch) in Muncy Creek, **Lycoming County**. This permit was issued under section 105.13(e) Small Projects.

**E41-405.** Encroachment. **Lycoming County Water & Sewer Authority**, Lycoming County Airport, Room 203, Montoursville, PA 17754. To remove an existing culvert and to construct and maintain three 42-inch reinforced concrete pipe culverts with associated concrete headwalls in the Gut located approximately 4,200 feet southwest of the SR 2047 and SR 0220 intersection (Muncy, PA Quadrangle N: 19.96 inches; W: 16.75 inches) in Fairfield Township, **Lycoming County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E55-144.** Encroachment. **Susquehanna University**, P. O. Box DD, 514 University Ave., Selinsgrove, PA 17870-1075. To construct and maintain a 30 LF-21'6" x 7'9" plate steel arch culvert with riprap stone outfall, a 36 1/4 inch x 22 1/2 inch CMP arch culvert, a proposed culvert bridge with a span of 21'6" and an underclearance of 7'9", a 32" high slip form concrete floodwall and the placement of fill in the floodway for site access road ramps. The proposed facilities will be located in or adjacent to the South Tributary to Penns Creek at Susquehanna University on the north side of Sassafras St. approximately 0.5 mile west of Market Street (Freeburg/Sunbury, PA Quadrangle N: 18.4 inches; W: 16.7 inches) in the Borough of Selinsgrove, **Snyder County**.

**E55-146.** Encroachment. **Middleburg Borough**, 13 N. Main St., Middleburg, PA 17842-0415. To construct and maintain walls and roofing for replacement of dugouts and a new picnic pavilion, all located within the floodway of Middle Creek in the Charles Park Playground on South Walnut St. (Middleburg, PA Quadrangle N: 6.9 inches; W: 6.2 inches) in the Borough of Middleburg, **Snyder County**. This permit was issued under section 105.13(e) Small Projects.

**E59-341.** Encroachment. **Richmond Township**, 563 Valley Rd., Mansfield, PA 16933. To remove on an as-needed basis for a period of 5 years built up gravel deposits from a section approximately 450 feet in length

of Canoe Camp Creek on the south side of T-493 between old Rt. 15 and the Tioga River (Mansfield, PA Quadrangle N: 5.8 inches; W: 9.6 inches) Richmond Township, **Tioga County**.

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

**E20-446.** Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and to construct and maintain a prestressed concrete spread box beam bridge having two 49.16-foot clear spans and an average underclearance of 10.35 feet on a 60 degree skew across Conneaut Creek on S. R. 0198, Segment 0160, Offset 0258 approximately 700 feet west of S. R. 18 (Conneautville, PA Quadrangle N: 1.4 inches; W: 16.5 inches) located in Conneautville Borough, **Crawford County**.

**E25-552.** Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To install concrete streambed paving 1-foot below the existing streambed, rock riprap scour protection and to maintain the existing bridge having a clear span of 20 feet and an underclearance of 7 feet across a tributary to West Branch French Creek on S. R. 0089, Segment 0410, Offset 0000 approximately 0.5 mile south of S. R. 430 at Colts Station (Wattsburg, PA Quadrangle N: 20.3 inches; W: 10.0 inches) located in Greenfield Township, **Erie County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

**E43-260.** Encroachment. **PA Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To install concrete streambed paving 1-foot below the existing streambed, rock riprap scour protection and to maintain the existing bridge having a clear span of 18 feet and an underclearance of 6.5 feet across Pine Run on S. R. 0062, Segment 0050, Offset 0814 approximately 1,500 feet west of S. R. 518 (Sharon East, PA Quadrangle N: 19.3 inches; W: 16.6 inches) located in the City of Sharon, **Mercer County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

## SPECIAL NOTICES

### Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 1997, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1 (800) 23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Anthony LaMastra A.B.E. Radiation Measurements Lab Airttech Radon Services, Inc.	1005 Old Route 22 Lenhartsville, PA 19534 709 Sloop Road Pittsburgh, PA 15237	Testing and Laboratory Mitigation
Brendan Ryan ALARA Environmental	538 Dorseyville Road Pittsburgh, PA 15238	Testing
Richard Armstrong	1268 Laurelwood Road Pottstown, PA 19465	Testing
Joseph Baicker	P. O. Box 900 Rocky Hill, NJ 08553	Laboratory
Bryan Cole	317 McWilliams Road Trafford, PA 15085	Testing
Edinboro Scientific Co.	12862 Wetsell Ridge Road Edinboro, PA 16412	Testing
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Blair Burton Miers	Box 2180 Flemington, NJ 08822	Mitigation
Wayne Murray	1021 Gypsy Hill Road Lancaster, PA 17602	Testing
Timothy Musser Musser & Co.	213 North 14th Street Allentown, PA 18102	Mitigation
Doris Natalie	P. O. Box 2422 Southeastern, PA 19399	Testing
Dennis Nilan	679 Barclay Lane Broomall, PA 19008	Testing and Mitigation
Robert Payne	1232 Raven Drive Pittsburgh, PA 15243	Testing
Sydney Porter, Jr. Porter Consultants, Inc.	125 Argyle Road Ardmore, PA 19003	Testing
James Wandless	1424 West 30th Street Erie, PA 16508	Mitigation

[Pa.B. Doc. No. 97-1477. Filed for public inspection September 12, 1997, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "June 1997 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will be adding its revised documents to the Web throughout 1997.

#### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

#### *Final Technical Guidance — New Guidance*

DEP ID: 294-2309-002 Title: Pennsylvania Radon Mitigation Standards Description: Standards for the installation of radon mitigation systems in detached and attached residential buildings, three stories or less in height, within the Commonwealth of Pennsylvania, by certified contractors. Effective Date: October 1, 1997 Page Length: 22 pages Location: Volume 04, Tab 5 Contact: Robert K. Lewis at (717) 783-3594.

DEP ID: 580-2200-008 Title: Guidelines for Use of Internal Combustion Motors in Underground Mines other than Coal Location: Volume 9, Tab 13 [Correction to location published in PA Bulletin 9/6/97] Contact: Matt Bertovich at (412) 439-7304.

#### *Final Technical Guidance—Minor Revision*

DEP ID: 400-5900-107 Title: Policy for Authorities of the Director of Environmental Emergency Response De-

scription: This policy addresses the authorities of the Director of Environmental Emergency Response during emergencies. Effective Date: September 15, 1997 Page Length: 1 page Location: Volume 8, Tab 10 Contact: Kris Lutz at (717) 787-5028.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-1478. Filed for public inspection September 12, 1997, 9:00 a.m.]

### Radiation Protection Advisory Committee Meeting

The next meeting of the Department of Environmental Protection's Radiation Protection Advisory Committee (RPAC) scheduled for September 24, 1997, will be cancelled due to commitments being met and found to be unnecessary.

Questions concerning cancellation of this meeting should be addressed to Stuart Levin at (717) 787-3720 or e-mail at levin.stuart@a1.dep.state.pa.us.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-1479. Filed for public inspection September 12, 1997, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property Sale

The Department of General Services, State Surplus Property Program will conduct a 50% Off sale at the Harrisburg Distribution Center on Saturday, September 20, 1997. The sale will run from 8 a.m. through 2 p.m. with half off all merchandise on the sales floor. Included in this sale are desks, tables, chairs, typewriters, file cabinets, computer equipment and many more items. The Center is located at 2221 Forster Street in Harrisburg. Please use the Briggs Street entrance. For additional information, please contact the State Surplus Property Program at (717) 787-4085.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 97-1480. Filed for public inspection September 12, 1997, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on September 17, 1997, at 10:30 a.m. in Room 812, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA.

This meeting is subject to cancellation without notice.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Robin Bowman at (717) 783-2500.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 97-1481. Filed for public inspection September 12, 1997, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on September 17, 1997.

The meeting will be held at the Sheraton Inn Harrisburg, 800 East Park Drive, Harrisburg, PA, from 10 a.m. to 4 p.m.

For additional information, or persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, should contact Tom DeMelfi, Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108 (717) 783-0574. TDD: (717) 783-6514 or Network/TDD: (8) 717-433-6514.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 97-1482. Filed for public inspection September 12, 1997, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Office of Medical Assistance Programs; Payments to Nursing Facilities; Notice of Change in Meth- ods and Standards of Setting Payment Rates

The purpose of this announcement is to provide advance notice under 42 CFR 447.205 that the Department of Public Welfare (Department) proposes to make changes in its methods and standards for setting payment rates for nursing facilities during FY 1997-98. Specifically, the Department proposes to amend its payment standards to specify the circumstances in which the Department will make capital component payments for replacement beds. This notice also announces the Department's intention to issue a policy establishing a process and guidelines to review requests by applicants or participating providers to increase the number of Medical Assistance (MA) certified nursing facility beds.

#### *The Department's Replacement Bed Statement Policy*

Department regulations relating to reimbursement for nursing facilities enrolled and participating in the Commonwealth's Medical Assistance (MA) Program authorize capital component payments for replacement beds only if the nursing facility was "issued a Certificate of Need or a letter of nonreviewability for the project by the Department of Health." 55 Pa. Code § 1187.113(a)(3). Because

Chapter 7 and all other portions of the Health Care Facilities Act (35 P. S. §§ 448.701—448.712) pertaining to Certificate of Need (CON) sunset on December 18, 1996, the Department must amend its regulations to authorize capital payments for replacement beds constructed subsequent to the sunset of the CON program. Pending the promulgation of these amendments, the Department will issue a statement of policy and amend its State Plan to clarify the circumstances under which the Department will make capital component payments for replacement beds. The purpose of the replacement bed policy is to ensure that the Commonwealth will authorize capital component payments for replacement beds (up to applicable regulatory limits) only when the Department has determined that there is a need for the beds.

The Department's new policy will require a nursing facility provider that intends to seek capital payments for replacement beds to obtain the Department's approval before it begins construction. To qualify for capital component payments as a replacement bed, a replacement bed must replace a pre-moratorium bed, that is, a bed that was built under a CON dated on or before August 31, 1982 and for which the Department is making a capital payment under these regulations. The new policy will also specify the factors that the Department will consider in determining to grant approval of a replacement bed project. The Department will consider, among other things, bed shortages or surpluses in the provider's service area, the basis for the construction of replacement beds and the economic feasibility of the project.

If the Department determines that a provider's project qualifies for capital component payments as a replacement bed project, those payments will be calculated consistent with the Department's case-mix regulations (55 Pa. Code §§ 1187.1—1187.141). Since the policy would simply authorize the Department to continue to make capital payments for replacement beds in accordance with existing payment methods and standards, the Department does not anticipate any change in aggregate annual expenditures.

*The Department's Policy Regarding Enrollment and Expansion of Nursing Facilities*

Federal law requires, among other things, that the Department guard against over utilization and misutilization of MA services and to avoid unnecessary costs to the MA Program. See 42 U.S.C.A. § 1396a(a)(30)(A). Prior to December 19, 1996, the Department relied, in part, upon the CON process to meet these Federal requirements. With the sunset of the CON program, the Department took steps to enable it to continue to fulfill its obligations under Federal law.

The Department, by statement of policy effective December 19, 1996, adopted an interim policy announcing that, as a general matter, it intended to exercise its discretion to terminate or to refuse to enter into a MA provider agreement with a provider of nursing facility services that sought to increase the number of MA certified nursing facility beds through enrollment or expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand; or, in the case of an enrolled provider, the provider did not expand by more than ten beds or 10%, whichever was less, over a 2-year period. See 26 Pa.B. 5996 (December 14, 1996). The Department revised its

interim policy effective August 11, 1997, to prohibit enrolled nursing facility providers from expanding their existing licensed bed capacity, under any circumstances, without first receiving an exception from the Department. See 27 Pa.B. 4005 (August 9, 1997).

When it published its initial interim statement of policy, the Department announced its intention to supersede the interim policy with a permanent MA/Long Term Care (LTC) participation review process. To that end, the Department developed a process and guidelines that it intends to use to grant exceptions on a case-by-case basis to its general policy to deny or terminate MA enrollment. In conducting its case-by-case reviews under these guidelines, the Department will consider, among other things: the extent to which MA recipients, day-one MA recipients, and/or technology-dependent recipients have access to nursing facility services in the applicant's or provider's primary service area; the availability and potential availability of other support services for MA recipients, including home and community-based services; the need for additional nursing facility beds in the applicant's or provider's primary service area; and the economic and financial feasibility of the project. The guidelines also specify the time frame within which the Department will review exceptions requests.

Because the guidelines do not alter existing payment methods and standards, but only specify the information that the Department views as relevant in determining whether to grant exceptions permitting the enrollment or expansion of nursing facility providers, the Department does not anticipate any change in aggregate annual expenditures.

*Public Comments on the Replacement Bed and MA/LTC Participation Review Policies*

Before it implements its Replacement Bed and MA/LTC Participation review policies, the Department is making them available for public review and comment. Copies of both policies are available for review at the local County Assistance Offices throughout the Commonwealth. The Department will also discuss and solicit input on these policies at meetings that will be held in Room 327, Health and Welfare Building, Harrisburg on September 24, 1997, 1 p.m. (Medical Assistance Advisory Committee (MAAC) Consumer Subcommittee) and September 25, 1997, 10 a.m. (MAAC). These meetings are open to the public. In addition, the Department invites interested persons to submit written comments about the proposed statements of policy to the Department by September 30, 1997.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209. Comments should be addressed to: Regulations Coordinator, Office of Medical Assistance, Room 515 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1870.

Following review and consideration of comments, the Department anticipates publishing statements of policy on the reimbursement of replacement beds and the MA/LTC Participation Review process in the *Pennsylvania Bulletin* by November 1, 1997.

FEATHER O HOUSTOUN,  
Secretary



**Fiscal Note:** 14-NOT-152. No fiscal impact; (8) recommends adoption. There is no cost associated with this policy change since facilities will still have to obtain the Department of Public Welfare's approval before constructing replacement beds and the existing payment methods and standards will remain the same.

[Pa.B. Doc. No. 97-1483. Filed for public inspection September 12, 1997, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application Receipt for Section 16 Program

The Department of Transportation, Bureau of Public Transportation, under the authority contained in Section 5310 of the Federal Transit Laws, 49 U.S.C. § 5310, gives notice that it will receive applications for the State-administered Section 16 Program. Under this program, private non-profit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for elderly and disabled persons who cannot be reasonably accommodated by existing transportation providers. A Guidelines and Procedures package containing all application forms can be obtained by calling the Bureau of Public Transportation at (717) 787-7540. The initial filing deadline for the Program is October 24, 1997. Questions, comments or suggestions may be directed to Ben Brosius, Section 16 Program Coordinator, 555 Walnut Street, 8th Floor, telephone number (717) 787-7540.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1484. Filed for public inspection September 12, 1997, 9:00 a.m.]

### Finding

#### Columbia County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing bridge carrying Township Route 878 over Little Pine Creek in Fishing Creek Township, Columbia County. The existing bridge is listed on the National Register of Historic Places. The effect of this project on the existing bridge will be mitigated by the following measures to minimize harm to the resource.

1. A Historic American Engineering Record (HAER) documentation package will be prepared as a permanent record of the existing bridge carrying Township Road 878 over Little Pine Creek prior to demolition of the existing bridge.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1485. Filed for public inspection September 12, 1997, 9:00 a.m.]

### Finding

#### Somerset County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Heckle Bridge, County Bridge No. 66 carrying Township Road T-383 (Petenbrink Road) over the Casselman River in Summit Township, Somerset County. The existing Heckle Bridge, County Bridge No. 66 has been determined eligible for the National Register of Historic Places. The effect of this project on the Heckle Bridge, County Bridge No. 66 will be mitigated by the following measures to minimize harm to the resource.

1. A Historic American Engineering Record (HAER) documentation package will be prepared as a permanent record of the Heckle Bridge, County Bridge No. 66's existence.

2. Section 2002 resources and their boundaries will be shown on the construction plans, and protective fencing will be used to keep equipment and workers out of sensitive areas.

3. All temporary construction areas will be fenced to ensure construction activities will not move beyond the designated areas.

4. A permanent plaque commemorating the history and significance of the Heckle Bridge will be mounted on the new bridge, once construction has been completed. The PHMC will be given an opportunity to review the context of the plaque before it is erected.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1486. Filed for public inspection September 12, 1997, 9:00 a.m.]

**Land No Longer Needed for Transportation Purposes**

**Township of Exeter  
Wyoming County**

Notice is hereby given that the Department of Transportation pursuant to 71 P.S. § 513(e)(7), intends to sell certain land owned by it.

The Pennsylvania Department of Transportation invites offers for purchase by sealed bids, a parcel of land containing 11,565.754 square feet (.266 acres) improved with a two car framed garage, 24' X 24'. The property address is RD #1, Box 320, State Route 0092, Village of Falls, PA. The property will be sold in "as is condition". The estimated fair market value of the parcel is \$10,000.00.

The property can be inspected on Monday, October 6, 1997 at 10 a.m. and Wednesday, October 8, 1997 at 2 p.m., at which time bid forms can be obtained. The bid opening will be held on Tuesday, October 21, 1997 at 10 a.m., at the Engineering District 4-0 Office, Room 205 in Dunmore, PA.

Real Estate Broker participation is invited. Written notices of representation must be included in with the sealed bid.

*Conditions:*

Bids received after the date and time of the bid opening will not be accepted. A deposit of 10% of the bid price in either certified or cashier's check must accompany the sealed bid. The bid must be submitted on a Department Bid Form RW685.

The Pennsylvania Department of Transportation reserves the right to reject any and all bids for any reason and to waive technicalities, when in the best interest of the Department.

For additional information and a bid form, please contact Richard F. Terotta, Staff Appraiser, Pennsylvania Department of Transportation, P.O. Box 111, Scranton, PA. (717) 963-3405, Monday thru Friday from 7:30 a.m. to 3:30 p.m.

Interested public entities are invited to express their interest in purchasing the site within thirty calendar days from the date of publication of this notice to: Pennsylvania Department of Transportation, P.O. Box 111, Scranton, PA. 18501, C/O Donald J. Van Fleet, Acting District Right-of-Way Administrator.

**BRADLEY L. MALLORY**  
*Secretary*

[Pa.B. Doc. No. 97-1487. Filed for public inspection September 12, 1997, 9:00 a.m.]

**Retention of Engineering Firms**

**Philadelphia County  
Project Reference No. 08430AG2108**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately thirteen (13) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S.R. 0095, Section H03, the construction of the interchange which connects the Betsy Ross Bridge to Aramingo Avenue in the City of Philadelphia.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspector's resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.
- b. Specialized experience in structures, including fabricated structural steel and concrete bridge decks and maintenance and protection of traffic.
- c. Number of NICET certified inspectors in each pay-roll classification.
- d. Understanding of Department's requirements, policies and specifications.
- e. Ability to provide one (1) "CDS" operator or person capable of inputting data into a personal computer (TCIS Classification).
- f. Past Performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

The number(s) in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- a. One (1) 35 MM camera.
- b. Three (3) two-way radios/repeater equipment and base unit.
- c. Safety Vests—high visibility for Inspectors.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	4
TCI	8

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to Mr. George Dunheimer, District 6-0, at (610) 964-6554.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Suggestions for factors:

- a. Number of available inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Ability to provide CPM scheduling.
- f. Past Performance.
- g. Workload.

**General Requirements and Information**

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Alwein, P.E., Chief Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, Pennsylvania 17101-1900.

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" × 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one 8 1/2" × 11" page, one side)

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A must include the number of subconsultant personnel and Column B must include the number of prime consultant personnel to be assigned to work on this project reference number. The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the

name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the

latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-1488. Filed for public inspection September 12, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for Redomestication of MidAmerica Life Insurance Company of Philadelphia, Pennsylvania

MidAmerica Life Insurance Company of Philadelphia, Pennsylvania has filed an application for a plan of redomestication whereby the state of domicile would change from Pennsylvania to Nebraska. The initial filing was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 et. seq. Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120 or by fax to (717) 787-8557.

M. DIANE KOKEN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 97-1489. Filed for public inspection September 12, 1997, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:  
Clinton County, Wine & Spirits Shoppe #1801, 137 E. Main Street, Lock Haven, PA 17745

*Lease Expiration Date:* May 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 3,500 net useable square feet of new or existing retail commercial space within the City of Lock Haven or Bald Eagle Township.

*Proposals due:* October 3, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2203, 1248 Market Street, Harrisburg, PA 17103-2226

*Lease Expiration Date:* June 30, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 to 2,600 net useable square feet of new or existing retail commercial space within the eastern section of Harrisburg City between Herr Street to the North, I-83 to the South, Cameron Street to the West, and 17th Street to the East.

*Proposals due:* October 3, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 97-1490. Filed for public inspection September 12, 1997, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service Without Hearing

**A-120009. Golier Gas Company, Inc.** Application of Golier Gas Company, Inc., for approval to begin to offer, render, furnish or supply gas service to the public in: 1) Clarion, Farmington, Highland, Limestone and Monroe Townships, Clarion County; 2) Greene and Kingsley Townships, Forest County; and 3) Barnett, Beaver, Eldred, Heath, Knox, Oliver, Pinecreek, Warsaw, Washington and Winslow Townships, Jefferson County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before September 29, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Golier Gas Company, Inc.

*Through and By Counsel:* Martin W. Sheerer, Esquire, Martin W. Sheerer and Associates, 1550 Koppers Building, Pittsburgh, PA 15219.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1491. Filed for public inspection September 12, 1997, 9:00 a.m.]

the Office of the Prothonotary of the Commission shall cancel the operating authority of the Aspers Water Company and mark this file as closed.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1492. Filed for public inspection September 12, 1997, 9:00 a.m.]

**In the Matter of The Aspers Water Company; De Facto Abandonment; Doc. No. A-210050F2000**

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice-Chairperson; John Hanger; David W. Rolka; Nora Mead Brownell

Public Meeting held  
August 28, 1997

**Tentative Order**

By letter filed June 20, 1997, the Possum Valley Municipal Authority (PVMA) of Bendersville, Adams County, PA, informed the Pennsylvania Public Utility Commission (Commission) that the Aspers Water Company (Aspers), a certified water utility, has abandoned service. Aspers was organized in 1927 and subsequently received operating authority from the Public Service Commission, predecessor to this Commission, to provide water distribution service to the public in portions of Adams County. Aspers was originally certificated at Docket No. A-16064, but the Office of the Prothonotary assigned Aspers the above-captioned docket number for the purpose of this tentative order.

In its June 20, 1997 letter, PVMA informed the Commission that Aspers stockholder disbanded Aspers and transferred all its assets to PVMA, a nonjurisdictional water authority. These actions occurred on June 30, 1993.

To the best of the Commission's knowledge, all jurisdictional service by Aspers has been abandoned and is now being provided by PVMA. Consequently, absent any contrary responses from concerned parties, this Commission will cancel the operating authority issued to Aspers; *Therefore, It Is Ordered that:*

1. The operating authority issued to the Aspers Water Company will be deemed abandoned if no response objecting to this action is received by this Commission within 20 days of the publication date of this order in the *Pennsylvania Bulletin*.
2. A copy of this order shall be served upon the Aspers Water Company at its last known address.
3. A copy of this order shall be served upon the Possum Valley Municipal Authority, P.O. Box 420, Bendersville, PA 17306.
4. The Secretary shall certify this order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
5. If no objection to this order is filed with the Commission within 20 days of the publication date in the *Pennsylvania Bulletin*, this order shall become final, and

**Merger  
Without Hearing**

**A-122050F0003, A-120650F0006. Pennsylvania Power & Light Company, PFG Gas, Inc. and North Penn Gas Company.** Application of Pennsylvania Power & Light Company, PFG Gas, Inc. and North Penn Gas Company for a certificate of public convenience evidencing approval under section 1102(a)(3) of the Public Utility Code of the transfer from Penn Fuel Gas, Inc. to PP&L Resources, Inc. by merger the title to, or the possession or use of, all property of Penn Fuel Gas, Inc.'s public utility subsidiaries, PFG Gas, Inc. and North Penn Gas Company, used or useful in the public service.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before September 29, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant's Attorney:* David B. MacGregor, Esquire, Morgan, Lewis & Bockius LLP, 2000 One Logan Square, Philadelphia, PA 19103-6993; John H. Isom, Esquire, Morgan, Lewis & Bockius LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904.

*Attorney for PP&L:* Paul E. Russell, Associate General Counsel, Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101-1179.

JAMES J. MCNULTY,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1493. Filed for public inspection September 12, 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 October 6, 1997 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00106639, Folder 5000. Norristown Transportation Company** (41 Burnside Avenue, Norristown, Mont-

gomery County, PA 19403), a corporation of the Commonwealth of Pennsylvania—for the approval of the transfer of all the issued and outstanding 100 shares of stock from Francis J. Smith with 50 to Patricia M. Chermela and 50 to Bonnie R. Geist. *Attorney:* Raymond A. Thistle, Jr., Suite 3, 726 Fitzwatertown Road, Willow Grove, PA 19090-1390.

**A-00100317, F. 5000. Conshohocken Yellow Cab Co., Inc.** (41 Burnside Avenue, Norristown, Montgomery County, PA 19403), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from the estate of Francis J. Smith (100 shares) to Patricia M. Chermela (50 shares) and Bonnie R. Geist (50 shares). *Attorney:* Raymond A. Thistle, Jr., Suite 3, 726 Fitzwatertown Road, Willow Grove, PA 19090-1390.

**A-00013766, F. 5000. Norristown Yellow Cab Co., Inc.** (41 Burnside Avenue, Norristown, Montgomery County, PA 19403), a corporation of the Commonwealth of Pennsylvania—stock transfer—approval of the transfer of all issued and outstanding stock from the estate of Francis J. Smith (100 shares) to Patricia M. Chermela (50 shares) and Bonnie R. Geist (50 shares). *Attorney:* Raymond A. Thistle, Jr., Suite 3, 726 Fitzwatertown Road, Willow Grove, PA 19090-1390.

**A-00114166. Donald H. Gerstner** (R. D. 5, Box 584, Mount Pleasant, Westmoreland County, PA 15666)—household goods in use, between points in the city of Pittsburgh, Allegheny County, and within an airline distance of 40 statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania.

**Application 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 household goods as described under each application.**

**A-00114166. Donald H. Gerstner** (R. D. 5, Box 584, Mount Pleasant, Westmoreland County, PA 15666)—household goods in use, between points in the city of Pittsburgh, Allegheny County, and within an airline distance of 40 statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania.

**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-00114202. Montrose Minute Men, Inc.** (Rear, 55 Grow Avenue, Montrose, Susquehanna County, PA 18801), a corporation of the Commonwealth of Pennsylvania—persons, in paratransit service, between points in Susquehanna County, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Michael Giangreco, 26 Public Avenue, Montrose, PA 18801.

**A-00114170. Harley Evans Jeter, Sr.** (6022 Kershaw Street, Philadelphia, Philadelphia County, PA 19151)—persons, in paratransit service, from points in the city and county of Philadelphia, to all State and Federal Correctional Institutions, located in Pennsylvania, and return.

**A-00114161. North Pocono Bus Co., Inc.** (R. R. 3, 3367 F, Moscow, Lackawanna County, PA 18447), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, between points in the county of Lackawanna, and those portions of Pike and Wayne Counties lying on and south of Interstate Highway

Route 84 and west of State Route 191 from Exit 6 of Interstate Highway Route 84 to Newfoundland and west of State Route 447 from Newfoundland to the Monroe County Line, and from points in said territory, to points within an airline distance of 60 statute miles of the limits of said territory; subject to the following condition: that all service must be provided in transit-style school-type buses having a minimum seating capacity of 78 persons. Application for temporary authority has been filed at A-00114161, seeking the right cited above. *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512.

**A-00114206. Leon S. Parker** (Wellsboro Road, P. O. Box 447, Tioga, Tioga County, PA 16946)—persons, in limousine service, between points in the county of Tioga, and from points in said county, to points in Pennsylvania, and vice versa. Application for temporary authority has been filed at A-00114206, seeking the right to transport persons, in limousine service, between points in the County of Tioga, and from points in said county, to points in Pennsylvania, and return.

**A-00114212. William Gist, t/a Bill Gist Car Service** (1300 Federal Street, Pittsburgh, Allegheny County, PA 15212)—persons, upon call or demand, in the city of Pittsburgh, Allegheny County.

**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-00090011, Folder 2, Am-B. Ridall Bus Lines, Inc.** (R. D. 3, Shickshinny, Luzerne County, PA 18655), a corporation of the Commonwealth of Pennsylvania, inter alia—groups and parties of persons from the borough of Shickshinny, Luzerne County, the townships of Briar Creek, Benton and Fishing Creek, Columbia County, and the townships of Conyngham, Hollenback, Salem, Nescopeck, Union, Ross, Fairmount and Huntingdon, Luzerne County, to points in Pennsylvania; *So as to permit* the transportation of persons, in group and party service, between points in the townships of Lake and Lehman, Luzerne County, and from points in said townships, to points in Pennsylvania. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17011-1533.

**A-00105306, F. 1, Am-B. Barry J. Testa, t/d/b/a Hollywood Limousine Service.** (414 Harrison Avenue, Greensburg, Westmoreland County, PA 15601)—inter alia, to transport, by motor vehicle, persons in limousine service between points in the counties of Westmoreland and Fayette, and from said counties to points in the county of Allegheny, and from points in the county of Allegheny to points in the counties of Fayette and Westmoreland; subject to the following conditions: (a) that no right, power or privilege is granted to transport persons for funeral homes, funeral directors, or funeral businesses, between points in Westmoreland County; and (b) that no right, power or privilege is granted to transport persons from or to the Westmoreland County Airport, located in Unity Township, Westmoreland County, and from or to the Allegheny County Airport, located in the borough of West Mifflin, Allegheny County: *So as to permit* the transportation of persons in limousine service from points in the counties of Westmoreland and Fayette to points in Pennsylvania, and (2) from the Westmoreland County Airport, located in Unity Township, Westmoreland County, to points in Westmoreland County,

and vice versa. *Attorney:* John A. Pillar, 1106 Frock Building, Pittsburgh, PA 15219.

**Applications of the following for approval *amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.***

**A-00108503, Folder 1, Am-C. Gary L. Arndt, t/a A Limousine Service** (57 Greismere Street, Pittsburgh, Allegheny County, PA 15223)—persons in limousine service, from points in the county of Allegheny, to other points within an airline distance of 60 statute miles of the limits of the city of Pittsburgh, Allegheny County, and vice versa; subject to the following conditions: (1) that no right, power or privilege is granted to render service to or from Westmoreland County; and (2) that no right, power or privilege is granted to originate service at points in the townships of Wilmington, Pulaski, Washington and Plain Grove and the boroughs of New Wilmington and Volant, Lawrence County; the townships of Shenango, Wilmington, Springfield, Liberty, Pine, Wolf Creek, Findley, East Lackawannack, Lackawannack and Hickory and the boroughs of West Middlesex, Grove City and Mercer, Mercer County; the township and borough of Slippery Rock, Butler County; and the townships of Darlington, Big Beaver, North Sewickley, Franklin and the boroughs of Darlington, New Galilee, Koppel, Homewood and West Mayfield, Beaver County; which is to be a transfer of all of the right authorized under the certificate issued at A-00108197 to The Limo Center, Ltd., subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Application of the following for approval *amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.***

**A-00108345, Folder 1, Am-A. Montoursville Moving and Storage, Inc.** (R. D. 3, Box 678, Mansfield, Tioga County, PA 16933), a corporation of the Commonwealth of Pennsylvania—(1) household goods, in use, from points in the city of Wilkes-Barre, Luzerne County, and within 3 miles of the limits of said city, to other points in Pennsylvania, and vice versa; and (2) household goods, in use, from points in the city of Pittston, Luzerne County, and the area within 3 miles of the limits of said city, excluding the boroughs of Exeter and Wyoming, Luzerne County, to points in Pennsylvania, and vice versa; which is to be a transfer of part of the rights authorized under the certificate issued at A-00081935, F. 3, Am-A to City Delivery Service, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* John E. Fullerton, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108.

**Application 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 household goods by transfer as described under each application.***

**A-00114221. O'Brien Transportation, Inc.** (40 Walnut Street, Reading, Berks County, PA 19606), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the city of Reading, Berks County, and within 3 miles of the limits of the said

city, and from points in the city of Reading, Berks County, and within 3 miles of the limits of said city, to other points in Pennsylvania, and vice versa; and (2) property, except household goods in use, between points in Pennsylvania; which is to be a transfer of all of the rights issued to Bruce Hunsberger, t/d/b/a Brown's Transfer, under the certificate issued at A-00106561, subject to the same limitations and conditions. Application for temporary authority filed seeking the same rights cited above. *Attorney:* Jana R. Barnett, 1238 Cleveland Avenue, Wyomissing, PA 19610-2102.

**Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before September September 29, 1997.

- A-00103054 Richard H. Frantz  
F. 2 HCR 1, Box 405,  
Brodheads ville, PA 18322
- A-00114199 Gerald Brussell, Jr.  
HCR Box 313, Damascus, PA 18415
- A-00114200 Daniel V. Paul, t/d/b/a D & J Transport  
P. O. Box 20, Uniontown, PA 15401:  
William A. Gray, Esquire, Vuono & Gray,  
2310 Grant Building, Pittsburgh, PA  
15219-2383
- A-00114201 Thomas Vincent Harrity, t/d/b/a Business  
to Business Transport  
P. O. Box 1478, Cranberry Township, PA  
16066-0478
- A-00114208 K. D. Burns, Inc.  
R. R. 2, Box 280, Route 107, Jermyn, PA  
18433: Eugene Daniel Lucas, Esquire,  
1425 Green Ridge Street, Dunmore, PA  
18509
- A-00114209 Mark H. Johnson, t/d/b/a L & M Johnson  
Trucking  
P. O. Box 266, Sugar Grove, PA 16350-  
0266
- A-00114203 Stoltz Trucking, Inc.  
P. O. Box 203, Myerstown, PA 17067:  
Robert L. Knupp, 407 North Front  
Street, Harrisburg, PA 17108-1848
- A-00114204 A.E.R. Construction, Inc.  
P. O. Box 1032, Cranberry Township, PA  
16066-0832
- A-00114205 Jerome M. Golden, III, t/d/b/a ANJ Con-  
tractors  
313 Forest Avenue, Willow Grove, PA  
19090
- A-00114207 James C. Williams, Inc.  
3368 West Ridge Pike, Pottstown, PA  
19464
- A-00114225 James H. Wachs, t/d/b/a Jade Transit Lines  
280 Wachs Road, West Newton, PA 15089
- A-00114226 Wright Motor Lines, Inc.  
P. O. Box 79, Old Route 22, Armagh, PA  
15920



- A-00114227 Earl Ziegler, t/d/b/a E-Z Office Trailer Transport  
2024 South 3rd Avenue, Whitehall, PA 18052
- A-00114228 Paul S. Messenger, t/d/b/a Messenger Trucking  
R. D. #1, Box 29, Spring Creek, PA 16436
- A-00114229 Iron City Express, Inc.  
1260 Stoops Ferry Road, Coraopolis, PA 15108
- A-00114230 Douglas Wormuth, t/d/b/a Wormuth Flagstone  
10 Stone Drive, Childs, PA 18407
- A-00114231 Stephen C. Claar  
R. R. 2, Box 1336, Clavsburg, PA 16625
- A-00114232 OCI, Inc., t/d/b/a Graft Oil Company  
P. O. Box 899, Connellsville, PA 15425
- A-00114224 Severn L. Haney  
R. R. 1, Box 867, Adrian, PA 16210
- A-00114223 Clinton W. Fegley, t/d/b/a C. Fegley's Garage  
Box 58, Quakake, PA 18245
- A-00114222 Frank D. Hudak, Frank D. Hudak Trucking  
P. O. Box 63, Cyclone, PA 16726; Jeff Duke, Esquire, 222 West Washington, Bradford, PA 16701
- A-00114218 Robert D. Spicer  
R. R. Box 310, Osceola Mills, PA 16666
- A-00113645, F. 2 Richard Lawson Excavating, Inc.  
3467 Washington Avenue, Finleyville, PA 15332; Jana L. Phillis, 8 East Pine Street, Washington, PA 15301
- A-00114217 L.L.C. Utzran  
900 High Street, Hanover, PA 17331; James L. Fritz, Esquire, 100 Pine Street, Harrisburg, PA 17108
- A-00114216 Foster Crawford, t/d/b/a Foster Crawford Concrete  
P. O. Box N, DuBois, PA 15801
- A-00113557, F. 2 Jake E. Beiler, Jr.  
116 Meadow Valley Road, Ephrata, PA 17522
- A-00114219 William H. Piacenti, Jr., t/d/b/a BP&S Trucking  
36 North Main Street, Beaver Brook, PA 18201
- A-00111135, F. 2 James W. Heater  
614 Jack Street, Greensburg, PA 15601
- A-00114220 Carroll Independent Fuel Company  
2700 Loch Raven Road, Baltimore, MD 21218; Charles E. Partridge, Jr., Esquire, One North Charles Street, Suite 1300, Baltimore, MD 21201

**Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Keri Corporation; Doc. No. A-00106653C9701**

*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. In response to the Federal Authorization Aviation Act of 1994, which, inter alia, amended the Interstate Commerce Act at 49 U.S.C. §§ 14501(c) and 41713(b), this Commission on December 20, 1994, issued an order at P-00940884 which set forth new application procedures for motor carriers of property. The order directed that former contract carriers of property would be deemed to be common carriers of property. As common carriers of property, they were now required to file evidence of cargo insurance with this Commission, as required by 52 Pa. Code § 32.13, in addition to bodily injury and property damage insurance, as required by 52 Pa. Code § 32.12.

2. That by virtue of the Commission's order at Docket No. P-00940884, Keri Corporation, respondent, which has its principal place of business at P. O. Box 176, Maspeth, NY 11378, who held contract carrier authority at Docket No. A-00106653, was deemed to now hold common carrier authority.

3. The Commission, by letter dated November 7, 1996, directed the respondent, to file acceptable evidence of cargo insurance.

4. 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.

5. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code § 32.13.

6. That as a result of failure to maintain evidence of current cargo 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 Keri Corporation at Docket No. A-00106653, 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,  
Joseph W. Farrell  
Director, Bureau of  
Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, 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.

\_\_\_\_\_  
Joseph W. Farrell

DATE: \_\_\_\_\_

**Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Edward Doyle Trucking, Inc.; Doc. No. A-00108653C9701**

*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 Edward Doyle Trucking, Inc., respondent, maintains a principal place of business at Industrial Highway #15, Lester, PA 19029.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00108653.

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 Edward Doyle Trucking, Inc. at Docket No. A-00108653, 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,  
Joseph W. Farrell  
Director, Bureau of  
Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, 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.

\_\_\_\_\_  
Joseph W. Farrell

DATE: \_\_\_\_\_

**Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Cleveland General Transport Co., Inc.; Doc. No. A-000923228C9701 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. In response to the Federal Authorization Aviation Act of 1994, which, inter alia, amended the Interstate Commerce Act at 49 U.S.C. §§ 14501(c) and 41713(b), this Commission on December 20, 1994, issued an order at P-00940884 which set forth new application procedures for motor carriers of property. The order directed that former contract carriers of property would be deemed to be common carriers of property. As common carriers of property, they were now required to file evidence of cargo insurance with this Commission, as required by 52 Pa. Code § 32.13, in addition to bodily injury and property damage insurance, as required by 52 Pa. Code § 32.12.

2. That by virtue of the Commission's order at Docket No. P-00940884, Cleveland General Transport Co., Inc., respondent, which has its principal place of business at 1 Van Street, Staten Island, NY 10310, who held contract carrier authority at Docket No. A-00092328, F. 2, was deemed to now hold common carrier authority.

3. The Commission, by letter dated November 6, 1997, directed the respondent, to file acceptable evidence of cargo insurance.

4. 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.

5. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code § 32.13.

6. That as a result of failure to maintain evidence of current cargo 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 Cleveland General Transport Co., Inc. at Docket No. A-00092328, 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,  
Joseph W. Farrell Director,  
Bureau of  
Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, 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.

\_\_\_\_\_  
Joseph W. Farrell

DATE: \_\_\_\_\_

JAMES J. McNulty,  
*Acting Secretary*

[Pa.B. Doc. No. 97-1494. Filed for public inspection September 12, 1997, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following Contract:

Contract No. 86-021-RP90—Expansion and Rehabilitation of the Hickory Run Service Plaza in Carbon County, PA

Bid Opening Date—October 15, 1997, 11 a.m.

Bid Surety—5%

Plans, Specifications and Contract Documents will be available and open to public inspection at the Administration Building. Copies may be purchased upon payment of \$65 per set by check or P. O. Money Order (No Cash) to the Pennsylvania Turnpike Commission. Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA, 17106-7676. (Do not add State tax). No refund for any reason will be made for plans, specifications and contract documents.

A prebid meeting for the project under the direction of the Engineer is scheduled for 10 a.m. Wednesday, September 24, 1997, in the Lower Level Conference Room of the Pennsylvania Turnpike Commission Administration Building adjacent to Exit 19.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-1495. Filed for public inspection September 12, 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	REQUIRED DATA DESCRIPTIONS
<h3 style="text-align: center;">Legal Services &amp; Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p><b>B-54137.</b> Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services                      Location: Harrisburg, Pa.                      Duration: 12/1/93-12/30/93                      Contact: Procurement Division                      787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p style="text-align: center;">⑦</p> <p>(For Commodities: Contact:) Vendor Services Section                      717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.</p> <p>(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p>

## GET 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

**7530-04** Annual Contract—continuous computer stock forms.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**3830-09** Annual Contract—road material spreaders—stainless steel.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/15-01/14  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**4110-01** Annual Contract—coolers, water.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**6520-01** Annual Contract—dental supplies.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**6675-02** Annual Contract—surveying and specialty engineering instrument.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8730-01** Annual Contract—seeds, grass, forbs.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8925-02** Annual Contract—sugar.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**9550-10** Annual Contract—posts and accessories.

**Department:** All Using Agencies  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**9905-12** Annual Contract—sign stiffeners and accessories (DOT).

**Department:** Transportation  
**Location:** Various  
**Duration:** 01/01-12/31  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1228317** Communication equipment—8 each video processing amplifier Model No. PRC-970.

**Department:** Emergency Management Agency  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1273117** Containers, packaging and packing supplies—5,000 M milk carton, one half pint with tucked bottoms to conform to the standard of the Ex-Cell-O Corp. Packaging Systems Research Laboratory.

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1248217** Food preparation and serving equipment—1 each convection steamer, Cleveland Classic Series Model 24-CGM-200 or equal.

**Department:** Altoona Center  
**Location:** Altoona, Blair County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1240117** Hardware and abrasives—1 million button head rivets, steel coated, steel mandrill size 3/16"; 1 million rivet burrs or washers size 3/16 round—coated—sometimes referred to as backup washers.

**Department:** Correctional Industries  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1242157** Laboratory instruments and equipment—24 each No. 4-00548 Dutch style flip-rail farrowing crate; 24 each No. 4-00439 stainless steel flip-out sow feeder; 16 each No. 4-00571 stainless steel single creep wings; 40 each No. 4-00570 stainless steel double creep wing; 20 each No. 4-CP6521-20 PVC divider panel 7/8" thick x 20" high; 168 each No. 3-00411 case iron flooring flat type 12" x 24"; 48 each 1/4" x 5" x 7" plastic flooring support; 28 each 1/4" x 3" x 7" plastic flooring support; 48 each 1/4" x 1" x 28" steel flat; 336 No. 3-00402B Sure Step plastic nursery flooring 12" x 18"; 24 each No. 21-00512 Series 3 all stainless water kit (Trojan Nipples); 48 each No. 3-00402B Sure Step plastic nursery flooring 12" x 18"; 50 each painted steel floor support 10 feet long; 10 each pen dividers 9 feet long, anchored to wall; 12 each front gates 6 feet wide rest on pen dividers; 10 each No. 21-00513 Series 4, all stainless water kit (Trojan Nipples); 4 each No. 21-00511 Series 2 all stainless water kit (Trojan Nipples); 1 lot labor to install above equipment.

**Department:** Pennsylvania State University  
**Location:** University Park, Centre County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1253307** Laboratory instruments and equipment—48 each Lane (or approved equal) scientific storage cases; 480 each Lane (or approved equal) scientific storage trays for cases.

**Department:** Historical and Museum Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1268117** Textiles—1,800 sheet insole material; Texon 437 or approved equal 5 Iron, Creme color 44 x 50 no seconds.

**Department:** Correctional Industries  
**Location:** Graterford, Montgomery County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1269117** Textiles—5,000 yards Twill, as per PCID 1018 eff. 1/31/97 color Princess Blue (No. 19-4150 Patone textile color guide) width 60"; 15,000 yards poplin color Della Robba Blue; 5,000 yards poplin color Princess Blue; 5,000 yards pocketing, extra heavy 4.5 ounce square yard poly/cotton blend 50/50 with texturizing fill color Foggy Dew.

**Department:** Correctional Industries  
**Location:** Dallas, Luzerne County, PA  
**Duration:** FY 97/98  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8504050** Vehicular equipment and components or automotive repair and maintenance parts—500 each mirror head, West Coast Conventional, heated, Reference Delbar Model HR-H44.

**Department:** Transportation

**Location:** Harrisburg, Dauphin County, PA

**Duration:** FY 97/98

**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

## SERVICES

### Computer Related Services—8

**C 03200** Digitizing of Pennsylvania USGS 7.5 min. quad sheets for 67 counties. To be produced in Sure! MAPS RASTER format.

**Department:** Conservation and Natural Resources

**Location:** Bureau of Forestry, 34 Airport Drive, Middletown, PA 17057

**Duration:** Through 6/30/98

**Contact:** Deb Capasso, (717) 783-5885

**CL-473** CNET Network Infrastructure—Phase II. Clarion University is soliciting sealed bids for installation of a fiber optic network at its Clarion and Venango Campuses. The project shall include: installation of Category 5 drops in designated buildings; supply and installation of fiber optic cable within buildings to connect to MDF; installation of multi-mode fibers from all IDF's to building MDF's as specified; installation of fibers between various buildings; installation of data closets in designated buildings; installation of manholes as indicated. Work to be accomplished under one contract for Electrical. Pre-bid conference: 10 a.m., October 6, 1997. Bids due: 1:30 p.m., October 24, 1997. Public bid opening: 10 a.m., October 27, 1997. Plans available from architect: Burt Hill Kosar Rittelmann Associates, 400 Morgan Center, Butler, PA 16001, (412) 285-4761. Plans deposit: \$125 payable to architect.

**Department:** State System of Higher Education

**Location:** Clarion University, Clarion and Venango Counties, PA

**Duration:** 210 days from Notice to Proceed

**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**ITQ-681319-Final** The Office of Administration, Office for Information Technology is requesting vendors to submit a response to ITQ-681319-FINAL to provide a wide variety of Year 2000 services/tools. These services will include, but are not limited to Assessment, Computer Programming/Analysis Support, Software Tools/Services, Testing and other Year 2000 related topics. These services/tools are for the Commonwealth's Year 2000 computer initiative. Vendors will be prequalified through the Invitation-To-Qualify (ITQ) format to continue to provide Year 2000 support to requesting Commonwealth agencies. (Final Year 2000 ITQ Release).

**Department:** Office of Administration

**Location:** Office for Information Technology, Statewide. Agencies will secure services/tools from pre-qualified vendors identified through ITQ format.

**Duration:** Initial 2 year with three 1-year renewals

**Contact:** Heather L. Matulevich, (717) 772-8046

### Construction—09

**Project No. 409-FL** Lock Haven University of PA, of the State System of Higher Education (SSHE) is seeking bids for the replacement of the shingled roofs of both the Giral House (N. Fairview St.) and the Rec-Honors House (Susquehanna Ave.), Project 409-FL. Also included is the replacement of gutters and downspouts. A Pre-bid meeting will be held Monday, September 15th, 1997 (10:15 a.m.) in Price Auditorium. Bids are due and will be opened publicly on Thursday, September 25th, 1997 at 2:30 p.m. For further information, or to request contract documents at a non-refundable cost of \$35 per set (payable to Comprehensive Design), bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801-2755, (814) 238-7706. Contract bonds apply. The System encourages responses from small firms, minority firms, women-owned firms and firms which may have not previously performed work for the System. Nondiscrimination and equal opportunity are the policies of the Commonwealth and of the State System of Higher Education.

**Department:** State System of Higher Education

**Location:** Lock Haven University of PA, Susquehanna Avenue and North Fairview Street, Lock Haven, PA 17745

**Duration:** 38 calendar days from date of Notice to Proceed

**Contact:** Comprehensive Design, (814) 238-7706

**Project No. 409-FM** Lock Haven University of PA, of the State System of Higher Education (SSHE) is seeking bids for the replacement of the shingled roof of the President's residence located at 25 West Water Street, Lock Haven, PA, Project 409-FM. Also included is the replacement of gutters and downspouts. A Pre-bid meeting will be held Monday, September 15th, 1997 (9:30 a.m.) in Price Auditorium. Bids are due and will be opened publicly on Thursday, September 25th, 1997 at 2 p.m. For further information, or to request contract documents at a non-refundable cost of \$35 per set (payable to Comprehensive Design), bidders can contact Paulette Rider of Comprehensive Design, 3054 Enterprise Drive, State College, PA 16801-2755, (814) 238-7706. Contract bonds apply. The System encourages responses from small firms, minority firms, women-owned firms and firms which may have not previously performed work for the System. Nondiscrimination and equal opportunity are the policies of the Commonwealth and of the State System of Higher Education.

**Department:** State System of Higher Education

**Location:** Lock Haven University of PA, 25 West Water Street, Lock Haven, PA 17745

**Duration:** 40 calendar days from date of Notice to Proceed

**Contact:** Comprehensive Design, (814) 238-7706

**DCNR** Invitation to bid—railroad right-of-way clearing in Swatara State Park. Removal of railroad rail and ties utilizing proper recycling and disposal methods. Contact William C. Friese, Park Manager, at: Memorial Lake State Park, R. R. 1, Box 7045, Grantville, PA 17028, (717) 865-6470 for a bid package. Pre-bid conference: September 22, 1997 at 9:00 a.m. Bid opening date: September 29, 1997 at 2 p.m.

**Department:** Conservation and Natural Resources

**Location:** Bureau of State Parks, Swatara State Park, c/o Memorial Lake State Park, R. R. 1, Box 7045, Grantville, PA 17028

**Duration:** Indeterminate 1997-98

**Contact:** William C. Friese, Park Manager, (717) 865-6470

**DGS A 251-485** Project title: Storage Facility with High Gambrel Roof. Brief description: supply and install a 50' X 72' high arch gambrel roof storage building with a 14' X 16' overhead door in one end and a 6" thick concrete pad. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 24, 1997 at 2 p.m.

**Department:** General Services

**Location:** PennDOT Maintenance Stockpile 02, Phillipsburg, Centre County, PA

**Duration:** 90 calendar days from date of initial job conference

**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 304-1** Project title: Air Conditioning Ductwork—Peterson Dormitory. Brief description: install new air conditioning ductwork system in two story dormitory building. Install air conditioning unit furnished by the Department of Corrections. Mechanical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, October 1, 1997 at 2 p.m., (717) 787-3923.

**Department:** General Services

**Location:** Elizabethtown Training Academy, Elizabethtown, Lancaster County, PA

**Duration:** 120 calendar days from date of initial job conference

**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 376-5** Project title: Pave Roads and Parking Areas. Brief description: pave approximately 14,000 square yards of existing stone surfaced roads and parking areas. Miscellaneous construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, September 24, 1997 at 11 a.m., (717) 787-3923.

**Department:** General Services

**Location:** State Correctional Institution Laurel Highlands, Somerset, Somerset County, PA

**Duration:** 75 calendar days from date of initial job conference

**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 411-56/53** Project title: Upgrade HVAC/Renovations Myers/Bassler Halls. Brief description: upgrade HVAC system to a computer controlled water source heat pump system. Add a communications studio, renovate adjacent classrooms and office spaces, restore structure of building. General, HVAC, plumbing and electrical construction. Plans deposit: \$130 per set. Payable to: JDB Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: JDB Engineering, Inc., 3687 Concord Road, York, PA 17402, (717) 757-5602. Bid date: Wednesday, October 8, 1997 at 2 p.m. A pre-bid has been scheduled for this project on Tuesday, September 23, 1997 at 10:30 a.m. in Room 44, Student Memorial Activities Center, Millersville University of PA, Millersville, PA. Contact: Bob Houck, (717) 872-3279. All contractors who have secured plans and specifications are invited and urged to attend.

**Department:** General Services  
**Location:** Millersville University, Millersville, Lancaster County, PA  
**Duration:** 185 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 948-35 Phase 7, Part B** Project title: Fire Safety Code Improvements. Brief description: general construction work including asbestos removal curtains wall perimeter fire safing, sprinkler for fire protection, ceiling tile work and electrical for fire alarms and controls. Part B includes general construction and electrical work for floors six (6) through seventeen (17). General and electrical construction. Plans deposit: \$270 per set. Payable to: Brinjac, Kambic and Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Brinjac, Kambic and Associates, Inc., 114 North Second Street, Harrisburg, PA 17101-1401, (717) 233-4502. Bid date: Wednesday, October 8, 1997 at 2 p.m. A pre-bid conference has been scheduled for the subject project in the Department of General Services Board Room, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Tim Myers, (717) 233-4502. All contractors who have secured plans and specifications are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Labor and Industry Building, Harrisburg, Dauphin County, PA  
**Duration:** 110 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 953-48** Project title: South Penthouse HVAC Control System. Brief description: replace the motor control center in the South Penthouse. Electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, October 1, 1997 at 11 a.m., (717) 787-3923.

**Department:** General Services  
**Location:** Fort Pitt Museum, Fort Pitt, Allegheny County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 999-104** Project title: Modification to Heating and Air Conditioning System. Brief description: renovate existing pneumatic controls to provide new combination electronic direct digital and pneumatic control system. Provide new air compressor, drier, pneumatic and electronic controls and associated wire and conduit. Mechanical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Bid date: Wednesday, October 1, 1997 at 11 a.m., (717) 787-3923.

**Department:** General Services  
**Location:** Fort Pitt Museum, Fort Pitt, Allegheny County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FBP-96-7-0010A** Demolition of existing bridge (steel I-Beams, reinforced concrete deck and stone masonry substructure); construction of a precast reinforced concrete box culvert with cast-in-place headwalls, wingwalls and slab; architectural surface treatment; and bituminous paving. All work is located approximately 5 miles north east of US 322, just upstream of Poe Valley State Park.

**Department:** Conservation and Natural Resources  
**Location:** Gregg Township, Centre County, PA  
**Duration:** Complete all work by October 31, 1998  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-010-174** Work includes demolition, clearing, grubbing, and rough grading; excavating, backfilling and compacting; rock lining, erosion and sedimentation control measures, bituminous surface treatment (164 S. Y.); selected material surfacing (403 S. Y.); traffic signing; guide rail; landscaping; Class C concrete (25 C. Y.); plain and reinforced concrete structures (83 C. Y.); and cast-in-place R. C. box culvert or precast R. C. box culvert. Site is approximately 2 miles northeast of the Village of Westport.

**Department:** Conservation and Natural Resources  
**Location:** Noyes Township, Clinton County, PA  
**Duration:** Complete work by October 31, 1998  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-310-281** Reconstruction of 3 pedestrian bridges and bicycle/hiking trails at Pine Grove Furnace State Park. Work includes demolition, excavation, aggregates (760 tons), 1,200 ton riprap, erosion and sedimentation control measures, fountains, reinforced concrete (13 c. y.), structural steel, handrails and timber deck.

**Department:** Conservation and Natural Resources  
**Location:** Cooke Township, Cumberland County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

## Court Reporting—10

**97-9** Professional court reporting/stenographic services for administrative hearings, and on occasion, depositions to be held at 30 North Third Street, Harrisburg, PA. There are approximately seven hearings per month. Correspondence identifying the bid specifications and general requirements of the contractor can be obtained by writing to Mandi Shadle, Contracting/Purchasing, 30 North Third Street, Harrisburg, PA 17101, or by calling: (717) 787-6981, or via e-mail: mshadle@sers.state.pa.us. Bid opening date will be Wednesday, October 1, 1997, at 2:00 p.m.

**Department:** State Employees' Retirement System  
**Location:** 30 North Third Street, Harrisburg, PA 17101  
**Duration:** 11/1/97—10/31/98  
**Contact:** Mandi Shadle, (717) 787-6981

## Engineering Services—14

**08430AG2108** To provide supplementary construction inspection staff of approximately 13 inspectors for construction inspection and documentation services for S. R. 0095, Section H03, (Betsy Bridge to Aramingo Avenue), City of Philadelphia.

**Department:** Transportation  
**Location:** Engineering District 6-0  
**Duration:** Twenty-three (23) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Food—19**

**AA-08113** Milk and cream.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** January 1, 1998 through December 31, 1998  
**Contact:** Jeanette J. Gualtieri, (814) 878-4930

**Janitorial Services—23**

**JC-25-97** Provide janitorial services on a daily basis, Monday through Friday, except State Holidays, after 5 p.m. according to attached specification.

**Department:** Labor and Industry  
**Location:** Lycoming County Job Center/0420, 1300 Sheridan Street, Williamsport, PA 17703-0908  
**Duration:** October 1, 1997 through September 30, 1999  
**Contact:** John M. Urban, Lycoming County Job Center, (717) 327-3505

**FM-34** Furnish all equipment, materials and labor to perform janitorial services including empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semi-annual housecleaning at the discretion of the Station Commander or his designated representative. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Seneca Station, R. D. 2, Box 312D, Franklin, PA 16323  
**Duration:** 11/01/97 to 06/30/00  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**Medical Services—29**

**11097012** Vendor will provide annual blood tests to District 11 employees exposed to lead, chromium and/or solvents. Vendor shall also have all test results reviewed by a qualified physician to determine if intervention or follow up is required. Confirmed test results will be provided in written form within 2 weeks after the sample has been drawn. Vendor is expected to have multiple phlebotomy sites available in Allegheny, Beaver and Lawrence Counties or provide service at agency sites. Collection fees must be included in the bid quotation. Agency cannot guarantee a specific number of tests to be performed, however, the following estimates are offered: Blood lead—50 to 75/year; Zinc protoporphyrin—50 to 75/year; Chromium—5 to 10/year; Toluene—5 to 10 year.

**Department:** Transportation  
**Location:** Engineering District 11-0, Contractors locations or Department sites within Allegheny, Beaver and Lawrence Counties  
**Duration:** 11/01/97 through 10/31/98 with renewal options  
**Contact:** Dale Yessler, (412) 429-4989

**Property Maintenance—33**

**2-0-00342** The Pennsylvania Department of Transportation will be selling timber to be harvested from the infields of I-80 and Route 153 as a pilot timber sale harvest contract. Winning bidder will purchase standing timber as marked on trees according to contract specifications.

**Department:** Transportation  
**Location:** I-80 and SR 153 Infield, Clearfield County, PA  
**Duration:** November 1, 1997 to March 31, 1998  
**Contact:** C. D. Nelson, (814) 765-0409

**Real Estate Services—35**

**10A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 10,358 useable square feet of new or existing office space in Punxsutawney, Jefferson County, PA, with minimum parking for 21 vehicles, within the Borough of Punxsutawney. Preference will be given to the downtown business district. In areas where street or public parking is not available, an additional 29 parking spaces are required. Proposals due: October 20, 1997. Solicitation No.: 92543.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Doris Deckman or Cynthia T. Lentz, (717) 787-4394

**11A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 9,180 useable square feet of new or existing office/barracks space, in Indiana County, PA, with minimum parking for 67 vehicles within the following boundaries: (1) within a 2 mile radius of the Intersection of US Route 119 and PA Route 286; (2) within a 2 mile radius of the Intersection of US Route 422 and PA Route 954 or (3) within a 2 mile radius of the Intersection of US Route 422 By-Pass and PA Route 286. Proposals due: November 17, 1997. Solicitation No.: 92544.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17105  
**Duration:** Indeterminate 1997-98  
**Contact:** Doris Deckman or John A. Hocker, (717) 787-4394

**RFP 97-001** Development, preparation, administration, grading and related services of Licensure Examinations for real estate salespersons, builder/owner salespersons, rental listing referral agents, real estate brokers and cemetery brokers for the State Real Estate Commission.

**Department:** State  
**Location:** Statewide  
**Duration:** July 1, 1998 through June 30, 2003  
**Contact:** Kathy Bilyeu, (717) 783-7220



**Security Services—37**

**RFP No. 97-15-2580010 ME No. 718236** The Bureau of Administrative Services is interested in procuring an Integrated Security System to be located in the State Tower of Strawberry Square, Harrisburg, PA (with remote sites Statewide). An RFP will be issued to procure this system.

**Department:** Revenue  
**Location:** Strawberry Square, Harrisburg, PA 17128  
**Duration:** February 6, 1997 to February 6, 1999  
**Contact:** Harold E. Zellhart, (717) 783-3221

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**Miscellaneous—39**

**RFP 1997-011** American Sign Language Trainer for staff at the Scranton State School for the Deaf.

**Department:** Education  
**Location:** Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, PA 18509  
**Duration:** October 1, 1997 through June 30, 1998  
**Contact:** William M. O'Neill, (717) 963-4420

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**WC 669** West Chester University is soliciting sealed bids for supplying and installing chain link fence at the women's fast pitch softball field on the University's south campus. The project consists of supplying and installing 20' of 20' high backstop fencing, approximately 40' of 10' high backstop extensions to dugouts, 500' of 8' high side line and outfield fence with two 4' wide single swing gates and one 14' wide double swing gate.

**Department:** State System of Higher Education  
**Location:** West Chester University, South Campus, West Chester, PA 19383  
**Duration:** 30 calendar days from Notice to Proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

[Pa.B. Doc. No. 97-1496. Filed for public inspection September 12, 1997, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## STATE CONTRACT INFORMATION

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
1045727-01	09/02/97	Information Systems Corp.	9,900.00	5610-37	09/08/97	Allegheny Asphalt Manufacturing, Inc.	1.00
1046727-01	09/02/97	Xerox Corporation	131,465.00	5610-37	09/08/97	Kaminski Brothers, Inc.	1.00
1077117-01	08/28/97	Resourcenet International	20,560.00	5610-37	09/08/97	Russell Standard Corp.	55,559.50
1089157-01	08/28/97	Houston Starr Co.	3,320.00	5610-37	09/08/97	Milestone Materials, Inc./ Bloomsburg	1.00
1089157-02	08/28/97	A. G. Mauro Co.	5,670.00	5610-37	09/08/97	Handwerk Materials/ Div. of Haines & Kibblehouse, Inc.	1.00
1101217-01	09/02/97	Delphi Petroleum Co., Inc.	78,360.00	5610-37	09/08/97	IA Construction Corp.	94,854.50
1124237-01	09/02/97	Syntonic Technology, Inc.	237,118.00	5610-37	09/08/97	TCG Materials, Inc.	1.00
1200157-01	09/02/97	Hirtech, Inc.	47,650.00	5610-37	09/08/97	York Building Products Co., Inc.	24,430.22
5610-37	09/08/97	Coolspring Stone Supply Co., Inc.	20,212.50	5610-37	09/08/97	Latrobe Construction Co.	74,215.00
5610-37	09/08/97	Milestone Materials, Inc./ Stroudsburg	9,870.00	5610-37	09/08/97	New Enterprise Stone/ Lime Co., Inc.	106,625.25
5610-37	09/08/97	Hempt Brothers, Inc.	26,335.00	5610-37	09/08/97	Valley Quarries, Inc.	25,262.00
5610-37	09/08/97	Commercial Asphalt Products	11,840.00	5610-37	09/08/97	Eastern Industries, Inc./ Center Valley	35,544.50
5610-37	09/08/97	American Asphalt Paving Co.	42,267.45	5610-37	09/08/97	Heilman Pavement Specialties	150,898.86
5610-37	09/08/97	Milestone Materials, Inc./ State College	50,123.75	5610-37	09/08/97	Wyoming Sand & Stone Co.	43,927.50
5610-37	09/08/97	Pennsy Supply, Inc.	16,377.25	5610-37	09/08/97	Great Valley Materials, Inc.	55,366.85
5610-37	09/08/97	Eastern Industries, Inc.- West	26,862.50	5610-37	09/08/97	Glenn O. Hawbaker, Inc.	9,925.50
5610-37	09/08/97	Russell Standard Corp.	6,105.00	5610-37	09/08/97	Windsor Service, Inc.	33,656.10
5610-37	09/08/97	Broome Bituminous Products, Inc.	1.00	5610-37	09/08/97	Leslie Whitaker & Son, Inc.	10,770.00
5610-37	09/08/97	H & K Materials, Inc.	1.00	5610-37	09/08/97	Marsh Asphalt, Inc.	61,175.00
5610-37	09/08/97	Milestone Materials, Inc./ Lake Ariel	1.00	5610-37	09/08/97	Better Materials Corp.	18,472.90

STATE CONTRACT INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of
7350-08	09/08/97	Betson Pitts- burgh Dis- tributing	1,164,364.00
8119200-01	08/28/97	VB Fabrica- tors	14,056.98
8171100-01	09/02/97	Delaware River Joint Bridge Com- mission	10,500.00
8970270-01	09/02/97	F & S Supply Co., Inc.	79,990.00
8970460-01	09/02/97	Stephenson Equipment, Inc.	78,760.00

Requisition or Contract #	Awarded On	To	In the Amount Of
8970530-01	08/28/97	Industrial Lift, Inc.	15,600.00
8970550-01	08/28/97	John Greenland Enterprises, Inc.	13,707.00

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 97-1497. Filed for public inspection September 12, 1997, 9:00 a.m.]