

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a special 35th Anniversary meeting on Thursday, September 19, 1996, beginning at 11 a.m. in the Concert Hall located in the Independence Seaport Museum at 211 South Columbus Boulevard and Walnut Street, Penn's Landing, Philadelphia, PA. The meeting, which is open to the public, will commemorate the Commission's 35th year under the interstate-Federal Delaware River Basin Compact.

Following a luncheon recess, the meeting will reconvene at 2:30 p.m. at the same location and will include the following subjects for public hearing:

Applications for Approval of the Following Projects Under Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Palmer Water Company D-81-24 CP Renewal 3.* An application for the renewal of a groundwater withdrawal project to supply up to 35 million gallons (mg)/30 days of water to the applicant's distribution system from well nos. 4, 6, 7, Foundry Well and Well A. Commission approval on May 22, 1991 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 35 mg/30 days. The project is located in Palmerton Borough, Carbon County, PA.

2. *Broad Run Valley, Inc. D-85-27 CP Renewal 2.* An application for the renewal of a groundwater withdrawal project to supply up to 24 mg/30 days of water to the applicant's Wilkinson Farm water supply project from well no. W-3. Commission approval on June 19, 1991 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 24 mg/30 days. The project is located in New Garden Township, Chester County, PA.

3. *Woodloch Pines, Inc. D-89-57 CP Renewal.* An application for the renewal of a groundwater withdrawal project to supply up to 9 mg/30 days of water to the applicant's potable distribution system and golf course irrigation system from well nos. 5, 6 and 9. Commission approval on August 8, 1990 was limited to 5 years. The applicant requests that the total withdrawal from all wells remain limited to 9 mg/30 days. The project is located in Lackawaxen Township, Pike County, PA.

4. *Evesham Municipal Utilities Authority D-93-38 CP.* An application for approval of a groundwater withdrawal project to supply up to 29 mg/30 days of water to the applicant's distribution system from new well no. 13 screened in the Mt. Laurel Aquifer, and to increase the existing withdrawal limit of 136 mg/30 days from all wells to 149 mg/30 days. The project is located in Evesham Township, Burlington County, NJ.

5. *Resorts USA, Inc. D-94-28 CP.* An application for approval of a groundwater withdrawal project to supply up to 1.73 mg/30 days of water to the applicant's Country Club of the Poconos at Big Ridge distribution systems from new well no. 2, and to retain the existing withdrawal limit from all wells of 3.7 mg/30 days. The project

is located in Middle Smithfield Township, Monroe County, PA.

6. *Warwick Township Water and Sewer Authority D-94-72 CP.* An application for the approval of a groundwater withdrawal project to supply up to 5.0 mg/30 days of water to the applicant's distribution system to serve the proposed Country Crossing residential development and the High Pointe industrial complex from new well nos. 9, 10 and 11. The applicant requests that the total withdrawals from all wells remain limited to 22.0 mg/30 days. The project is located in Warwick Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Mantua Township Municipal Utilities Authority D-95-36 CP.* An application for an increased withdrawal of water from previously approved well nos. 2 through 8 in the applicant's water supply system. The applicant requests that the withdrawal from well nos. 2 through 8 be increased from 37 mg/30 days to 47 mg/30 days. The project is located in Mantua Township, Gloucester County, NJ.

8. *Borough of Clayton D-95-45 CP.* An application for approval of a groundwater withdrawal project to supply up to 15 mg/30 days of water to the applicant's distribution system from new well no. 6, and to increase the existing withdrawal limit of 27.7 mg/30 days from all wells to 31 mg/30 days. The project is located in Clayton Borough, Gloucester County, NJ.

9. *Township of Medford D-95-55 CP.* An application for approval of a groundwater withdrawal project to supply up to 28 mg/30 days of water to the applicant's distribution system from new well nos. 14, 15 and 16, and to increase the existing withdrawal limit of 68.7 mg/30 days from all wells to 77 mg/30 days. The project is located in Medford Township, Burlington County, NJ.

10. *City of Millville D-96-5 CP.* An application for approval of a groundwater withdrawal project to supply up to 43.2 mg/30 days of water to the applicant's distribution system from new well no. 17, and to retain the existing withdrawal limit from all wells of 200 mg/30 days. The project is located in the City of Millville, Cumberland County, NJ.

11. *Borough of Pemberton D-96-7 CP.* An application for approval of a groundwater withdrawal project to supply up to 10.5 mg/30 days of water to the applicant's distribution system from new well nos. 4 and 5, and to limit the withdrawal limit from all wells to 10.5 mg/30 days. The project is located in Pemberton Borough, Burlington County, NJ.

12. *Keystone Hollow Corporation D-96-14.* An application for approval of a groundwater withdrawal project to supply up to 12 mg/30 days of water to the applicant's Great Bear Golf and Country Club irrigation system from new well nos. 1, 2 and 3, and to limit the withdrawal from all wells and ponds to 12 mg/30 days. The project is located in Middle Smithfield Township, Monroe County, PA.

13. *Borough of Bowmanstown D-96-22 CP.* A project to construct a 0.2 mgd sewage treatment plant (STP) to serve the Borough of Bowmanstown in Carbon County, PA. The proposed STP will provide secondary biological treatment utilizing the activated sludge sequencing batch reactor process. The STP will be located just off Lincoln

Avenue on the east side of the Lehigh River to which the treated effluent will discharge after chlorination.

14. *Pennsylvania Department of Conservation and Natural Resources D-96-23 CP.* A project to modify the applicant's existing 0.2 mgd STP serving the Nockamixon State Park in Bedminster, East Rockhill, Haycock and Nockamixon Townships, all in Bucks County, PA. The existing extended aeration activated sludge secondary biological treatment process will be changed to a sequencing batch reactor type activated sludge process. The STP is situated downstream of the Tohickon Dam and will continue to discharge to Tohickon Creek just downstream of the dam after tertiary filtration and chlorine disinfection.

15. *Warwick Township Water & Sewer Authority D-96-24 CP.* A project to construct a 0.12 mgd STP to serve residential and industrial development in an area currently served only by on-lot systems. The STP will be located just north of the intersection of Bristol and Mearns Roads and west of an unnamed tributary of Little Neshaminy Creek, to which it will discharge, in Warwick Township, Bucks County, PA. The STP will utilize the sequencing batch reactor activated sludge process to provide secondary biological treatment. Ultraviolet disinfection will be provided prior to discharge.

16. *Tobyhanna Township D-96-29 CP.* A proposed municipal STP that will provide 0.3 mgd of treatment capacity to serve the Blakeslee Corners area of Tobyhanna Township which has experienced failure of on-lot disposal systems. The new STP will provide advanced secondary biological treatment, tertiary filtration, and ultraviolet disinfection prior to discharge to Tobyhanna Creek, approximately 1,000 feet upstream of State Route 115 in Tobyhanna Township, Monroe County, PA.

17. *Middletown Township D-96-32.* An application for approval of a groundwater withdrawal project to supply up to 4 mg/30 days of water to irrigate the applicant's Middletown Country Club golf course from new well no. 1G, and to limit the withdrawal from all sources to 4 mg/30 days. The project is located in Middletown Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

18. *Burlington Township D-96-35 CP.* A project to upgrade and expand the applicant's Central Avenue STP from 1.65 mgd to 3.65 mgd, and to relocate the outfall from Tanners Run, a tidal tributary of the Delaware River, to the mainstem of the Delaware River in Water Quality Zone 2. The STP will continue to serve Burlington Township and is located on Central Avenue in Burlington Township, Burlington County, NJ.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are avail-

able in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 96-1535. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Peach and Nectarine Research Program; Amendments

Under the applicable provisions of the Pennsylvania Agricultural Commodities Marketing Act of 1968, a referendum was held from August 5 to August 19, 1996, to determine if the producers affected by the Pennsylvania Peach and Nectarine Research Program desired to amend the Program. The amendment increases the rate of assessment from \$3 per acre to \$5 per acre for each affected producer. An affected producer is defined as a person who produces or grows or causes to be produced or grown 500 or more peach and/or nectarine trees, of all ages, for the production of peaches and/or nectarines for sale or marketing.

In order to pass, a majority by number and by volume of eligible producers voting had to vote in favor of the amendment. An impartial Teller Committee met on August 23, 1996, to count the ballots. The following results were submitted by the Teller Committee: a total of 53 eligible votes were cast, representing 2,628.4 acres of peach and nectarine production, with 38 or 71.7% voting in favor and 15 or 28.3% voting against the amendment. The producers voting in favor of the amendment represented 2,069.9 acres or 78.8% of the total acreage of the producers voting, and the producers voting against the amendment represented 558.5 acres or 21.2% of the total acreage of producers voting. There were three spoiled or ineligible ballots.

Because a majority of the votes by number and by volume were cast in favor of the amendment of the Program, the Pennsylvania Peach and Nectarine Research Program shall be amended as described above.

CHARLES C. BROSIUS,
Secretary

[Pa.B. Doc. No. 96-1536. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 3, 1996.

BANKING INSTITUTIONS**New Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-28-96	American Bank of the Lehigh Valley Allentown Lehigh County	4029 W. Tilghman St. Allentown Lehigh County	Approved
8-29-96	Centre Square Trust Company Philadelphia Philadelphia County	Philadelphia	Approved

The institution is being incorporated for the limited purpose of becoming transferee of certain corporate trust accounts held by Meridian Trust Company, a wholly-owned subsidiary of CoreStates Financial Corp., Philadelphia.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-28-96	Northside Bank Pittsburgh Allegheny County	Pittsburgh	Filed

Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, Pittsburgh, located at:
701 Liberty Avenue
Pittsburgh
Allegheny County

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-26-96	Mauch Chunk Trust Company Jim Thorpe Carbon County	Redner's Market 184 Market St. Nesquehoning Carbon County	Filed
8-27-96	Twin Rivers Community Bank Easton Northampton County	2850 Easton Avenue Bethlehem Northampton County	Approved
8-29-96	Mifflinburg Bank and Trust Company Mifflinburg Union County	Route 2 Market Drive Spring Mills Centre County	Filed
8-29-96	Wayne Bank Honesdale Wayne County	WalMart Supercenter Brown and Lincoln Sts. East Stroudsburg Monroe County	Authorization Surrendered

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-29-96	Northern Central Bank Williamsport Lycoming County	<i>To:</i> Colonial Plaza Towanda Bradford County <i>From:</i> Colonial Plaza Route 6 Towanda Bradford County	Approved

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
8-27-96	First Financial Savings Association Downingtown Chester County	82 Quarry Road Downingtown Chester County	Opened

NOTICES

CREDIT UNION

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-1537. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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 standard and regulations the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0050938. Industrial waste, **Allegro Micro Systems, W. G., Inc.**, 3900 Welsh Road, Willow Grove, PA 19090.

This application is for revocation/reissuance of an NPDES permit to discharge untreated reject city water from reverse osmosis units from Allegro Micro Systems in Upper Moreland Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Pennypack Creek.

The receiving stream is classified for warm water fish, trout stocking, migratory fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 67,000 gpd 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 Dissolved Solids	1,000	2,000	2,500
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Chloroform	monitor/report		
Dichlorobromomethane	monitor/report		
Chlorodibromomethane	monitor/report		

Other Conditions:

Conditions for future permit modification.
 Special Test Methods for certain pollutants.
 The EPA waiver is in effect.

PA 0056952. Industrial waste, **Sun Company, Inc. (R and M)**, Twin Oaks Terminal, 4041 Market Street, Aston, PA 19014.

This application is for issuance of an NPDES permit to discharge treated groundwater from a groundwater remediation system serving Sun Company, Inc. in Avondale Borough, **Chester County**. This is a new discharge to East Branch White Clay Creek.

The receiving stream is classified for cold water fish, warm water fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001 based on an average flow of 2,900 gpd are as follows:

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

The EPA waiver is in effect.

PA 0050776. Sewage, **Coventry Terrace Mobile Home Park**, 391 Harley Road, Parkerford, PA 19457-0200.

This application is for renewal of an NPDES permit to discharge treated sewage from Coventry Terrace Mobile Home Park in East Coventry Township, **Chester County**. This is an existing discharge to Pigeon Creek.

The receiving stream is classified for cold water fish, warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, high quality waters and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 31,500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	0.5	1.2
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0050407. Sewage, **Bryn Mawr Rehabilitation Hospital**, 414 Paoli Pike, Malvern, PA 19355.

This application is for renewal of an NPDES permit to discharge treated sewage from Bryn Mawr Rehabilitation Hospital in Willistown Township, **Chester County**. This is an existing discharge to Ridley Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, high quality waters and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 20,000 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	3.5	7.0
(11-1 to 4-30)	10.5	21.0
Total Residual Chlorine	0.5	1.2
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0025917. Amendment No. 1, Sewage, **Chalfont-New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901.

This application is for amendment of an NPDES permit to discharge treated sewage from Chalfont-New Britain Township Joint Sewer Authority's STP in Doylestown Township, **Bucks County**. This is an existing discharge to Neshaminy Creek.

The permit is being amended to delete the Authority's pretreatment program requirements. The approval of discontinuance of the Authority's pretreatment program was granted by the USEPA on May 29, 1996.

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

PA 0063584. Sewerage, **Penn Security Bank and Trust Company**, J. Patrick Dietz, Assistant Vice President, Route 611 and 940, Mount Pocono, PA 18344.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Scot Run in Mount Pocono Township, **Monroe County**.

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 based on a design flow of 0.00075 mgd are:

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

The EPA waiver is in effect.

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

PA 0006297. Sewage, **Menasha Corporation**, P. O. Box M, Yukon, PA 15698.

This application is for renewal of an NPDES permit to discharge treated sewage, process wastewater and untreated stormwater runoff from Yukon Plant in Sewickley Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.0072 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Oil and Grease	15			30
Fecal Coliforms	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
Total Residual Chlorine	monitor and report			
1st month—36th month	1.4			
37th month—expiration	3.3			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

Outfalls 002—006: existing discharge to Sewickley Creek.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

The discharge via these outfalls shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

PA 0035262. Sewage, **Family Mobile Homes, Inc.**, 1683 E. Pleasant Valley Boulevard, Altoona, PA 16602.

This application is for renewal of an NPDES permit to discharge treated sewage from the Family Mobile Homes, Inc. Sewage Treatment Plant in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Fallentimber Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is in excess of 100 miles from this facility.

Outfall 001: existing discharge, design flow of 0.0036 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		1.4		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0093033. Sewage, **Eastern Armstrong County Municipal Authority**, P. O. Box 262, Elderton, PA 15736.

This application is for renewal of an NPDES permit to discharge treated sewage from Elderton Sewage Treatment Plant in Elderton Borough, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Crooked 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 Cadogen Water Works.

Outfall 001: existing discharge, design flow of .0582 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10	15		20
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		9.0
(11-1 to 4-30)	9.0	13.5		27.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0093165. Sewage, **Claysville-Donnegal Joint Municipal Authority**, 314 Main Street, P. O. Box 467, Claysville, PA 15323.

This application is for renewal of an NPDES permit to discharge treated sewage from the Claysville-Donnegal Water Pollution Control Plant in Donegal Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dutch Fork, which are classified as a high quality 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 located in Bethany, West Virginia.

Outfall 001: existing discharge, design flow of .16 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	15	22.5		30
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	4.0	6.0		8.0
Phosphorus	2.0	3.0		4.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	.03			.10
Dissolved Oxygen	not less than 7.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0097454. Sewage, **Colleen Shimel**, R. D. 3, Cedar Run Road, Allison Park, PA 15101.

This application is for renewal of an NPDES permit to discharge treated sewage from the Shimel Single Residence Sewage Treatment Facility in Indiana Township, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	6.0—9.0			

The EPA waiver is in effect.

PA 0205338. Sewage, **Timothy and Linda Brunatti**, 48 Brallier Drive, Ligonier, PA 15658.

This application is for renewal of an NPDES permit to discharge treated sewage from the Brunatti Single Residence Sewage Treatment Plant in Ligonier Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	monitor and report			
pH	6.0—9.0			

The EPA waiver is in effect.

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

PA 0113115. Sewerage, SIC: 4952, **New Hope Baptist Church**, R. D. 3, Box 56-1A, Middleburg, PA 17842.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary of Middle Creek in Franklin Township, **Snyder County**.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Total Residual Cl ₂	2.0		4.7
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0111741. Sewerage, SIC: 4952, **Warrior Run School District**, R. R. 2, Box 151A, Turbotville, PA 17772.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Warrior Run in Lewis Township, **Northumberland 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, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Pennsylvania American Water Company located at Milton approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.026 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliforms	200/100 as a geometric average	
Total Residual Cl ₂		
1st month—36th month	report	report
37th month—expiration date	1.0	2.3
pH	within the range of 6.0—9.0	

The EPA waiver is in effect.

PA 0031283. Sewerage, SIC: 4952, **West Branch Area School District**, R. R. 2, Box 194, Morrisdale, PA 16858-9312.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary of Flat Run in Morris Township, **Clearfield County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 140 river miles downstream.

The proposed effluent limits for Outfall 001 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>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliforms	200/100 ml as a geometric average	
pH	within the range 6.0—9.0	
Total Residual Chlorine		
1st month—36th month	report	report
37th month—expiration date	1.0	2.3

The EPA waiver is in effect.

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.

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

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

Beaver County Conservation District, District Manager, 1000 Third St., Ste. 202, Beaver, PA 15009-2026, telephone (412) 774-7090.

NPDES Permit PAS100234-1. Stormwater. **Jeb Hughes**, JDN Development Company Inc., 3340 Peachtree Road, 1530 Tower Place, Atlanta, GA 30326 has

applied to discharge stormwater from a construction activity located in Center Township, **Beaver County**, to the Ohio River.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

NPDES Permit PAS10E056. Stormwater. **Cranberry Township**, 2525 Rochester Road, Ste. 400, Cranberry Township, PA 16066 has applied to discharge stormwater from a construction activity located in Cranberry Township, **Butler County**, to Breakneck Creek.

Carbon County Conservation District, District Manager, 92 Blakeslee Blvd., E. Lehigh, PA 18235, telephone (610) 377-4894.

NPDES Permit PAS101309. Stormwater. **Department of Transportation**, District No. 5, 1713 Lehigh Street, Allentown, PA 18103 has applied to discharge stormwater from a construction activity located in Kidder Township, **Carbon County**, to Black Creek.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Collegeville, PA 19426, telephone (610) 489-4506.

NPDES Permit PAS10T070. Stormwater. **Michael Malone**, 1440 Credley Lane, Collegeville, PA 19426 has applied to discharge stormwater from a construction activity located in Worcester Township, **Montgomery County**, to Zacharias Creek.

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

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

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

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

A. 5496404. Sewerage. **Girardville Area Municipal Authority**, P. O. Box 5, Girardville, PA 17935. Application to construct and operate a sewage treatment plant, pump stations, sewers and appurtenances to serve

Girardville Borough and Butler Township, **Schuylkill County**. Application received in the Regional Office August 23, 1996.

A. 5296401. Delaware Valley School District, HC 77, Box 379A, Milford, PA 18337. Application to make improvements to the existing wastewater treatment plant to enhance the facility's operation, located in Westfall Township, **Pike County**. Application received in the Regional Office August 12, 1996.

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

1596409. Sewerage. Willistown Township, 688 Sugartown Road, Malvern, PA 19355. Construction of a grinder pump and force main to serve Meadowbrook Farm Residential Subdivision located in Willistown Township, **Chester County**.

0996415. Sewerage. Warwick Township Water and Sewer Authority, 2581 York Road, P. O. Box 315, Jamison, PA 18929. Construction of a pumping station and force main to serve Country Crossing located in Warwick Township, **Bucks County**.

4696417. Sewerage. The Klein Company, 1700 Market Street, Suite 2600, Philadelphia, PA 19103. Construction of approximately 917 linear feet of 12" diameter PVC sanitary sewer and 704 linear feet of 12" diameter DIP sanitary sewer to serve Walnut Crossing Subdivision located in Limerick Township, **Montgomery County**.

4696418. Sewerage. Lower Salford Township Authority, 650 Main Street, Harleysville, PA 19438. Construction of a pump station and force main to serve Summerwind Subdivision located in Lower Salford Township, **Montgomery County**.

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

A. 0492201. Amendment No. 1. Industrial waste, Alex E. Paris Contracting Company, Inc., Route 18, P. O. Box 369, Atlasburg, PA 15004. Application for additions and modification of the existing wastewater treatment facility located in the Township of Hanover, **Beaver County** to serve the Alex E. Paris Contracting Company, Inc. flyash landfill.

A. 2696404. Sewerage, Consol Docks, Inc., 1800 Washington Road, Pittsburgh, PA 15241-1421. Application for the construction and operation of a sewers and appurtenances and pump stations located in the Township of Luzerne, **Fayette County** to serve the Alicia Pumping Station and Force Main.

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

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

A. 4696508. Public water supply. PECO Energy, Walter G. MacFarland, P. O. Box 2300, Sanatoga, PA 19464-0920. This proposal involves the construction of a corrosion control treatment facility at PECO Limerick Generation Station in Pottstown Borough, **Montgomery County**.

A. 4696507. Public water supply. PECO Energy, Walter G. MacFarland, P. O. Box 2300, Sanatoga, PA 19464-0920. This proposal involves the construction of a

corrosion control treatment facility at PECO Training Center in Pottstown Borough, **Montgomery County**.

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

A. 1194505-A1. Saint Francis College, Physical Plant, Business Office, Loretto, PA 15940. Improvements to the Saint Francis Water System, Loretto Borough and Allegheny Township, **Cambria County**.

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

Country Manor Estates, Alsace Township, **Berks County**. Country Manor Estates, 3118 Pricetown Road, Fleetwood, Berks County, PA 19522, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Reading Eagle* on May 26, 1996.

Country Manor Estates, Alsace Township, **Berks County**. Country Manor Estates, 3118 Pricetown Road, Fleetwood, Berks County, PA 19522, has submitted a Notice of Intent to Remediate site soils contaminated with lead, BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide health standard.

A summary of the Notice of Intent to Remediate was reported to have been published in *Reading Eagle* on May 26, 1996.

Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 321-6525.

Andritz Sprout-Bauer, Inc.—Building 70, Muncy Creek Township, **Lycoming County**. Andritz Sprout-Bauer, Inc. has submitted a Notice of Intent to Remediate soil contaminated with BTEX, PHCs and solvents. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on July 30, 1996.

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

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

Titleman Welfare Fund Building, City of Altoona, **Blair County**. Puritan Place Investors, 1255 Fifth Avenue, New York, NY 10029, has submitted a Notice of Intent to Remediate site soils and site groundwater contaminated with lead, heavy metals, solvents, BTEX, PHCs and PAHs and site soil contaminated with PCBs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on August 21, 1996.

Highway Express Service Station, Littlestown Borough, **Adams County**. Pleasant Hill Convenience/Tevis Oil Company, P. O. Box 26, Westminster, MD 21158, has submitted a Notice of Intent to Remediate site soils and site groundwater contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Gettysburg Times* on August 20, 1996.

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

Bethlehem Steel Corporation, City of Bethlehem, **Northampton County**. Edwin B. Wilson, Director of Environmental Assessment and Remediation with Bethlehem Steel Corporation (Bethlehem, PA) has submitted a Notice of Intent to Remediate site soils contaminated with metals, and groundwater which has been contaminated with solvents and metals. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was published in *The Express Times* and *The Morning Call*.

Notice of Settlement Under the Hazardous Sites Cleanup Act

Industrial Solvents and Chemical Company Newberry Township, York County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a consent order and agreement (COA) with the Maryland Mass Transit Administration (MTA) regarding the Department's costs incurred for conducting response activities at the Industrial Solvents and Chemical Company (ISCC) site. The ISCC site is a 9-acre parcel of land in Newberry Township, York County, adjacent to Interstate 83. The surrounding area is primarily rural, although residential, commercial and industrial developments are located within a close vicinity of the site. A number of private residential wells have been contaminated by hazardous substances migrating from the ISCC site.

ISCC was involved in the reprocessing of used solvents. Because of violations of hazardous waste requirements, the Department on July 6, 1989, terminated ISCC's authority to operate a hazardous waste treatment and storage facility. The site was abandoned in 1990 when ISCC declared bankruptcy. A total of 996 parties poten-

tially responsible for the hazardous substances located at the ISCC site were identified by the Department.

Because of the threat to human health and the environment posed by the ISCC site, the site was placed on the Pennsylvania Priority List for Remedial Response on October 26, 1991. The Department and a group of approximately 136 cooperating potentially responsible parties have conducted a number of interim actions at the site to address the release or threat of release of hazardous substances. To date, the Department has incurred costs of approximately \$3 million to implement and/or oversee these interim actions. A final remedial action for the groundwater and soil at the ISCC site will be selected by the Department and implemented in the future.

Under the terms of the proposed COA, MMTA will pay the Department \$152,025.72. This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The COA that contains the specific terms of the settlement is available for public review and comment. The COA can be examined from 8 a.m. to 4 p.m. at the Department's office at One Ararat Boulevard, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 657-4592. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the consent order and agreement to the Department by November 13, 1996, by submitting them to Barbara Faletti at the above address.

Prompt Interim Response Action under the Hazardous Sites Cleanup Act

Seven Stars Site
East Pikeland Township, Chester County

The Department of Environmental Protection (Department) under the authority of the Hazardous Site Cleanup Act (35 P. S. §§ 6020.102—6020.1305) has implemented a prompt interim response action at the Seven Stars HSCA Site in East Pikeland Township near the intersection of Route 113 and East Seven Stars Road. Domestic groundwater wells in this area are contaminated with Trichloroethene (TCE) and Tetrachloroethene (PCE) at concentrations above the Environmental Protection Agency's drinking water standard of 5.0 parts per billion.

In deciding the appropriate response, the Department reviewed two possible immediate actions. One option was to take no action and allow the citizens of the Commonwealth to continue to consume contaminated well water. This option was rejected because it does not satisfy the statutory requirement of being protective of the public health. The second option reviewed by the Department was to quickly eliminate the risk associated with drinking contaminated water by providing the affected residents with bottled water until a long term solution to the problem can be developed. The Department selected option two because it would be protective of the public health in the short term and it could be implemented immediately.

The Administrative Record contains information related to the site and the Department's proposed decision to perform this prompt interim response action. The Administrative Record is available for public inspection from 9 a.m. to 4 p.m., Monday through Friday, at the Department's Southeast Regional Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6193. An additional copy of the Administrative Record

will be available for public inspection at the Chester County Free Library of Phoenixville located at Second Avenue and Main Street in Phoenixville. Library hours are 9 a.m. to 9 p.m. Monday through Thursday and 9 a.m. to 5 p.m. Friday and Saturday.

Written comments concerning the prompt interim response action and information in the Administrative Record will be accepted in person or by mail if post-marked on or before Friday, December 13, 1996. Comments should be sent to the attention of Chet Zazo, HSCP Project Officer at the Southeast Regional Office address.

Additionally, the public will have the opportunity to present oral comments at a public hearing scheduled for Thursday, October 17, 1996, at 7:30 p.m. at Saint Basil's Church located on Kimberton Road in Kimberton. Persons wishing to present oral comments should register on or before October 10, 1996 by calling Rob Goldberg at (610) 832-6010. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service, or other accommodation to participate in the proceeding should contact Rob Goldberg at the number provided above to discuss how the Department may best accommodate their needs.

The Department is providing this notice under section 506(b) of the Hazardous Sites Cleanup Act. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90 day public comment period on the Administrative Record as provided under that act. Questions concerning the site may be directed to Chet Zazo, Project Officer, at (610) 832-6193.

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.

NSH Network, Inc. d/b/a Resource Management Council Services, Inc., 888 Veterans Memorial Highway, Hauppauge, NY 11788; Bob Quinn, Assistant Vice President; application received August 19, 1996.

Beneficial Use Determinations received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.

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

Chrin Brothers Sanitary Landfill, Chrin Brothers, Inc., 635 Industrial Drive, Easton, PA 18042. A Request for Beneficial Use Approval to utilize processed wood fines from construction/demolition waste as daily cover material. The processed fines are to be used in lieu of soil as daily cover at this municipal waste landfill, located in Williams Township, **Northampton County**. This request was received in the Regional Office on July 3, 1996.

Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Beneficial Use Request No. BU50094. Duquesne Light Company, 411 Seventh Avenue, P. O. Box 1930,

Pittsburgh, PA 15230-1930. Use of coal ash as structural fill for The Homes at Bellfield residential development project located in the Borough of Munhall, **Allegheny County**.

Beneficial Use Request was approved in the Southwest Regional Office on July 30, 1996.

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

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

A. 301300. Brunner Island, PP&L, (Two North Ninth Street, Allentown, PA 18101-1179). Application for modification for residual waste disposal impoundment site in East Manchester Township, **York County**. Application determined to be administratively complete in the Regional Office August 22, 1996.

A. 100113. Modern Landfill—Northwest Expansion, Modern Landfill & Recycling, (R. D. 9, Box 317, York, PA 17402). Application for major modification for Northwest Expansion of the landfill in Lower Windsor and Windsor Township, **York County**. Application determined to be administratively complete in the Regional Office August 21, 1996.

A. 301029. Three Mile Island, GPU Nuclear Corporation, (One Upper Pond Road, Parsippany, NJ 07054). Application for repermitting of a residual waste landfill located in Londonderry Township, **Dauphin County**. Application determined to be administratively complete in the Regional Office August 23, 1996.

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

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

Permit I. D. No. 301256. Martins Creek SES Ash Basin No. 1, Pennsylvania Power & Light Company, Two North Ninth Street, Allentown, PA 18101-1179. A Major Permit Modification for the continued operation of this residual waste disposal impoundment, located in Lower Mt. Bethel Township, **Northampton County**. The permit application was received on August 9, 1996, and was determined to be complete in the Regional Office on August 16, 1996.

Permit I. D. No. 301295. Hazleton Oil Salvage, Ltd.—Audenried, PA Bulk Petroleum Storage Plant & Used Oil Recycling Facility, Hazleton Oil Salvage, Ltd., P. O. Box 2339, Hazleton, PA 18201. A permit application for the operation of a residual waste processing and transfer facility, located in Banks Township, **Carbon County**. The permit application was received on June 27, 1996, and was determined to be complete in the Regional Office on August 21, 1996.

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

A. 101534. Laurel Highlands Landfill, 196 Wagner Road, Vintondale, PA 15961. Laurel Highlands Landfill, 310 Leger Road, North Huntingdon, PA 15642. Application for a Major Permit Modification to add an additional 161.2 acres of disposal area to a landfill in Jackson Township, **Cambria County**. This application was received in the Regional Office on August 22, 1996.

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

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

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-46-0077**
 Source: Three Boilers
 Company: **Doehler-Jarvis Pottstown, Inc.**
 Location: West Pottsgrove
 County: **Montgomery**

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-46-0069**
 Source: Synthetic Minor NOx Emitting Facility
 Company: **Corson Lime**
 Location: Whitemarsh
 County: **Montgomery**

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

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

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

Permit: **46-302-052A**
 Source: Auxiliary Steam Boiler A
 Company: **PECO Energy**
 Location: Limerick
 County: **Montgomery**

Permit: **09-399-035**
 Source: Sewage Pump Station Wet Well
 Company: **Bucks County Water & Sewer Authority**
 Location: Doylestown
 County: **Bucks**

Permit: **15-310-039**
 Source: Stone Crushing Plant
 Company: **Devault Crushed Stone**
 Location: Charlestown
 County: **Chester**

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources.

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

06-1002B. Construction of a material dryer and electric generator by **Allentown Cement Company, Inc.** (P. O. Box 619, Blandon, PA 19510-0619) in Maiden creek Township, **Berks County**.

31-310-025C. Modification of the existing dry screening operation by **U. S. Silica Company** (Route 1, Box 1885, Mapleton Depot, PA 17052) in Brady Township, **Huntingdon County**.

36-399-036. Modification of the existing four dust collectors by **Bollman Hat Company** (110 East Main Street, P. O. Box 517, Adamstown, PA 19501) in Adamstown Borough, **Lancaster County**.

36-315-017B. Modification of the paper shredder/baler system and control devices by **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) in the city of Lancaster, **Lancaster County**.

Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

49-302-061. Construction of three natural gas/no. 2 fuel oil fired boilers, an emergency generator and an oil storage tank by **Merck and Company, Inc.** (P. O. Box 600, Danville, PA 17821-0600) in Riverside Borough, **Northumberland County**. The boilers are subject to Subparts Db of the Federal Standards of Performance for New Stationary Sources.

49-302-060. Construction of two natural gas/no. 2 fuel oil fired boilers by the **Shikellamy School District** (6th and Walnut Streets, Sunbury, PA 17801) at the Shikellamy High School in the City of Sunbury, **Northumberland County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

59-399-012. The Department intends to issue an operating permit to **Westfield Tanning Company** (360 Church Street, Westfield, PA 16950) for the operation of a spent tanning solutions box dryer and associated air cleaning device (a fabric filter) in Westfield Borough, **Tioga County**.

Reasonably Available Control Technology; Public Hearings

Approval of Reasonably Available Control Technology (RACT) Plans for:

Quebecor Printing Atglen, Inc. (West Sadsbury Township, Chester County)

PreFinished Metals, Inc. (Falls Township, Bucks County)

SmithKline Beecham Research Company. (U. Providence Township, Montgomery County)

DEP has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for the above facilities. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for these facilities to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The following is a summary of the preliminary RACT determinations for these facilities:

Quebecor Printing Atglen, Inc. (Operating Permit OP-15-0002)

<i>Sources</i>	<i>Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
4 Graymill Parts Washer			
Tanks and Cleaning Solvents	15.6 VOC	Good Control Practices	Implemented
4 Boilers	68.4 NOx	Annual Tune-up	Implemented

Prefinished Metals, Inc. (Operating Permit OP-09-0030)

<i>Sources</i>	<i>Emission Limit (tons/year)</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Baking Ovens	26 NOx	Annual Tune-Up	Upon permit issuance
Laminator/Embossing	30 VOC	Thermal Incinerator	Upon permit issuance
Cleanup Operations	26.8 VOC	Recordkeeping	Upon permit issuance

The following sources were found to be de-minimus VOC sources: Parts Washing Unit, Waste Transfer Station, Solvent Distiller, Drum Filling Operation and Laboratory Hoods. This facility will meet the presumptive NOx requirements of section 129.93 for its space heaters.

Smithkline Beecham Research Company (Operating Permit OP-46-0031)

<i>Sources</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
(3) Cleaver-Brooks Boiler	5.7 lb/hr NOx each	Combustion Tuning	Implemented
Cleaver-Brooks Boiler	3.1 lb/hr NOx	Combustion Tuning	Implemented

<i>Sources</i>	<i>Emission Limit</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
(6) Emergency Generators	0.521 lb/hr NOx	Operation/Maint. Practices	Implemented
Emergency Firewater Pump	2.7 tons/year NOx	Operation/Maint. Practices	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on October 15, 1996, at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to DEP on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert, DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before October 15, 1996.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Clarke Rupert at (610) 832-6020 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6268.

Notice of Plan Approval Application Minor Source

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

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

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

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

25-317-004C. The Department received a plan approval application for construction of three new fish fryers

(8,000 #/hr) to replace existing fryers (5,000 #/hr) by **Van de Kamp's, Inc.**, (P. O. Box 10367, Erie, PA 16514) in Erie, **Erie County**.

61-302-033A. The Department received a plan approval application for installation of a Low NOx burner on Boiler 3A (144.4 MMBTU/hr) by **Pennzoil Products Company** (2 Main St., Rouseville, PA 16344) at the Plant 1 Boilerhouse in Rouseville, **Venango County**.

MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

26820129. Wise Mining Company (R. D. 1, Box 15, Lake Lynn, PA 15451). Application received to revise permit to add acres and an additional coal seam on a bituminous surface mining site located in Springhill Township, **Fayette County**, currently affecting 25.1 acres. Receiving streams unnamed tributary to Grassy Run, to Grassy Run, to the Cheat River. Revision application received August 20, 1996.

26910113. Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15610). Renewal application received for continued reclamation of a bituminous surface mine located in Wharton Township, **Fayette County**. Receiving streams three unnamed tributaries to Big Sandy Creek. Renewal application received August 23, 1996.

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

56960108. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 101.0 acres, receiving stream unnamed tributary to Buffalo Creek and Buffalo Creek, application received August 19, 1996.

56910104. Permit renewal, **Hardrock Coal Company** (R. D. 4, Box 155A, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 133.4 acres, receiving stream unnamed tributary to Tub Mill Run; unnamed tributary to Casselman River, application received August 20, 1996.

32910101. Permit renewal, **T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15711), commencement, operation and restoration of bituminous strip mine in Rayne Township, **Indiana County**, affecting 58.0 acres, receiving stream unnamed tributaries to Crooked Creek and Crooked Creek, application received August 20, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

32841315. Stanford Mining Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Chestnut Ridge bituminous deep mine in Cherryhill Township, **Indiana County** for reclamation only, receiving stream Allen Run. Application received August 16, 1996.

03841308. Rosebud Mining Company (R. D. 1, Box 379A, Kittanning, PA 16201), to renew the permit for the Rosebud No. 1 bituminous deep mine in Perry Township, **Armstrong County** for reclamation only, no additional discharge. Application received July 26, 1996.

33841303. Doverspike Brothers Coal Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Dora No. 6 bituminous deep mine in Perry Township, **Jefferson County**, no additional discharge. Application received July 8, 1996.

17841301. Manor Mining & Contracting Corporation, (P. O. Box 368, Bigler, PA 16825), to renew and revise the permit for the Manor No. 44 bituminous deep mine in Girard Township, **Clearfield County** to renew and revise permit to add area to the subsidence control plan boundary, receiving stream Bald Hill Run. Application received July 24, 1996.

30743704. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 2 CRDA in Monongahela Township, **Greene County**, no additional discharge. Application received August 5, 1996.

30841602. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 2 preparation plant in Monongahela Township, **Greene County**, receiving stream Whiteley Creek. Application received August 5, 1996.

30743705. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 3 CRDA in Dunkard Township, **Greene County**, receiving stream Dunkard Creek. Application received August 5, 1996.

63831302. Eighty Four Mining Company, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Mine 84 bituminous deep mine in South Strabane Township, **Washington County** to add Lang Shaft, receiving stream unnamed tributary to Little Chartiers Creek. Application received August 19, 1996.

30841313. Consolidation Coal Company, (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth bituminous deep mine in Jefferson Township, **Greene County** to add five degas boreholes, no additional discharge. Application received August 5, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

6476SM6C2 and C3. Union Quarries, Inc., (P. O. Box 686, Carlisle, PA 17013-0686), renewal and correction of an existing NPDES Permit #PA0595365 in Southampton Township, **Cumberland County**, receiving stream Letort Spring Run and tributary to Conodoguinet Creek. Applications received August 15, 1996.

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

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

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

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

E35-268. Encroachment. **Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a 16 foot × 5 foot, 6 inch reinforced concrete box culvert in Sterry Creek. The project, S. R. 1016, Section 270, is associated with the Sterry Creek Stream Channel Restoration Project OSM 35 (2080) 102.1 and is located at the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.2 inches; W: 10.3 inches) in Jessup Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-269. Encroachment. **Lackawanna County Railroad Authority**, 701 Wyoming Avenue, Scranton, PA 18509. To maintain the existing 11 foot, 10 inch × 7 foot, 7 inch corrugated metal pipe arch culvert and to construct and maintain a stream enclosure consisting of approximately 140 linear feet of 8 foot diameter reinforced concrete pipe to provide additional discharge capacity for Sterry Creek. The project is associated with the Sterry Creek Stream Channel Restoration Project OSM 35 (2080) 102.1 and is located approximately 0.32 mile east of the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.3 inches; W: 11.2 inches) in Jessup Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E35-270. Encroachment. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, 93 North State Street, Wilkes-Barre, PA 18701-3195. To construct and maintain approximately 1,150 linear feet of concrete u-channel and to excavate, place and maintain fill for the construction of a trapezoidal channel, riprap bank stabilization and channel lining in and along 2,500 linear feet of Sterry Creek and its associated floodway. The project, known as the Sterry Creek Stream Channel Restoration Project, OSM 35 (2080) 102.1 and is located at a beginning point at the intersection of S. R. 1016 (Constitution Avenue) and Sterry Creek (Olyphant, PA Quadrangle N: 18.2 inches; W: 10.4 inches) and extending approximately 0.75 mile downstream to the confluence of Sterry Creek and the Lackawanna River (Olyphant, PA Quadrangle N: 18.2 inches; W: 11.2 inches) in Jessup Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E13-098. Encroachment. **Richard C. and Anne E. Gremling**, 2935 Forest Street, Lehigh, PA 18235. To construct and maintain a private residential stream crossing consisting of 3-36 inch CMP culverts across an unnamed tributary to Pine Run (CWF). The project is located approximately 0.3 mile northeast of the intersection of T419 and T468 (Pohopoco, PA Quadrangle N: 3.9

inches; W: 16.0 inches) in Towamensing Township, **Carbon County** (Philadelphia District, Army Corps of Engineers).

E40-448. Encroachment. **Order of Friars Minor-Slavo Byzantine Rite**, P. O. Box 270, Sybertsville, PA 18251. To remove the existing structure and to construct and maintain a single-span pedestrian bridge, having a span of approximately 30 feet and a minimum underclearance of approximately 6 feet, across a tributary to Little Nescopeck Creek (CWF). Review of this application will include review of an Environmental Assessment for removal of a nonjurisdictional dam. The project will include other activities authorized by General Permits and activities for which permit requirements are waived. The project is located at the Byzantine Franciscan Monastery, approximately 500 feet southwest of the intersection of S. R. 0093 and T-388 (Conyngham, PA Quadrangle N: 22.4 inches; W: 10.2 inches) in Sugarloaf Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E40-449. Encroachment. **Frank L. Boris, III**, 450 Warren Avenue, Kingston, PA 18704. To modify and maintain an existing dock and boatslip in Harveys Lake (HQ-CWF), with work including the construction of new pilings, enlargement of the dock and construction of a one-story boathouse. The area of the structure will be increased from approximately 742 square feet to 1,072 square feet. The structure, which extends approximately 44 feet lakeward from the shoreline, is located at Pole 38 (Harveys Lake, PA Quadrangle N: 20.6 inches; W: 5.0 inches) in Harveys Lake Borough, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E45-303. Encroachment. **Connaught Laboratories, Inc.**, P. O. Box 187, Rte. 611, Swiftwater, PA 18370. To construct and maintain a prestressed concrete, spread box-beam bridge having a normal span of 48.0 feet on a 55° skew and an underclearance of approximately 7.2 feet across Swiftwater Creek (HQ-CWF). The project is located at Connaught Laboratories, Inc., on the south side of S. R. 0314, approximately 700 feet downstream of the S. R. 0611 bridge (Mount Pocono, PA Quadrangle N: 17.1 inches; W: 10.4 inches) in Pocono Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

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

E09-722. Encroachment. **Douglas Morgan**, 1634 9th Street, Bethlehem, PA 18017. To place fill in a diminimus amount of wetland (PFO) in order to provide an access road to single residential subdivision. The site is located approximately 0.25 mile north of Pleasant Valley (Helltown, PA Quadrangle N: 5.00 inches; W: 6.00 inches) in Springfield Township, **Bucks County**.

E46-750. Encroachment. **Plymouth Industrial Center, Inc.**, 839 Germantown Pike, Norristown, PA 19401. To construct and maintain approximately 3,025 linear feet of triple 20.42-foot by 13.0-foot reinforced concrete arch pipe stream enclosure associated with the Plymouth Industrial Center commercial development in and along a segment of Plymouth Creek (WWF) which is intermittent. The site is situated just southwest and adjoining to interchange number 7 (Ridge Pike) on Interstate 476 (Norristown, USGS Quadrangle N: 17.4 inches; W: 7.8 inches) in Plymouth Township, **Montgomery County**.

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

E10-248. Encroachment. **Middlesex Township**, 133 Browns Hill Road, Valencia, PA 16059. To remove two existing 5-foot-diameter culverts and to construct and maintain an 11-foot-wide by 4.25-foot-high corrugated box culvert road crossing across Glade Run (WWF). The project is located on Overbrook Road approximately 2,800 feet south of the intersection of Overbrook Road and S. R. 0228 (Valencia, PA Quadrangle N: 16.6 inches; W: 4.5 inches) located in Middlesex Township, **Butler County**.

E20-436. Encroachment. **County of Crawford**, Crawford County Courthouse, Meadville, PA 16335. To remove the existing steel pony truss bridge and to install and maintain a 63-foot single span prestressed concrete adjacent box beam bridge across Conneaut Creek. The project is located on Jefferson Street (T-508) approximately 600 feet west of the intersection of S. R. 0018 and T-508 (Conneautville, PA Quadrangle N: 1.0 inch; W: 16.3 inches) located in Conneautville Borough, **Crawford County**.

E10-247. Encroachment. **Borough of Zelienople**, 111 West New Castle Street, Zelienople, PA 16063. To expand, place and maintain new municipal water treatment facilities within the floodplain of Connoquenessing Creek (WWF) under the terms of 25 Pa. Code Chapter 106. The project is located on the south side of Connoquenessing Creek under and adjacent to the S. R. 0019 overpass (Zelienople, PA Quadrangle N: 6.0 inches; W: 1.6 inches) located in the Borough of Zelienople, **Butler County**.

E20-437. Encroachment. **John N. Jay**, 2708 Camelot Drive, Columbia, OH 44408. To maintain an existing 570 square foot dock extending 90 feet out into Conneaut Lake (HQ-WWF). The project is located within the Iroquois Drive property owners access area approximately 2,000 feet west of the intersection of Iroquois Drive and S. R. 0018 (Conneaut Lake, PA Quadrangle N: 3.75 inches; W: 6.5 inches) located in the Sadsbury Township, **Crawford County**.

E25-540. Encroachment. **Norman E. Mattson**, 347 Riley Drive, Girard, PA 16417. To construct and maintain a 250-foot-long driveway across a tributary of Racoon Creek (CWF-MF) and fill two separate wetlands impacting a total of 0.10 acre of PSS wetland for a single residence access. This access is located on the south side of S. R. 20 approximately 1,200 feet west of the intersection of Scott Road (T-336) and U. S. Route 20 (East Springfield, PA Quadrangle N: 15.0 inches; W: 8.5 inches) located in Springfield, **Erie County**.

E37-110. Encroachment. **Pulaski Township**, Pulaski Township Building, Pulaski, PA 16143. To remove existing reinforced concrete arch culvert and to install and maintain a 22-foot clear normal span 6 bridge across Deer Creek. The project is located on Tanglewood Road (T-621) approximately 350 feet north of the intersection of S. R. 208 and T-621 (Edinburg, PA Quadrangle N: 18.9 inches; W: 16.1 inches) located in Pulaski Township, **Lawrence County**.

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

E02-1126-A1. Encroachment. **Department of Transportation**, 45 Thoms Run Road, Bridgeville, PA 15017. To amend Permit No. E02-1126 to extend and maintain a twin cell box culvert, each cell having a span of 20 feet with an underclearance of 17 feet, from 260 feet to 375 feet in Saw Mill Run; to improve and maintain the channel of said stream for an additional distance of 500 feet for a total distance of 700 feet; to remove the existing

structure and to construct and maintain a twin cell box culvert, each cell having a span of 20 feet with an underclearance of 17 feet, approximately 305 feet in length in Saw Mill Run for the purpose of improving the southern portal of the Liberty Tunnels. The project is located on S. R. 0051, Section A20/A21 just upstream from the intersection of Warrington Avenue and S. R. 0051 (Pittsburgh West, PA Quadrangle N: 7.2 inches; W: 1.5 inches) in the City of Pittsburgh, **Allegheny County**.

E02-1161. Encroachment. **Imports by Day Inc.**, 1580 Golden Mile Hwy., Monroeville, PA 15146. To place and maintain fill in 0.02 acre of wetlands for the purpose of expanding a parking lot located on the east side of Route 286 approximately 0.5 mile from Route 22—Route 286 interchange (Murrysville, PA Quadrangle N: 10.5 inches; W: 12.80 inches) in Monroeville Borough, **Allegheny County**.

E03-359. Encroachment. **Gilpin Twp. Board of Supervisors**, R. R. 5, Leechburg, PA 15656. To remove existing structure and to construct and maintain a prestressed, 19-foot concrete box beam bridge with 4.5 feet of minimum underclearance in Bradys Run to carry T-562 over said stream at a point approximately 1 mile from intersection of SR 2060 and Brady Run (Leechburg, PA Quadrangle N: 2.7 inches; W: 14.6 inches) in Gilpin Township, **Armstrong County**.

E26-227. Encroachment. **Doug Cortea**, 101 Frankie Ln., Leisenring, PA 15455. To construct and maintain a 24-foot by 10-foot box culvert in Oppossum Run for purpose of accessing DiVito Park located on the south side of SR 1051 approximately 0.25 mile from Intersection of SR 1051 and Sr 1053 (Uniontown, PA Quadrangle N: 22.0 inches; W: 2.25 inches) in Dunbar Township, **Fayette County**.

E26-228. Encroachment. **Springdale Golf Club**, R. R. 2, Box 335 B, Smithfield, PA 15478. To expand existing pond along channel of Jennings Run for the purpose of irrigation at the Springdale Golf Course located along Route 21 approximately 2 miles from Uniontown Bypass (New Salem, PA Quadrangle N: 4.8 inches; W: 3.2 inches) in South Union Township, **Fayette County**.

E56-267. Encroachment. **Somerset County Conservation District**, 1590 N. Center Ave., Ste. 103, Somerset, PA 15501. To place and maintain limestone into approximately 1,400 linear feet of Coal Run (CWF) to treat acid mine drainage, located along the south side of S. R. 2014 approximately 0.75 mile north of Boyton (Meyersdale, PA Quadrangle N: 4.5 inches; W: 11.7 inches) in Elk Lick Township, **Somerset County**.

Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.

E08-302. Water obstruction and encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. Remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge with a normal clear span of 52 feet and an average underclearance of 14 feet on a 60 degree right skew plus an associated temporary bridge with a single span of 78 feet and an underclearance of 3.5 feet across Buck Creek located at the Ulster Township and Athens Township boundary line on SR 0220 (Sayre, PA Quadrangle N: 6.3 inches; W: 3.3 inches) in Ulster and Athens Townships, **Bradford County**. Estimated stream disturbance 200 linear feet; stream classification WWF.

E18-220. Water obstruction and encroachment. **James Eppley**, Dept. of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a prestressed concrete spread box beam bridge that will carry Left Branch Young Womans Creek Road across Greenlick Run. The proposed bridge shall be constructed with a clear normal span of 33.0 feet, an underclearance of 8.0 feet and a curb to curb width of 18.0 feet. The project is located along the northern right-of-way of SR 0120 approximately 75.0 feet north of the intersection of Greenlock Road and Left Branch of Young Womans Creek Road (Young Womans Creek, PA Quadrangle N: 11.7 inches; W: 10.7 inches) in Chapman Township, **Clinton County**. Estimated stream disturbance 95.0 linear feet with no wetland impacts; stream classification High Quality-Cold Water Fishery.

E18-223. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a precast reinforced concrete box culvert with a 16 foot clear span and a 4 foot 6 inch effective rise plus the associated precast reinforced concrete end sections in Crowley Run which is located approximately 1 mile northbound on Cooks Run Road from its intersection with SR 0120 (Keating, PA Quadrangle N: 7.2 inches; W: 3.4 inches) in Noyes Township, **Clinton County**. This project proposes to impact approximately 80 feet; stream classification is CWF.

E55-141. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To remove the existing structure and to construct and maintain a two span composite prestressed adjacent box beam bridge on two concrete cantilever abutments and one reinforced concrete pier with the normal clear spans being 51.3 feet, a minimum underclearance of 10.3 inches and a 82 degree skew across Middle Creek at a location approximately 100 feet west of the intersection of SR 0522 and SR 0104 (Middleburg, PA Quadrangle N: 7.0 inches; W: 6.12 inches) in Middleburg Borough, **Snyder County**.

E57-071. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a precast reinforced concrete box culvert that will carry Mill Creek Road across west branch of Mill Creek. The proposed culvert shall be constructed with a clear normal span of 16.0 feet, a rise of 5.0 feet and a rail to rail width of 18.0 feet. The project is located along the western right-of-way of SR 0087 approximately 1.0 mile north of the intersection of Big Hollow Road and Mill Creek Road (Barbours, PA Quadrangle N: 19.5 inches; W: 1.3 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance 55.0 linear feet with no wetland impacts; stream classification High Quality-Cold Water.

E57-074. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a precast concrete box culvert with a clear span of 16.0 feet and minimum underclearance of 5.25 feet and protected with riprap over the west branch of Mill Creek on Mill Creek Road approximately 4.6 miles from Hillsgrove (Barbours, PA Quadrangle N: 19.5 inches; W: 2.1 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance is less than 250 linear feet; stream classification CWF-HQ.

E57-075. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an

existing structure and to construct and maintain a precast reinforced concrete box culvert with a 16 foot clear span and a 5 foot 3 inch effective rise plus the associated precast reinforced concrete end sections on a 60 degree skew in west branch Mill Creek which is located approximately 4.6 miles northbound on Mill Creek Road from its intersection with SR 0087 (Barbours, PA Quadrangle N: 19.5 inches; W: 2.65 inches) in Fox Township, **Sullivan Township**. Estimated stream disturbance approximately 100 feet; stream classification HQ-CWF.

E57-076. Water obstruction and encroachment. **William Derkacs**, 299 Goldenridge Dr., Levittown, PA 19057-3425. To construct and maintain a single span steel I-beam bridge that will carry a private single resident use road across Porter Run. The proposed bridge shall be constructed with a single span of 40.0 feet, an underclearance of 15.0 feet and width of 10.0 feet. The project is located along the southern right-of-way of the intersection of Hoagland Branch Road and T-416 (Shunk, PA Quadrangle N: 5.3 inches; W: 10.6 inches) in Fox Township, **Sullivan County**. Estimated stream disturbance 26.0 linear feet with no wetland impact; stream classification High Quality-Cold Water Fishery.

The following Environmental Assessment and request for Water Quality Certification are being processed under section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

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

E10-007. Environmental Assessment. **Robert Hedin**, Hedin Environmental, 634 Washington Road, Pittsburgh, PA 15228. To expand and maintain an existing passive mine water treatment system by placing an 8,500 square foot Successive Alkalinity Producing System (SAPS) within the water course of the existing mine water discharge. The SAPS will discharge into wetlands created in 1988 to provide passive mine drainage treatment. The project is located approximately 250 feet east of Foltz School within the Jennings Environmental Education Center State Park (Slippery Rock, PA Quadrangle N: 1.5 inches; W: 0.1 inch) located in Brady Township, **Butler County**.

ACTIONS

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

Any person aggrieved by this action may appeal, under section 4 of The Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does

not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

Permits Issued

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

NPDES Permit No. PA0056961. Sewerage. **Rick Mars**, 2973 Artmar Road, Glen Moore, PA 19343 is authorized to discharge from a facility located in Worcester Township, **Montgomery County** into an unnamed tributary to Stony Creek.

NPDES Permit No. PA0031747. Sewerage. **Glen Mills School**, Glen Mills Road, Concordville, PA 19331 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into the east branch Chester Creek.

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

NPDES Permit No. PA0022004. Industrial waste, **Flexsys America L. P.**, 829 Route 481, Monongahela, PA 15063 is authorized to discharge from a facility located at Carroll Township, **Washington County** to Pigeon Creek.

NPDES Permit No. PA0206041. Industrial waste, **Washington Penn Plastics Co. Inc.**, 2080 North Main Street, Washington, PA 15301 is authorized to discharge from a facility located at Arden Plant, South Strabane Township, **Washington County** to Chartiers Creek.

NPDES Permit No. PA0216593. Industrial waste, **Texas Eastern Transmission Corporation**, 5444 Westheimer Court—WT 712, Houston, Texas 77056-5388 is authorized to discharge from a facility located at Holbrook Compressor Station, Richhill Township, **Greene County** to North Fork of Dunkard Fork Creek.

NPDES Permit No. PA0217352. Sewage, **Thomas Goetz**, 1341 Vinemont Street, Pittsburgh, PA 15205 is authorized to discharge from a facility located at Club 40 Restaurant Sewage Treatment Plant, North Franklin Township, **Washington County** to unnamed tributary of Chartiers Creek.

NPDES Permit No. PA0000914. Industrial waste, **U. S. Department of Energy**, Pittsburgh Naval Reactors Office, 814 Pittsburgh—McKeesport Road, West Mifflin, PA 15122-0109 is authorized to discharge from a facility located at Bettis Atomic Power Laboratory, West Mifflin Borough, **Allegheny County** to Bull Run and unnamed tributaries to Thompson Run.

NPDES Permit No. PA0002917. Industrial waste, **West Penn Power Company**, 800 Cabin Hill Drive, Greensburg, PA 15601 is authorized to discharge from a facility located at Armstrong Power Station, Washington Township, **Armstrong County** to Allegheny River (Outfalls 001, 003, 006, 007, 008, 009, 010, 011, 013, 014, 015, 016, 017) and unnamed tributaries to Allegheny River (Outfalls 002, 004, 005, 012).

NPDES Permit No. PA0021113. Sewage. **Glassport Borough**, Fifth and Monongahela Avenues, Glassport, PA 15045.

This notice reflects changes from the notice published in the March 9, 1996 *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Ave. Mon.</i>	<i>Max. Daily</i>	<i>Avg. Mon.</i>	<i>Avg. Weekly</i>	<i>Max. Daily</i>	<i>Instant. Max.</i>
Total Residual Chlorine	1.0					3.3

NPDES Permit No. PA0021113. Sewage, **Glassport Borough**, Fifth and Monongahela Avenues, Glassport, PA 15045 is authorized to discharge from a facility located at Glassport Sewage Treatment Plant, Glassport Borough, **Allegheny County** to Monongahela River.

NPDES Permit No. PA0035483. Sewage, **Camp Albryoca**, R. D. 3, Box 93, Meyersdale, PA 15552 is authorized to discharge from a facility located at Camp Albryoca STP, Greenville Township, **Somerset County** to Little Piney Creek.

NPDES Permit No. PA0217336. Sewage, **Emerald Estates, Inc.**, R. D. 3, Box 255, Ebensburg, PA 15931 is authorized to discharge from a facility located at Emerald Estates STP, Cambria Township, **Cambria County** to unnamed tributary of south branch Blacklick Creek.

Notices of Intent for Coverage under NPDES General Permit for Construction Activities and Department Final Actions

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

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater from Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR101511	Wal Mart Stores, Inc. 701 S. Walton Blvd. Bentonville, PA 72716	Clarion County Monroe Township	Courtley Run

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

<i>NPDES Permit</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR106406	Dept. of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Susquehanna County Great Bend Township	Trowbridge Creek

Adams County Conservation District, District Manager, 57 N. Fifth Street, Gettysburg, PA 17325, telephone (717) 334-0636.

Bedford County Conservation District, District Manager, Fairlawn Ct. Ste. 4, 702 W. Pitt St., Bedford, PA 15522, telephone (814) 623-6706.

Blair County Conservation District, District Manager, 1407 Blair Street, Hollidaysburg, PA 16648, telephone (814) 696-0877.

Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001-6501, telephone (412) 284-5270.

Centre County Conservation District, District Manager, 414 Holmes Ave. Ste. 4, Bellefonte, PA 16823, telephone (814) 355-6817.

Chester County Conservation District, District Manager, Gov. Serv. Ctr. Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.

Clearfield County Conservation District, District Manager, 650 Leonard Street, Clearfield, PA 16830, telephone (814) 765-2629.

Cumberland County Conservation District, District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.

Dauphin County Conservation District, District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.

Elk County Conservation District, District Manager, Courthouse, P. O. Box 448, Ridgway, PA 15853, telephone (814) 776-5373.

Indiana County Conservation District, District Manager, 251 Rte. 286 N., Ag. Service Ctr., Indiana, PA 15701, telephone (412) 463-7702.

Lancaster County Conservation District, District Manager, 1383 Arcadia Rd., Rm. 6, Farm & Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.

Luzerne County Conservation District, District Manager, Courthouse Annex, 5 Water Street, Wilkes-Barre, PA 18711, telephone (717) 825-1844.

Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Collegeville, PA 19426, telephone (610) 489-4506.

Perry County Conservation District, District Manager, 31 W. Main St., Box 36, New Bloomfield, PA 17068, telephone (717) 582-8988.

Snyder County Conservation District, District Manager, 403 W. Market St., Middleburg, PA 17842, telephone (717) 837-0085.

Tioga County Conservation District, District Manager, 5 East Avenue, Wellsboro, PA 16901, telephone (717) 724-4812.

Union County Conservation District, District Manager, 60 Bull Run Crossing, Lewisburg, PA 17837, telephone (717) 523-8782.

Washington County Conservation District, District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.

Westmoreland County Conservation District, District Manager, Donohoe Ctr., R. R. 12, Box 202B, Greensburg, PA 15601, telephone (412) 837-5271.

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

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100035	KB Development Co. 1655 Herrs Ridge Rd. Gettysburg, PA 17325	Adams Co. Straban Twp.	Rock Crk.
PAR100416	Merle Heuston 849 3rd Ave. Duncansville, PA 16635	Bedford Co. Kimmel Twp.	Beaverdam Crk.
PAR100644	Hamerview Assocs. 120 W. Church St. Frederick, MD 21701	Blair Co. Blair Twp.	UNT to Beaver Dam

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR100645	Richard and Connie Himes R. D. 2, Box 411 Tyrone, PA 16686	Blair Co. Frankstown Twp.	Brush Run
PAR100646	Greenfield Township Municipal Authority R. D. 1, Box 948 Claysburg, PA 16625	Blair Co. Greenfield Twp.	Frankstown Br. Juniata River
PAR10E057	Slippery Rock Munic. 633 Kelly Blvd. Slippery Rock, PA	Butler Co. Slippery Rock Twp.	Slippery Crk.
PAR10F053	AccuWeather 358 Science Park Rd. State College, PA	Centre Co. Ferguson Twp.	UNT to Big Hollow
PAR10G183	Downingtown Area School Dist. 122 Wallace Avenue Downingtown, PA	Chester Co. Uwchlan Twp.	Brandywine Basin
PAR10G194	Penn Oaks Farms Inc. P. O. Box 2089 Media, PA 19063	Chester Co. Marlborough Twp.	Red Clay Crk.
PAR10I728	Buterbaugh Bros. Land and Timber Corp. P. O. Box 245 Cherry Tree, PA	Clearfield Co. Beccaria Twp.	Pine Run and Clearfield Crk.
PAR10H106	Grace Atlantic Corp. 418 Oak St. Lemoyne, PA 17043	Cumberland Co. Lemoyne Boro. and L. Allen Twp.	Susquehanna Rvr.
PAR10I097	Crossgates Inc. 3555 Washington Rd. McMurray, PA 15317	Dauphin Co. L. Swatara Twp.	Susquehanna Rvr.
PAR10I096	Brisben Companies 7800 E. Kemper Rd. Cincinnati, OH 45249	Dauphin Co. Swatara Twp.	Spring Crk.
PAR10I098	Triple Crown Corp. 5351 Jaycee Ave. Harrisburg, PA 17112	Dauphin Co. Susquehanna Twp.	Paxton Crk.
PAR102507	Premier Hospitality—St. Marys 2801 Freeport Rd. Pittsburgh, PA	Elk Co. City of St. Marys	Iron Run
PAR103128	Burrell Twp. Sewer Authority P. O. Box 454 Blacklick, PA 15716	Indiana Co. Burrell Twp.	Sulphur and Toms Runs
PAR10-O-213	R W Grand Lodge F & AM of Pa. One Masonic Dr. Elizabethtown, PA	Lancaster Co. W. Donegal Twp.	Concy Crk.
PAR10-O-219	Larry Weaver 641 Spruce St. N. Holland, PA 17557	Lancaster Co. N. Holland Boro.	UNT to Conestoga River
PAR10-O-220	Ruth Lesley 58 Walnut Dr. Oxford, PA 19363	Lancaster Co. Colerain Twp.	Octoraro Lake
PAR10-O-221	Fairmount Rest Home 232 Cats Back Rd. Ephrata, PA 17522	Lancaster Co. W. Earl Twp.	Conestoga River
PAR10Q077	Lewis Novack t/a North Fork Inc. 2697 Lapp Rd. Allentown, PA	Lehigh Co. Weisenberg Twp.	Mill Crk.

<i>NPDES Permit No.</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10R092	Polyglass USA Inc. 150 Lyon Dr. Fernley, Nevada 89408	Luzerne Co. Hazle Twp.	Ltl. Tomhickon and Susquehanna
PAR10T262	Fieldstone Partnership 906A Cross Keys Dr. Doylestown, PA 18901	Montgomery Co. Skippack Twp.	Skippack Crk.
PAR10T290	Comrock Assocs LP 4000 Forsgate Dr. Cranbury, NJ 08512	Montgomery Co. Horsham Twp.	Park Crk.
PAR10T279	Feodor & Kristin Pitcairn 1 Pitcairn Pl., Ste. 3000 Jenkintown, PA 19046	Montgomery Co. L. Moreland Twp.	Pennypack Crk.
PAR10T289	Theodore Anderko 908 S. Park Ave. Audubon, PA 19403	Montgomery Co. L. Providence Twp.	Schuylkill River
PAR105112	Daniel Deichmiller P. O. Box 400 Dauphin, PA 17018	Perry Co. Juniata and Centre Twps.	Ltl. Buffalo Crk.
PAR105911	Earl and Edna Chubb 105 10th Ave. Selinsgrove, PA 17870	Snyder Co. Beavertown Boro.	Wetzel Run
PAR106622	Sylvan Glen Inc. P. O. Box 61 Gaines, PA	Tioga Co. Covington Twp.	Tioga River
PAR106623	Pine Hill Inc. P. O. Box 62 Blossburg, PA	Tioga Co. Ward Twp.	Fall Brook
PAR106819	John Griffith R. R. 5, Box 430 Mifflinburg, PA 17844	Union Co. Limestone Twp.	UNT to Buffalo
PAR10W074	Don Strimel 15 W. Pike St. Houston, PA 15342	Washington Co. Chartiers Twp.	Chartiers Crk.
PAR10X091	Louis Catalano R. D. 7, Old Rte. 30 Greensburg, PA 15601	Westmoreland Co. Unity Twp.	Slate Crk.
PAR10X092	Overlook Partners 100 E. Boyce Park Center Pittsburgh, PA	Westmoreland Co. L. Burrell Twp.	Chartiers Crk.
PAR10X093	Sandra McNulty 718 S. 7th St. Youngwood, PA	Westmoreland Co. Hempfield Twp.	Belson Run
PAR10X094	Word of Life Ministries R. D. 6, Box 59M Greensburg, PA 15601	Westmoreland Co. Hempfield Twp.	UNT to Jacks Run
PAR10X095	L T Development 100 3rd St. Charleroi, PA	Westmoreland Co. Rostraver Twp.	Cedar Crk.
PAR10X096	Wellington Estates 772 Pine Valley Dr. Pittsburgh, PA	Westmoreland Co. Washington Twp.	UNT to Thorn Run
PAR10Y222	John King Baptist Ch. 301 E. Freedom Rd. N. Freedom, PA 17349	York Co. N. Freedom Boro.	Beetree Run
PAR10Y225	North Ridge Associates 131 Carlisle Pike Gettysburg, PA 17325	York Co. Hanover Boro.	Slagle Run

Notices of Intent for Coverage Under NPDES General Permits and Department Final Actions

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

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

**List of NPDES General Permits Issued by DEP's
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
2	SW—Construction	BLWC
3	SW—Industrial	BWQM
4	SRSTP	BWQM
6	CSO	BWQM

NOIS Received and Final Actions Under NPDES General Permits

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters runoff to waters of the Commonwealth.

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR900015	3	Soil Remediation Systems, Inc. 2900 West Front Street Chester, PA 19013	Delaware City of Chester	Delaware River	4953
PAR800004	3	GATX Logistics, Inc. 38 Cabot Boulevard Langhorne, PA 19047	Bucks Borough of Langhorne	Unnamed Tributary of Queen Anne Creek	4225
PAR130008	3	Philadelphia Newspapers, Inc. 800 River Road Conshohocken, PA 19428	Montgomery Upper Merion Township	Matsunk Creek and Frog Run	2711
PAR600009	3	Joseph Bullock & Sons, Inc. 1525 Turk Rd. Warrington, PA	Bucks Warrington Township	Unnamed Tributary to Neshaminy Creek	5015
PAR900009	3	Republic Environmental Systems of PA, Inc. 2869 Sandstone Drive Hatfield, PA 19440	Montgomery Hatfield Township	West Branch Neshaminy Creek	4953
PAR200025	3	G. O. Carlson, Inc. West Lincoln Highway Coatesville, PA 19320	Chester City of Coatesville	West Branch Brandywine Creek	3443
PAR200017	3	Van Leer Containers, Inc. 95 Louis Drive Warminster, PA 18974	Bucks Warminster Township	Unnamed Tributary to Little Neshaminy Creek	3412
PAR110023	3	T-Thermal, Inc. Brook Road Conshohocken, PA 19428	Montgomery Plymouth Township	Plymouth Creek	3567

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAR800065	3	United Parcel Service, Inc. 1200 Ward Avenue West Chester, PA 19380	Chester West Goshen Township	East Branch Chester Creek	4215
PAR150005	3	Thoro System Products Route 13 and Beaver Dam Road Bristol, PA 19007	Bucks Bristol Borough	Delaware River	2851
PAR800059	3	Yellow Freight System—PHI 2627 State Road Bensalem, PA 19020	Bucks Bensalem Township	Delaware River	4213
PAR800063	3	United States Postal Service—SE VMF 1000 West Valley Road Southeastern, PA 19399-9331	Chester Tredyffrin Township	Unnamed Tributary to Trout Creek	4311
PAR800052	3	TDSI Philadelphia BIDS Terminal 36th and Moore Sts. Philadelphia, PA 19145	Philadelphia City of Philadelphia	Schuylkill River	4011
PAR800008	3	Engle Oostdyke Terminal 530 Haunted Lane Bensalem, PA 19020	Bucks Bensalem Township	Unnamed Tributary of Neshaminy Creek	4213
PAR600019	3	Ray's Truck Parts, Inc. Hook Road and Industrial Dr. Sharon Hill, PA 19079	Delaware Darby Township	Darby Creek	5015
PAR600013	3	Oren M. Woodward & Sons, Inc. 2919 Ridge Road Woxall, PA 18979	Montgomery Upper Salford Township	Unnamed Tributary to Unami Creek	5015
PAR600018	3	Pipersville Auto Recycling 6774 Route 611 Pipersville, PA 18947	Bucks Bedminster Township	Unnamed Tributary of Cabin Run	5010
PAR210008	3	Moyco Industries 200 Commerce Drive Montgomeryville, PA 18936	Montgomery Montgomery Township	Little Neshaminy Creek and Park Creek	3291
PAR800045	3	Overnight Transportation Company Pottstown Terminal Old Reading Pike Stowe, PA 19464	Montgomery West Pottsgrove Township	Schuylkill River	4212

NPDES General Permit Final Actions

The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

**List of NPDES General Permits Issued by DEP's
Water Management Deputate**

<i>General Permit No.</i>	<i>Short Title of General Permit</i>	<i>Responsible Bureau</i>
PAG-2	Stormwater—Construction Activities	BLWC
PAG-3	Stormwater—Industrial Activities	BWQM
PAG-4	Single Residence Sewage Treatment Plant	BWQM
PAG-6	Combined Sewer Overflows	BWQM

NOI Received and Final Actions Under NPDES General Permits

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewater to the waters of the Commonwealth.

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

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>	<i>SIC</i>
PAG046113	4	Ernest G. Clawson R. D. 5, Box 131-C Mt. Pleasant, PA 15666	Westmoreland Mt. Pleasant Twp.	Unnamed tributary of Brush Run	8811
PAG046114	4	Ray W. Swank 8560 Mayhew Road Fort Wayne, IN 46835	Somerset Lincoln Twp.	Unnamed tributary to N. Branch of Quemahoning Creek	8811
PAG066117	6	City of Uniontown City Hall 20 North Gallatin Avenue Uniontown, PA 15401	Fayette Uniontown	Redstone Creek Lick Run Cove Run	4952

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

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

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

PAS-10-0410. Individual NPDES. **Wal-Mart Stores Inc.**, 701 South Walton Blvd., Bentonville, AR 72716-8702. To implement an Erosion and Sedimentation Control Plan for warehousing facility on 109 acres in Bedford Township, **Bedford County**. The project is located just east of Cessna Village (Bedford, PA Quadrangle N: 17.1 inches; W: 2.7 inches). Drainage will be to Dunning Creek.

PAS-10-0053. Individual NPDES. **Hogan Lepore, and Hogan**, 1271 Lititz Pike, Lancaster, PA 17601. To implement an Erosion and Sedimentation Control Plan for Falcon Ridge Phase 3—Falcon Ridge South on 47.1 acres in West Hempfield Township, **Lancaster County**. The project is located between Summit Drive and Hill Road, on the north side of U. S. Route 30 (Columbia East, PA Quadrangle N: 8.5 inches; W: 8.5 inches). Drainage will be to Strickler Run.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101307	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018	Carbon County Penn Forest Township	Wild Creek
PAS10Q117	Upper Macungie Township 8330 Schantz Road Breinigsville, PA 18031	Lackawanna County Upper Macungie Township	Little Lehigh Creek
PAS10Q109	St. Joseph the Worker R. C. Church 1879 Applewood Drive Orefield, PA 18069-9536	Lackawanna County Orefield Township	Little Lehigh Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream</i>
PAS10-G190	Joseph Chamberlain P. O. Box 19363 Oxford, PA 19363	East Nottingham Township Chester County	West Branch Big Elk Creek
PAS10-D076	Pennridge School District 1506 North Fifth Street Perkasie, PA 18944	Silverdale Borough Bucks County	Unnamed Tributary to Pleasant Spring Creek
PAS10-G217	Gray D. Creighton P. O. Box 68 Media, PA 19063	Londonderry Twp. Chester County	Unnamed Tributary to East Branch Big Elk Creek

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

Permits Issued

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

Permit No. 4696411. Sewerage. **Rick Mars** (251 Andover Road, Glen Moore, PA 19343). Construction and operation of a sewage treatment plant with stream discharge located in Worcester Township, **Montgomery County** to serve an existing single family residential dwelling.

Permit No. 1596404. Sewerage. **East Bradford Township** (666 Copeland School Road, West Chester, PA 19380). Construction of sanitary sewer line, forced main, pump station, impoundment, sewage treatment units and spray irrigation system located in East Bradford Township, **Chester County** to serve Brandywine River Estates.

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

Permit No. 0471208-T1. Amendment No. 2. Industrial waste, **ARCO Chemical Company**, 400 Frankfort Road, Monaca, PA 15061-2298. Construction of a plastic manufacturer located in the Township of Potter, **Beaver County** to serve the Beaver Valley—Monaca Plant.

Permit No. 0396401. Sewerage, **Kenneth W. Grey**, R. D. 1, Box 26, Kittanning, PA 16201. Construction of a small flow sewage treatment plant located in the Township of Kittanning, **Armstrong County** to serve the Grey's Colonial Manor Personal Care Home.

Permit No. 2690401. Amendment No. 1. Sewerage, **Williamhouse—Regency, Inc.**, 1 Wedding Lane, Scottdale, PA 15683. Construction of a sewage treatment plant expansion located in the Township of Upper Tyrone, **Fayette County** to serve the Williamhouse Sewage Treatment Plant.

Permit No. 5696406. Sewerage, **Ray W. Swank**, 8560 Mayhew Road, Fort Wayne, IN 46835. Construction of a single residence sewage treatment plant located in the Township of Lincoln, **Somerset County** to serve the Swank SRSTP.

Permit No. 6396406. Sewerage, **Thomas Goetz**, 1341 Vinemont Street, Pittsburgh, PA 15205. Construction of a sewage treatment plant located in the Township of North Franklin, **Washington County** to serve the Club 40 Restaurant Sewage Treatment Plant.

Permit No. 6577410. Amendment No. 1. Sewerage, **Maronda Farms, Inc.**, 11 Timberglen Drive, Imperial, PA 15126. Construction of sewage treatment plant located in the Township of Washington, **Westmoreland County** to serve Washington Acres.

Permit No. 6596407. Sewerage, **Ernest B. Clawson**, R. D. 5, Box 131-C, Mt. Pleasant, PA 15666. Construction of a single residence sewage treatment plant located in the Township of Mt. Pleasant, **Westmoreland County** to serve the Clawson Residence STP.

Permit No. 0271473-T1. Amendment No. 1. Sewerage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239-1197. Construction of sanitary sewer interceptor located in the Borough of Plum, **Allegheny County**, to serve the Woodlawn Estates.

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

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

Permit No. 1596502. Public water supply. **Citizens Utilities Water Company**, Brian J. Hassinger, 4 Wellington Boulevard, Wyomissing Hills, PA 19610. Permit has been issued for the construction of a corrosion control treatment facility at the Merlin Hills System in East Pikeland Township, **Chester County**.

Type of Facility: Public water supply.

Consulting Engineer: Spotts, Stevens & McCoy, Inc., 345 North Wyomissing Boulevard, Wyomissing Hills, PA 19610.

Permit to Construct Issued: August 21, 1996.

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

Permit No. 0796501. Public water supply. **Hollidaysburg Borough Authority**, Hollidaysburg Borough, **Blair County**, (Richard A. Mingle, Chairperson, 401 Blair Street, Hollidaysburg, PA 16648), construction and operation of one booster pump station, one chlorine booster facility and one combination booster pump and chlorine booster station.

Permit No. 3696501. Public water supply. **Upper Leacock Township Water Department**, Leola Borough, **Lancaster County**, (Jimmy Dennis—Supervisor, Upper Leacock Township Water Department, 115 Newport Road, Leola, PA 17540), installation of equipment for addition of caustic soda for pH control at the Newport Road and Quarry Road Treatment plants.

Permit No. 3695513. Public water supply. **East Petersburg Borough Authority**, East Petersburg Borough, **Lancaster County**, (Herbert E. Mattern, Jr., 5856 Vaughn Road, East Petersburg, PA 17520), construction of a diatomaceous earth filtration system to filter Koser Road spring source and the installation of corrosion control.

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

Permit No. 0396503. Public water supply. **William E. Altmeyer**, R. D. 1, Box 136, Kittanning, PA 16201.

Type of Facility: New water treatment system including well no. 1 and a 10,000 gallon finished water concrete tank.

Permit to Operate Issued: August 22, 1996.

Permit No. 1191501. Public water supply. **William M. Hess, Owner**, King's II, R. D. 2, Box 623, Altoona, PA 16601.

Type of Facility: Wells no. 1, 2, 3, and 4.

Permit to Operate Issued: August 20, 1996.

Permit No. 0481502-A1. Public water supply. **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009.

Type of Facility: One million gallon water storage tank.

Permit to Operate Issued: August 22, 1996.

Permit No. 3076501-A1. Public water supply. **Municipal Authority of the Borough of Carmichaels**, 104 Pine Street, Carmichaels, PA 15320.

Type of Facility: A 300,000 gallon tank.

Permit to Operate Issued: August 29, 1996.

Permit No. 0291509. Public water supply. **Municipal Authority of the Borough of Oakmont**, 721 Allegheny River Boulevard, Oakmont, PA 15139.

Type of Facility: Mill Dam Road booster station.

Permit to Operate Issued: August 27, 1996.

Permit No. 0389502-A3. Public water supply. **South Buffalo Township Municipal Authority**, P. O. Box 266, Iron Bridge Road, Freeport, PA 16229.

Type of Facility: Booster pump station.

Permit to Operate Issued: August 27, 1996.

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

Permit No. 4294503. Public water supply, **Smethport Borough**, 412 West Water Street, Smethport, PA 16749. Permit issued for the consolidation of the existing sources of supply (Wells no. 3A [drilled in 1992], no. 3B [drilled in 1992], no. 3C [drilled in 1945, redrilled in 1991] and no. 5 [drilled in 1966]), the proposed addition of caustic soda and AquaMag for corrosion control, the proposed addition of fluoride and the existing addition of sodium hypochlorite. Wells service customers located in Smethport Borough and Keating Township, **McKean County**.

Type of Facility: Public water supply.

Consulting Engineer: James E. Murphy, P.E., Northwest Engineering, Inc., R. D. 1, P. O. Box Q, Tidioute, PA 16351.

Permit to Construct Issued: August 29, 1996.

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

Permit No. 1396502. Public water supply. **Lehigh State Police**, R. D. 1, Box 1561, Gouldsboro, PA 18424. This proposal involves addition of soda ash and phosphate inhibitor treatment to the existing well source water supply.

Permit to Operate: August 12, 1996.

Permit No. 4096502. Public water supply. **Keystone Job Corp. Center**, Village of Drums, Michael Martine, P. O. Box 37, Foot Hills Drive, Drums, PA 18222. This proposal involves addition of pH adjustment and corrosion control facilities at each of the three existing permitted well houses.

Engineer: Mr. Patrick Caulfield, P.E., Alfred Benesch & Company, 1 Norwegian Plaza, Pottsville, PA 17901.

Permit to Operate: August 9, 1996.

Permit No. 4595505. Public water supply. **Snow Shoe Condominium**, Thomas Wilkins, 304 Park Avenue, Stroudsburg, PA 18360. This proposal involves the addition of soda ash and aqua-mag in the existing Snow Shoe Condominium Water System. It is located in Mount Pocono Township, **Monroe County**.

Engineer: Mr. Harry Garman, P.E., McTish, Kunkel & Associates, 2402 Sunshine Road, Allentown, PA 18103.

Permit to Operate: August 9, 1996.

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

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

LES Soudures Chagnon Limitee, 580 Boul. Lionel Boulet, Varennes, PQ J3X 1S5 Canada; License No. **PA-AH 0455**; amended license issued August 26, 1996.

Applications denied 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.

Kleen Resources, Inc., P. O. Box 779, Rensselaer, NY 12144; application denied August 16, 1996.

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. WMGI005A and WMGI005B. Merck & Company, Inc., P. O. Box 4, West Point, PA 19486-0004 and 100 Avenue C, Riverside, PA 17868. A permit for the processing of infectious waste through chemical and thermal inactivation. The permit was issued by central office on August 19, 1996. 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.

Permits modified under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate hazardous waste storage facility.

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

Permit ID No. PAD000736942. Calgon Carbon Corporation, P. O. Box 717, Pittsburgh, PA 15230-0717. Operation of a hazardous waste storage facility in Neville Township, **Allegheny County**. Permit modified in the Regional Office on August 19, 1996. This minor modification to Calgon Carbon's permit clarified the types of hazardous waste allowed for storage at the facility under the referenced permit.

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

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

I. D. No. 101624. Pacton Corporation (formerly Composting Associates), 800 Exeter Avenue, West Pittston, PA 18643. A permit authorizing the construction and operation of this municipal waste composting facility, located in Hazle Township, **Luzerne County**. The permit was issued in the Regional Office on August 19, 1996. This permit provides for composting operations for the next 10 years. It does not include processing or composting of concrete or construction/demolition wastes or the application of compost products for reclamation purposes.

I. D. No. 301289. Shen Penn Pit Demonstration Facility, Reading Anthracite Company, 200 Mahantongo Street, Pottsville, PA 17901. A permit authorizing the construction and operation of this residual solid waste demonstration facility. The Shen Penn 120 acre permit area is located within both Shenandoah Borough and Mahanoy Township, **Schuylkill County**; the 40 acre authorized disposal area, known as Shen Penn Pit, is only located within Shenandoah Borough, Schuylkill County. The permit was issued in the Regional Office on August 6, 1996.

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

Permit No. 100973. USA Waste Hauling of Philadelphia, Inc., 2960 East Orthodox Street, Philadelphia, PA 19137. This permit is for the reissuance of a waste management permit to USA Waste Hauling of Philadelphia, Inc. from Quickway, Inc. for the continuing operation of the municipal waste transfer station located in the City of Philadelphia. Permit re-issued in the Southeast Regional Office on August 21, 1996.

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

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

Permit No. 601430. Parkes Farm & Moist Farm, Brown Township Municipal Authority, (P. O. Box 365, Reedsville, PA 17084). Application for operation of an agricultural utilization of sewage sludge site in Brown Township, **Mifflin County**. Permit issued in the Regional Office August 26, 1996.

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

Permit ID No. 100081. Southern Alleghenies Landfill, Southern Alleghenies Disposal Service, Inc., 310 Leger Road, North Huntingdon, PA 15642. Operation of a municipal waste landfill in Conemaugh Township, **Somerset County**. A major modification for changes/clarification to the final cover system was issued in the Regional Office on August 21, 1996.

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

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

05-323-005A. On August 21, 1996, the Department issued a Plan Approval to **Cannondale Corporation** (R. D. 7, Friendship Road, Bedford, PA 15522) for the installation of a pyrolysis burn-off oven controlled by an afterburner in Bedford Township, **Bedford County**.

22-301-058. On August 16, 1996, the Department issued a Plan Approval to **Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) for the construction of an animal health laboratory multichambered incinerator controlled by a Venturi west scrubber and mist eliminator in Susquehanna Township, **Dauphin County**.

36-318-159. On August 14, 1996, the Department issued a Plan Approval to **Goodhart Sons, Inc.** (2515 Horseshoe Road, Lancaster, PA 17605-0308) for the construction of a spray paint booth at their Horseshoe Road facility in Upper Leacock Township, **Lancaster County**.

67-310-006B. On August 15, 1996, the Department issued a Plan Approval to **York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for the construction of a stone crushing plant at their Lincoln Stone Division in Jackson Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

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

43-399-016. On August 21, 1996, a Plan Approval was issued to **GE Transportation Systems** (1503 West Main Street Ext., Grove City, PA 16127) for the modification of diesel engine and turbocharger test cells at Grove City, **Mercer County**. This application is subject to the Prevention of Significant Deterioration 40 CFR, Part 52 Section 52.21 and the New Source Review Subchapter E of 25 Pa. Code Chapter 127.

10-312-014. On August 20, 1996, a Plan Approval was issued to **Penreco Div., Pennzoil Co.** (138 Petrolia St., Karns City, PA 16041) for a flare at Fairview Township, **Butler County**.

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 such 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).

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

Coal Applications Issued

32950109. Dunamis Resources, Inc. (P. O. Box 846, Latrobe, PA 15650), commencement, operation and restoration of a bituminous strip mine in White Township, **Indiana County**, affecting 66.0 acres, receiving stream unnamed tributary to, and, Yellow Creek, application received December 21, 1995, permit issued August 26, 1996.

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

04850103R. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface/auger mine located in Big Beaver Borough, **Beaver County**, affecting 207.7 acres. Receiving streams unnamed tributaries to Clark Run. Application received July 5, 1996. Renewal issued August 19, 1996.

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

17860146. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319), transfer of an existing bituminous surface mine permit from The Arcadia Co., Inc., Chest Township, **Clearfield County** affecting 214.8 acres, receiving streams unnamed tributary to Wilson Run, to Wilson Run, both to Chest Creek, to west branch Susquehanna River to Susquehanna River, application received June 24, 1996, permit issued August 13, 1996.

17910117. Al Hamilton Contracting Company (R. D. 1, Box 87, Woodland, PA 16881), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit, affecting 129.1 acres, Gulich Township, **Clearfield County**, application received February 27, 1996, permit issued August 9, 1996.

17810104. Thompson Brothers Coal Company (P. O. Box 626, Philipsburg, PA 16866), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 49.47 acres, receiving streams two unnamed tributaries to Laurel Run, to Laurel Run to Moshannon Creek to west branch of the Susquehanna River, application received March 11, 1996, permit issued August 5, 1996.

17813055. Thompson Brothers Coal Company (P. O. Box 626, Philipsburg, PA 16866), major permit modification to apply sewage sludge to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 47.8 acres, receiving streams an unnamed tributary to Laurel Run, and Laurel Run, and Emigh Run, all to Moshannon Creek to west branch of the Susquehanna River to the Susquehanna River, application received March 11, 1996, permit issued August 5, 1996.

17960101. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Morris Township, **Clearfield County** affecting 170.7 acres, receiving streams Hawk Run and two unnamed tributaries to Hawk Run, application received January 30, 1996, permit issued August 2, 1996.

17950104. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine/auger permit in Beccaria Township, **Clearfield County** affecting 53.2 acres, receiving streams Cofinan Run and unnamed tributaries to Cofinan Run to Clearfield Creek to the west branch Susquehanna River, application received March 13, 1995, permit issued August 2, 1996.

17950112. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 175.2 acres, receiving streams west branch Susquehanna River, application received June 26, 1995, permit issued August 2, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

33950105. Swisher Contracting, Inc. (R. D. 2, Box 81, Clearfield, PA 16830). Application for a stream encroachment to conduct surface mining activities within 100 feet of unnamed tributary 2 to Walburn Run. Mining activities may be conducted no closer than 50 feet to unnamed tributary 2 to Walburn for the purposes of support facility construction and maintenance; however, no mineral extraction may be conducted closer than 100 feet to the stream in Snyder Township, **Jefferson County**. Application received April 9, 1996. Permit issued August 7, 1996.

10930104. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Richland Sportsmen's Association, Inc. property in Clay and Center Townships, **Butler County** affecting 145.0 acres. Receiving streams one unnamed tributary to Stony Run to Connoquenessing Creek, and three unnamed tributaries to Pine Run. Application received June 5, 1996. Permit issued August 1, 1996.

37930106. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Sam Arcuri property in Shenango Township, **Lawrence County** affecting 158.0 acres. Receiving streams five unnamed tributaries to McKee Run. Application received June 5, 1996. Permit issued August 1, 1996.

16930105. Doverspike Bros. Coal Co., Inc. (R. D. 4, Box 271, Punxsutawney, PA 15767). Revision to an existing bituminous strip operation to change the postmining land use from pastureland/land occasionally cut for hay to industrial/commercial on a portion of the C & K Coal Company property in Perry Township, **Clarion County** affecting 105.0 acres. Receiving streams unnamed tributary to Allegheny River. Application received June 7, 1996. Permit issued August 13, 1996.

33830116. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip operation in Oliver Township, **Jefferson County** affecting 154.3 acres. Receiving streams unnamed tributary to Little Sandy Creek. Application received July 5, 1996. Permit issued August 21, 1996.

33900113. M. B. Energy, Inc. (250 Airport Rd., P. O. Box 1319, Indiana, PA 15701). Renewal of an existing bituminous strip operation in McCalmont Township, **Jefferson County** affecting 147.0 acres. This renewal is issued for reclamation only. Receiving streams two unnamed tributaries of Clutch Run. Application received May 9, 1996. Permit issued August 16, 1996.

37850101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip, auger and tipple refuse disposal operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Robert D. Cress property in Plain Grove and Washington Townships, **Lawrence County**. Receiving streams two unnamed tributaries to Taylor Run. Application received June 14, 1996. Permit issued August 16, 1996.

16910104. TDK Coal Sales, Inc. (P. O. Box 627, Clarion, PA 16214). Revision to an existing bituminous strip and auger operation to add fly ash disposal in Madison Township, **Clarion County** affecting 304.3 acres. Receiving streams unnamed tributary to Catfish

Run, unnamed tributary to the Allegheny River. Application received May 2, 1996. Permit issued August 22, 1996.

33880106. P & N Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip operation in Knox Township, **Jefferson County** affecting 178.0 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributary to Sandy Lick Creek. Application received June 10, 1996. Permit issued August 26, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54880202R. Morea Cogen, Inc., (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 200.0 acres, receiving stream none. Renewal issued August 19, 1996.

54920101. N & L Coal Company, (5 Woodland Drive, Mt. Carmel, PA 17851), commencement, operation and restoration of an anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 459.0 acres, receiving stream none. Permit issued August 19, 1996.

54841305R2. Gorenty Tunneling Co., (3 Walnut Street, Middleport, PA 17953), renewal of an existing anthracite deep mine operation in Blythe Township, **Schuylkill County** affecting 5.0 acres, receiving stream Schuylkill River. Renewal issued August 22, 1996.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

33860701. Doverspike Brothers Coal Company, (R. D. 4, Box 271, Punxsutawney, PA 15767), to revise the permit for the Weisner CRA in Ringgold Township, **Jefferson County** to add support area to permit, no additional discharge. Permit issued August 27, 1996.

33860701. Doverspike Brothers, (R. D. 4, Box 271, Punxsutawney, PA 15767), to renew the permit for the Weisner CRA in Ringgold Township, **Jefferson County**, no additional discharge. Permit issued August 27, 1996.

11841601. E. P. Bender Coal Company, Inc., (P. O. Box 594, Carrolltown, PA 15722), to renew the permit for the Fallentimber plant and related NPDES in Reade Township, **Cambria County**. Permit issued August 20, 1996.

30743701. J & L Steel Company/Nemacolin Mines Corporation, (c/o LTV Steel Company, Inc., 2800 North Main St. Ext., Washington, PA 15301), to renew the permit for the Nemacolin mine coal refuse disposal area in Cumberland Township, **Greene County** for reclamation only, no additional discharge. Permit issued August 20, 1996.

16831604. C & K Coal Company, (P. O. Box 69, Clarion, PA 16214), to renew the permit for the Shannon preparation plant in Piney and Toby Townships, **Clarion County**. Permit issued August 16, 1996.

District Mining Operations, P. O. Box 669, Knox, PA 16232.

Noncoal Permits Issued

37930302. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225). Transfer of an existing Limestone operation from Northern Allegheny Stone, Inc. in Slippery Rock Township, **Lawrence County** affecting 140.0 acres. Receiving streams unnamed tributary of

Slippery Rock Creek. Application received February 8, 1996. Permit issued August 13, 1996.

37880304. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225). Transfer of an existing Limestone operation from Northern Allegheny Stone, Inc. in Slippery Rock Township, **Butler County** affecting 211.0 acres. Receiving streams unnamed tributaries of Slippery Rock Creek. Application received February 8, 1996. Permit issued August 13, 1996.

10960301. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225). Commencement, operation and restoration of a Limestone operation in Marion Township, **Butler County** affecting 113.0 acres. Receiving streams unnamed tributary to Blacks Creek and unnamed tributary to Slippery Rock Creek. Application received February 16, 1996. Permit issued August 13, 1996.

37960302. Shamrock Minerals Corp. (P. O. Box 19, Portersville, PA 16049). Commencement, operation and restoration of a sand and gravel operation in Little Beaver Township and New Beaver Borough, **Lawrence County** affecting 70.7 acres. Receiving streams unnamed tributary of North Fork Little Beaver Creek. Application received February 9, 1996. Permit issued August 8, 1996.

4876SM19. Albert R. Conn (154 South Lake St., North East, PA 16428). Revision to a sand and gravel operation to allow the use of composted sewage sludge in Northeast Township, **Erie County** affecting 15.8 acres. Receiving streams Twelve Mile Creek. Application received July 8, 1996. Permit issued August 14, 1996.

37950304. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a sand and gravel operation in Plain Grove, Scott and Worth Townships, **Lawrence and Butler Counties** affecting 199.3 acres. Receiving streams Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received November 22, 1995. Permit issued August 27, 1996.

300719-37950304-E-1. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to mine through approximately 450 feet of an unnamed tributary to Jamison Run and replace the permanent open water habitat and reconstructed wetlands within the mitigation area in Plain Grove, Scott and Worth Townships, **Lawrence and Butler Counties**. Receiving streams Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received November 22, 1995. Permit issued August 27, 1996.

300719-37950304-E-2. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities no closer than 50 feet to Slippery Rock Creek for the purposes of support facility construction and maintenance. No mineral extraction may be conducted closer than 100 feet to the stream in Plain Grove, Scott and Worth Townships, **Lawrence and Butler Counties**. Receiving streams Slippery Rock Creek, unnamed tributary to Jamison Run and Jamison Run. Application received November 22, 1995. Permit issued August 27, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

7976SM2C2. Eureka Stone Quarry, Inc., (Lower State and Pickertown Roads, Chalfont, PA 18914), renewal of NPDES Permit #PA0122351 in Warrington

Township, **Bucks County**, receiving stream unnamed tributary to Neshaminy Creek. Renewal issued August 23, 1996.

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

Large Industrial Mineral Permits Issued

14930301. Glenn O. Hawbaker, Inc. (Correction) (325 West Aaron Drive, State College, PA 16801), commencement, operation and restoration of a Large Industrial Mineral Permit (Sandstone), Spring Township, **Centre County** affecting 66.1 acres, receiving streams Logan Branch to Spring Creek to Bald Eagle Creek to the Susquehanna River, application received October 18, 1993, permit issued June 27, 1996.

Small Industrial Mineral Authorizations Granted

59950801. Dale Alan Aumick (R. R. 2, Box 2169, Mansfield, PA 16933), commencement, operation and restoration of a Small Industrial Mineral (Gravel) permit in Tioga Township, **Tioga County** affecting 1 acre, application received March 6, 1996, authorization granted July 31, 1996.

District Mining Operations, P. O. Box 669, Knox, Pennsylvania 16232.

General Small Noncoal Authorizations Granted

20950807. Donald R. Wallis (R. R. 1, Box 494, Saegertown, PA 16433), commencement, operation and restoration of a small noncoal sand and gravel operation in Hayfield Township, **Crawford County** affecting 2.0 acres. Receiving streams: none. Application received: November 9, 1995. Permit issued: August 6, 1996.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

66960801. Duane White, (R. R. 2, Box 2692, Nicholson, PA 18446), commencement, operation and restoration of a small quarry operation in Nicholson Township, **Wyoming County** affecting 3.0 acres, receiving stream—none. Authorization granted August 21, 1996.

40960804. Green Valley Landscaping, Inc., (52 Reese Street, Plains, PA 18702), commencement, operation and restoration of a small quarry operation in Plains Township, **Luzerne County** affecting 3.0 acres, receiving stream—none. Authorization granted August 22, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.403) and sections 5 and 402 of the act of June 22, 1937 (P.L. 1987, No. 394) (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).

Permits Issued and Actions on 401 Certification

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

E16-094. Encroachment. Paint Township Supervisors, R. D. 2, Box 508, Shippensburg, PA 16254-8939. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear span of 31.7 feet and a minimum underclearance of 8.2 feet on a 52 degree skew across Little Paint Creek on Banner Road (T-582) approximately 1.5 mile northeast of T-414 (Fryburg, PA Quadrangle N: 3.8 inches; W: 7.55 inches) located in Paint Township, **Clarion County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E20-433. Encroachment. Meadville Area Sewer Authority, 984 Water Street, Meadville, PA 16335. To construct and maintain a sanitary sewage pump station in a wetland along the south side of Martin Road (T-974) approximately 550 feet west of S. R. 0086 (Meadville Quadrangle N: 8.9 inches; W: 1.25 inches) located in West Mead Township, **Crawford County**.

Environmental Assessment Approvals and Actions on 401 Certifications

EA61-001NW. Environmental Assessment. Atlantic Richfield Company, 444 South Flower Street 32-14, Los Angeles, CA 90071. This project will involve removal of tar and contaminated soil as part of an environmental clean-up program on the former Eclipse refinery property. The excavated areas will be backfilled with clean soil and revegetated with native vegetation. The affected area dimensions measure approximately 100 feet long measured parallel to the Allegheny River and approximately 270 feet wide measured from the Allegheny River in-land (extending 5 to 10 feet into the Allegheny River. This project will include usage of cofferdams to allow for the excavation in stream. The project is located on the north bank of the Allegheny River approximately 2,500 feet upstream of Hoge Island (Franklin, PA Quadrangle N: 5.1 inches; W: 7.0 inches) located in Sugarcreek Borough, **Venango County**.

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

E09-716. Encroachment. Walker's Acres, Inc., 301 North Broad Street, Lansdale, PA 19446. To construct an outfall channel for a stormwater detention basin disturbing approximately 0.03 acre (1,225 s.f.) of adjacent wetlands within the 100-year floodway of the east branch of the Perkiomen Creek (TSF) associated with the Walker's Acres Subdivision. The project is situated 1,180 feet

west of the intersection of North Main Street and Cal-lowhill Street (Telford, PA-NJ Quadrangle N: 22.10 inches; W: 4.65 inches) in Perkasio Borough, **Bucks County**.

E46-741. Encroachment. **Cabot Performance Materials**, 300 Holly Road, Boyertown, PA 19512. To construct an employee parking lot for Cabot Performance Materials which will impact 0.98 acre of wetland (PEM) within the 100-year floodplain of Swamp Creek (TSF) located east of the intersection of County Line Road (T-688) and Swamp Creek Road (T-617) (Sassamansville, PA Quadrangle N: 16.5 inches; W: 16.0 inches) in Douglass Township, **Montgomery County**. Applicant proposes to construct 1.26 acres of replacement wetland.

E09-236A. Encroachment. **Jack's Neshaminy Marina, Inc.**, 100 River Road, Croydon, PA 19020. To amend permit no. E09-236 which authorized construction and maintenance of an existing Marina Lagoon and Travel Lift Slip and to perform maintenance dredging along the east bank of Neshaminy Creek at points 1,250 feet to 3,000 feet upstream from the confluence of Neshaminy Creek with the Delaware River in Bristol Township, **Bucks County**.

Permit is amended to include the following:

1. To maintain a 6-foot wide "L" shaped pier which extends parallel to the Neshaminy Creek for 300 feet and is attached to an 80 foot section which extends eastward. This dock is located approximately 3,300 feet upstream from the confluence with the Delaware River.

2. To maintain a 6-foot wide, 140-foot long pier along the east bank of Neshaminy Creek at a point 1,500 feet from the confluence of the Delaware River.

3. To operate and maintain an existing 45-foot × 51.5-foot restaurant building which is located along the east bank and the 100-year floodway of the Neshaminy Creek at a point 1,500 feet upstream from the confluence of Neshaminy Creek and the Delaware River. Jack's Marina is located along the east bank of Neshaminy Creek (Beverly PA-NJ Quadrangle N: 16 inches; W: 5.5 inches) in Bristol Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E09-717. Encroachment. **Hilltown Township**, 13 West Creamery Road, Hilltown, PA 18927. To remove a 22-foot single span bridge with an underclearance between 4 and 5 feet and replace, construct and maintain with a 32-foot single span prestressed concrete box beam bridge with an underclearance of 7 feet. This bridge is located on Telegraph Road spanning Lenape Creek (TSF) (a tributary to the east branch of Perkiomen Creek) approximately 200 feet from the intersection with Perkasio Road (Telford, PA Quadrangle N: 20.3 inches; W: 3.6 inches) in Hilltown Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E08-236. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure and to construct and maintain a prestressed concrete box beam bridge with a normal clear span of 54.2 feet and average underclearance of 7.6 feet at approximately an 80 degree

skew over Parks Creek on SR 1044 approximately 1 mile south of Union Valley Church (Windham, PA Quadrangle N: 8.5 inches; W: 15.2 inches) in Rome Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E14-286. Water obstruction and encroachment. **James C. Walck, Sr.**, 1245 South Atherton St., State College, PA 16801. To construct and maintain a private single span bridge across an unnamed tributary to Bald Eagle Creek for access to a single residence. The bridge shall be constructed with a single span of 50.0 feet, an underclearance of 5.00 feet and a width of 8.75. The project is located along the western right-of-way of SR 0220 approximately 2,500 feet west of the intersection of SR 4004 and SR 0220 (Bellefonte, PA Quadrangle N: 8.6 inches; W: 15.1 inches) in Union Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-305. Water obstruction and encroachment. **Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove two corrugated metal pipes and to place and maintain a single cell pre-cast concrete box culvert having a 16 foot clear span, 42 foot length, and a 4 foot rise in Alder Run located approximately 4,000 feet west of SR 0053 on SR 2032 at Seg. 0084, Offset 0000 (Philipsburg, PA Quadrangle N: 17.3 inches; W: 12.6 inches) in Morris Township, **Clearfield County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-214. Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105. Remove existing structure and to construct and maintain a single span glue laminated timber beam bridge with reinforced concrete abutments and wingwalls having a normal clear span of 19 feet 11 inches, an approximate underclearance of 5 feet 6 inches on a 70 degree ahead left skew across Shintown Run located approximately 0.75 mile westbound on Big Basin Road from its intersection with SR 0144 (Renovo West, PA Quadrangle N: 12.4 inches; W: 13.85 inches) in Liedy Township, **Clinton County**.

E18-215. Water obstruction and encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove an existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge that will carry County Line Road across Baldwin Branch of Young Women's Creek. The proposed bridge shall be constructed with a clear normal span of 30.0 feet, an underclearance of 7.0 feet and a curb to curb width of 18.0 feet that is located along the northern right-of-way of Benson Road approximately 250.0 feet north of the intersection of County Line Road and Benson (Slate Run, PA Quadrangle N: 17.0 inches; W: 16.8 inches) in Chapman Township, **Clinton County**.

E19-154. Water obstruction and encroachment. **Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. Remove the existing structure and to construct and maintain a 16 foot by 10 foot precast concrete box culvert depressed 1 foot below the streambed with an effective underclearance of 9 feet and a skew of 80 degrees in an unnamed tributary to the Susquehanna River. This project is located on SR 1004 just west of its

intersection with Edgar Avenue (Bloomsburg, PA Quadrangle N: 1.7 inches; W: 3.7 inches) in Scott Township, **Columbia County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-367. Water obstruction and encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. Repair and maintain the stream channel of Beck Run for flood protection. The repair work shall consist of (1) the removal of 150 feet of gravel deposition to reestablish the original stream channel; (2) the widening of 300 feet of stream channel; and (3) the placement of 130 feet of riprap protection at a location approximately 1,000 feet southeast of the intersection of SR 4007 and T-818 (Nauvoo, PA Quadrangle N: 2.1 inches; W: 0.3 inch) in Jackson Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-374. Water obstruction and encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a single span multiple glulam timber beam bridge to carry Rock Run Road across Miners Run. The project is located along the north right-of-way of Rock Run Road approximately 1.6 miles east of the intersection of McIntyre Road and Rock Run Road (Ralston, PA Quadrangle N: 2.8 inches; W: 5.7 inches) in McIntyre Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E49-200. Water obstruction and encroachment. **Shamokin Township**, R. R. 1, Box 936, Paxinos, PA 17860. Remove the existing structure and to construct and maintain two 60 inch culverts in an unnamed tributary to Shamokin Creek on T-485 approximately .3 mile west of SR 4015 (Treverton, PA Quadrangle N: 16.6 inches; W: 2.3 inches) in Shamokin Township, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E39-313. Encroachment. **Department of Transportation**, District 5-0, 1713 Lehigh Street, Allentown, PA 18103. (1) Remove the existing structure and to construct and maintain a dual 8-span continuous steel girder bridge having a total length of 1,230.00 feet with an underclearance of approximately 54.80 feet on a 19 degree skew across the Lehigh River; (2) modify and maintain a stream enclosure consisting of 85 linear feet of existing 6 foot x 5 foot concrete arch culvert and approximately 21 linear feet of a 6 foot x 5 foot concrete box culvert extension at station 226+30 in an unnamed tributary to the Lehigh River; and (3) place fill in a de minimus area of wetlands less than or equal to 0.05 acre. The project, known as the Treichlers Bridge Replacement Project, is located on S. R. 0145, at its intersection with the Lehigh River, (Clementon, PA Quadrangle N: 19.6 inches; W: 5.7 inches) in North Whitehall and Lehigh Township, **Lehigh and Northampton County**.

E45-299. Encroachment. **Pleasant Valley Manor**, Monroe County Housing Authority, 4227 Manor Drive, Stroudsburg, PA 18360. To construct and maintain a 0.73 acre bituminous pavement parking lot addition within the

100-year floodplain of McMichael Creek. The project is associated with the expansion of Monroe County Housing Authority's Pleasant Valley Manor and Hamilton Nursing Homes located approximately 500 feet northeast of the intersection of S. R. 2010 (Manor Drive) and T235 (Saylorburg, PA Quadrangle N: 13.3 inches; W: 5.2 inches) in Hamilton Township, **Monroe County**.

E58-221. Encroachment. **Susquehanna County Commissioners**, Susquehanna County Courthouse, Montrose, PA 18801. To construct and maintain a single-span steel I-beam bridge with a timber deck (County Bridge No. 22), having a span of approximately 65 feet and an underclearance of approximately 16.3 feet, across Tunkhannock Creek. The bridge will be constructed at the location of the former T-434 bridge, which was severely flood damaged, and will utilize/modify portions of the existing abutments. The project is located immediately east of the intersection of T-434 and S. R. 0092 (Lenoxville, PA Quadrangle N: 11.0 inches; W: 9.7 inches) in Lenox Township, **Susquehanna County**.

[Pa.B. Doc. No. 96-1538. Filed for public inspection September 13, 1996, 9:00 a.m.]

Availability of Technical Guidance

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent Inventory was published June 1996. This Inventory is also posted on DEP's World Wide Web page. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the following path: 1) Public Participation Center, 2) Status of Legislation, Regulations and Policies, 3) Recently Finalized Regulations and Policies and 4) Technical Guidance Document Inventory. Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 (note this new number) if calling from outside Pennsylvania.

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996 edition of the *Bulletin*.

In the interim, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance Documents

DEP ID: 012-1920-001 Title: Public Participation in the Development of Regulations and Technical Guidance Description: DEP will ensure that all guidance documents and regulations are developed with effective participation by the public during all steps in the process. Page Length: 8 pages Location: Vol. 1, Tab. 3A Contact: Barbara Sexton at (717) 783-8727.

DEP ID: 563-2000-204 Title: Homeowner Notification of Right to Pre-Blast Survey (industrial minerals)

Description: DEP will ensure, by verifiable record, that each home/structure owner has received notification of their right to obtain a pre-blast survey. Page Length: 2 pages Location: Vol. 12, Tab 108A (BMR PGM Section VIII, Part 2, Subpart 4) Contact: Michael Getto at (717) 787-7846.

DEP ID: 563-2000-223 Title: Review Process for the Approval of Bituminous Coal Blast Plan Description: This guidance standardizes the review process and approval methods for bituminous coal blast plans. Page Length: 3 pages Location: Vol. 12, Tab 59 (BMR PGM Section II, Part 2, Subpart 23) Contact: Michael Getto at (717) 787-7846.

Draft Guidance

DEP ID: 012-0900-002 Draft Title: Electronic Copies of Technical Guidance Background: In addition to paper copies of DEP's technical guidance documents, DEP is converting all of its guidance to electronic media. DEP will make both draft and final documents available on the World Wide Web. This document (directed to staff) outlines implementation stages for electronic conversion and procedures for placing and monitoring documents on the Web. Anticipated Effective Date: September 20, 1996 Deadline for Comments: September 1, 1996 Contact: Nina Huizinga at (717) 783-8727.

Notice of Intent to Revise Technical Guidance

Draft Title: Pennsylvania Drinking Water Information System (PADWIS) Inventory Users Manual Background: The computerized inventory of regulated public water supplies has changed from a batch system on a contractor's computer with paper forms data entry to a user friendly on-line system on the Department's DEC computer. Also, many enhancements have been made to the inventory in response to program and user needs. These changes have resulted in the need for a substantial modification to the users manual which is used by field operations staff to maintain the public water system inventory in the PADWIS. Anticipated Effective Date: January 1997 Anticipated Draft Development Date: October 1, 1996 Proposed Development and Review Process: The Water Supply and Community Health (WSCH) Field Operations staff are to be involved in the review. Revisions to this manual were developed with significant input from the field staff, who are the primary users of the system. Contact: Barry Greenawald or Donna Green at (717) 772-4018.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-1539. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division

The Department of General Services, State Surplus Property Division is seeking paper recyclers to purchase and receive Office Waste Paper consisting of mixed office waste paper, corrugated (OCC), newspaper (ONP) and magazines, generated in Commonwealth facilities located in the Harrisburg area. The contract will be for a 1 year period with possible extensions for 2 additional years.

Interested bidders may contact State Surplus at (717) 787-4085 for a bid package prior to September 27, 1996.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 96-1540. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Notice of Beginning of Review; Certificates of Need

The Department of Health has completed its preliminary assessment of the following applications for the offering, development, construction, renovation, expansion or establishment of reviewable clinically related health services or health care facilities. This notice is published in accordance with sections 702(c), 704(a) and 704(b) of the Health Care Facilities Act (35 P. S. §§ 448.702(c), 704(a) and 704(b)).

CON-96-C-2645-B: Holy Spirit Hospital, 503 North 21st Street, Camp Hill, PA 17011. Convert two neonatal intermediate care beds (Level II) to two neonatal intensive care beds (Level III), at an estimated cost of \$817,712.

CON-96-C-2674-B: Fairmount Homes, c/o Bricker Group, Suite 602, 1525 Oregon Pike, Lancaster, PA 17601-4374. Construction of a 120-bed LTC facility to replace existing 118-bed LTC home, at an estimated cost of \$8,237,084.

CON-95-A-2577-B: Delaware County Memorial Hospital, 501 North Lansdowne Avenue, Drexel Hill, PA 19026. Replacement of linear accelerator, at an estimated cost of \$3,804,750.

CON-96-C-2738-B: St. Anne's Home, 3952 Columbia Avenue, Columbia, PA 17512-9715. Renovation and new construction to replace 80 and add three long-term care beds to existing nursing care facility, at an estimated cost of \$8,742,495.

The projects are scheduled to be reviewed and a decision rendered by the Department of Health within 90 days beginning September 14, 1996. Any interested person, as defined in section 103 of the act (35 P. S. § 448.103) may request a public meeting. Requests must be made in writing within 15 days of this notice, to the Department of Health, Division of Need Review, Room 1027, Health and Welfare Building, Harrisburg, PA 17120. In order to preserve any appeal rights under section 506(a) of the act (35 P. S. § 448.506(a)) regarding the decisions made on these applications, any interested person as defined in the act must request a public meeting and participate in that meeting.

If the Department of Health receives a timely request for public meeting, the meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, Pennsylvania. Holy Spirit Hospital public meeting will begin at 9 a.m., Tuesday, October 1, 1996. Fairmount Homes public meeting will begin at 9 a.m., Delaware County Memorial Hospital public meeting will begin at 11 a.m., St. Anne's Home public meeting will begin at 1 p.m., Monday, October 21, 1996. Persons who need an accommodation due to a disability and want to attend a meeting should contact Jack W. Means, Jr., Director, Division of Need Review at (717) 787-5601 at

least 24 hours in advance so arrangements can be made. These meetings are subject to cancellation without further notice.

For additional information, contact the Division of Need Review at (717) 787-5601.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-1541. Filed for public inspection September 13, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Access Route Approvals

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations of interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 34 (Adams County)	From PA 394 to Boyd's School Road (T-341)	6.0
Boyd's School Road (T-341) (Adams County)	From PA 34 to the HERFF Jones Yearbooks facility	0.2
PA 234 (Adams County)	From the Inland Container facility to PA 34	0.3

Approved May 21, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 309 (Lehigh County)	From US 22 to the Orefield Cold Storage Facility.	4.3

Approved June 7, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 66 (Clarion and Forest Counties)	From US 322 to the Forest/Elk County Line.	35.6
US 19 (Lawrence and Mercer Counties)	From US 422 to PA 58	20.1
PA 58 (Mercer County)	From US 19 to SR 4012	10.9
SR 4012 (Mercer County)	From PA 58 to the American Recycled Wood and Pallet Facility	3.2

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
US 119 (Indiana and Jefferson Counties)	From US 422 to the Groundhog Plaza in Punxsutawney.	31.5

Approved June 12, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 328 (Tioga County)	From US 15 to Keck's Meat and Food Service Facility	5.6

Approved June 20, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 26 (Bedford and Huntingdon Counties)	From US 30 to US 22	43.4

Approved July 1, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 208 (Lawrence County)	From PA 60 to PA 18	3.7

The following Municipalities approved the access routes within their jurisdictions:

Town of Bloomsburg
Greenwood Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 487 (Columbia County)	From US 11 and Sixth Street to I-80 (Exit 35)	2.7
US 11 (Columbia County)	From PA 487 and Sixth Street	0.7
US 11 (Columbia County)	From the Bloomsburg Carpet facility to I-80 (Exit 36)	2.1
SR 4004 (Columbia County)	From the T. and L. Miller facility to PA 42	0.2
West 5th Street (Columbia County)	From Railroad St. to Market St.	0.3
Market Street (Columbia County)	From West 5th St. to East 9th Street	0.3
East 9th Street (Columbia County)	From Market St. to the Agway facility at Iron Street	0.2
T-583 (Bottom Road) (Columbia County)	From PA 42 to T-581 (Blue Jay Road)	0.4

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
T-581 (Blue Jay Road) (Columbia County)	From T-583 (Bottom Road) to the Miller Residence	0.1

Approved July 15, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
SR 4006 (Adams County)	From SR 4008 to PA 34	4.8

Approved August 6, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From I-81 (Exit 18) To Heinz Street.	4.5
PA 114 (Cumberland County)	From US 15 to the entrance driveway to The Book of the Month Club facility.	1.6

Approved August 13, 1996

The following municipality approved the access routes within its jurisdiction:

Pittston Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
Eastern Distribution Center/Vogelbacher Industrial Site (Luzerne County)	All roadways within the Eastern Distribution Center/Vogelbacher Industrial Site	N/A

Approved August 15, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations of interstates and certain primary highways), the Department of Transportation approved the following access route for use by the following types of truck combinations: 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 104 (Juniata and Snyder Counties)	From US 11/US 15 to the Ivan Lauver & Son, Inc. facility	8.5

Approved June 24, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 772 (Lancaster County)	From US 222 to the Carver facility at 40 Glen Brook Road	3.0

Approved July 19, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer.

The following municipality approved the access route within its jurisdiction:

Modena Borough

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 82 (Chester County)	From US 30 to Business US 30 (Lincoln Highway).	1.8
SR 3049 (Chester County)	From Business US 30 to SR 3049 (Modena Road).	0.7
S. R. 3049 (Chester County)	From SR 3049 (S. First Avenue) (Modena Road) to SR 3047 (Union Street).	1.7
S. R. 3047 (Chester County)	From SR 3049 (Modena Road) to (Union Street) Fabricated Metals, Inc. Facility	0.1
Meridith Court (Chester County)	From SR 3047 (Union Street) to Sealed Air Corp. Facility.	0.1

Approved June 5, 1996

The following municipalities approved the access route within their jurisdictions:

Butler Township
Menallen Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 4015 (Adams County)	From 1280 Nawakwa Road to S. R. 4008.	0.1
S. R. 4008 (Adams County)	From PA 234 to S. R. 4015.	3.2
S. R. 3011 (Adams County)	From US 30 to PA 234.	3.8
PA 234 (Adams County)	From S. R. 4008 to S. R. 3011.	0.6
PA 234 (Adams County)	From T-369 to PA 34.	1.5
PA 394 (Adams County)	From PA 234 to PA 34.	0.4
T-369 (Adams County)	Heckenluber Road—From S. R. 4008 to PA 234.	1.6

Approved June 7, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
Delaware Avenue (Luzerne County)	From SR 1027 to the Scooter Division of Pride Health Care, Inc.	0.4
Delaware Avenue (Luzerne County)	From the Scooter Division of Pride Health Care, Inc. to Sixth Street.	0.3
Sixth Street (Luzerne County)	From Delaware Avenue to SR 1027.	0.5

Approved July 19, 1996

The following municipalities approved the access routes within their jurisdiction:

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
	Pringle Borough Kingston Borough Luzerne Borough	
SR 1013 (Union St.) (Luzerne County)	From PA 309 (Exit 6) to West Union Street.	1.1
West Union Street (Luzerne County)	From SR 1013 (Union St.) to Railroad Street.	0.1
Railroad Street (Luzerne County)	From West Union Street to Division Street.	0.3
Division Street (Luzerne County)	From Railroad Street to Thomas Lane.	0.3
Thomas Lane (Luzerne County)	From Division Street to the Biscontini Warehouse.	0.1

Approved August 6, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations of interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 53' long trailer.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 28 (Jefferson Co.)	From US 322 to the McCauley Trucking Warehouse 0.1 mile south of I-80 (Exit 14)	16.0
PA 36 (Jefferson Co.)	From I-80 (Exit 13) to PA 899	10.6
PA 899 (Jefferson and Forest Counties)	From PA 36 to PA 66	10.7

These routes were previously approved for 48' and twin trailers.

Approved June 12, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 102" wide 48' long trailer.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 924 (Luzerne and Schuylkill Counties)	From I-81 (Exit 40) to PA 61	18.2
PA 61 (Schuylkill County)	From I-81 (Exit 36) to PA 924	1.0
SR 4033 (Schuylkill County)	From PA 924 to SR 4035	3.9
SR 4035 (Schuylkill County)	From SR 4035 to the Wenco terminal	0.1

Approved June 4, 1996

The following Municipality approved the access routes within its jurisdiction:

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
	Mechanicsburg Borough	
West Allen Street (Cumberland County)	From PA 114 to the corner of Frederick and West Allen Streets.	0.1
West Allen Street (Cumberland County)	From PA 114 to 325 West Allen Street which is at the corner of PA 114 and West Allen Street	0.01

Approved June 18, 1996

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From Heinz Street to the entrance driveway to the Book of the Month Club facility.	1.8

Approved August 13, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation approved the following access routes for use by the following types of truck combinations: 96" wide, 45' long trailer (over 60' combination length).

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 660 (Tioga County)	From US 6 to US 15	6.1
PA 36 (Blair, Cambria, Clearfield, Jefferson and Indiana Counties)	From S. R. 4010 at 10th Avenue to US 119	54.5

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
S. R. 4010 (Blair County)	From US 220 to PA 36	2.1

Approved July 15, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways) the Department of Transportation approved the following access routes for use by the types of truck combinations: 96" wide straight truck trailer 67' long.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 23 (Lancaster County)	From Shirk Road to PA 10	1.4
PA 10/PA 23 (Berks County)	From PA 23 to I-76 (Exit 22)	1.5
US 1 (Bucks County)	From I-276 (Exit 28) to Oxford Valley Road—SR 2029	7.4
SR 2029 (Oxford Valley Rd) (Bucks County)	From US 1 to US 1 Business (Lincoln Highway)	1.1
US 1 Business (SR 2037) (Bucks County)	From SR 2029 (Oxford Valley Rd) to PA 213 (Old Lincoln Highway)	0.5
PA 213 (Bucks County)	From US 1 Business (Lincoln Highway) to US 1 (Southbound only)	1.5

Approved June 18, 1996

Under the provisions of 75 Pa.C.S. § 4908 (relating to operating certain combinations on interstates and certain primary highways), the Department of Transportation revokes the following access route for use by the following types of truck combinations: 102" wide 53' long trailer; 102" wide 48' long trailer; 102" wide twin trailers (28 1/2' maximum length per trailer); 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length (Miles)</i>
PA 114 (Cumberland County)	From US 15 to I-81 (Exit 18)	7.1

Approved August 13, 1996

The effective date of this revocation shall be 15 days following the publication of this notice in the *Pennsylvania Bulletin*.

Comments, suggestions or questions may be directed to James Weakland, Truck Access Manager, Room 1014 Transportation and Safety Building, Harrisburg, PA 17120, telephone (717) 787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1542. Filed for public inspection September 13, 1996, 9:00 a.m.]

Retention of Engineering Firms

**Allegheny County
Reference No. 08430AG2011**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seven inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 3160, Section A05, removal of an at-grade intersection and replacing it with a grade separated diamond interchange, including structure work, guiderail, drainage, retaining walls, and concrete roadway paving, Allegheny County.

The Department will establish an order of ranking of a minimum of three 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 inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the maintenance and protection of traffic, soils, structures, concrete, asphalt paving, drainage, guiderail and retaining walls.
- b. Understanding of Department's requirements, policies and specifications.
- c. Past performance.
- d. Number of NICET certified inspectors in each payroll classification.
- e. Number of available inspectors in each payroll classification.
- f. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	4 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers 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 of direct payroll cost for each Department Payroll Classification for calendar year 1996 will be limited to the actual direct salary of the individual employee, or the following rates, whichever is less:

<i>Payroll Classification</i>	<i>Direct Payroll Rate</i>
Transportation Construction Manager 1 (TCM-1)	\$19.79
Transportation Construction Inspector Supervisor (TCIS)	\$17.34
Transportation Construction Inspector (TCI)	\$15.18
Technical Assistant (TA)	\$10.43

Maximum reimbursable direct payroll rates for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction 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; provide one inspector certified in computer documentation and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-1 and TCIS positions, giving their approval to use their names in the letter of interest for this specific project. The Lead Inspector's name, classification and years of classification must also be shown.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 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 projects.

Technical questions concerning the requirements for this project should be directed to Terry McCue, District 11-0, at (412) 429-4926.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Allegheny, Beaver and Lawrence Counties
Reference No. 08430AG2012**

The Department of Transportation will retain an engineering firm for an open-end contract for various geotechnical engineering services on various projects located in Engineering District 11-0, that is, Allegheny, Beaver and Lawrence Counties. The contract will be for a 30 month period with projects assigned on an as-needed basis. The maximum amount of the open-end contract will be \$750,000.

The required services may encompass a wide range of geotechnical design, review and consultation efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects which may require geotechnical assistance include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges and roadways), maintenance type remediation and minor location studies.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract 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. Understanding of Department's requirements, design manuals, policies and specifications.
- b. Specialized experience and technical competence of firm. The specific experience of individuals who constitute the firms shall be considered.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts.
- d. Location of consultant in respect to the District. This will include ability/provisions for quick responses to District requests.
- e. Method of controlling quality of projects and submissions. Consideration will be given to coordination between disciplines, subconsultants and the like.

The firm may be required to perform, but will not be limited to, the following geotechnical engineering services: review of geotechnical work performed by private engineering firms; perform geotechnical design for major Department designed projects; prepare Health and Safety Plans; perform geotechnical investigations under a Health and Safety Plan; investigate and prioritize slope movements and other geologic hazards for future programming; install and/or monitor geotechnical instruments; perform geophysical investigations; geotechnical consultation during and after construction; review projects developed by local municipalities; drilling inspection in accordance with Design Manuals 1 and 4 qualifications and criteria; review of wetland designs from a geological or geotechnical perspective; emergency response to geologic hazards; review and comment on Department procedures and documents; review of right-of-way relinquishments; investigate tunnels and design

and necessary remediations; review of requests of mine variances; review of permit requests; assist in evaluating the level of effort needed to complete geotechnical work tasks; investigate stability of retaining systems; develop geotechnical specifications; water quality sampling and evaluation; review erosion and sedimentation control plans from a geological or geotechnical perspective; develop experimental geotechnical work plan activities and other research activities; review, from a geotechnical perspective, preliminary area reconnaissances (PARs), initial site assessments (ISAs), preliminary site investigations (PSIs), detailed site investigations (DSIs) and waste management plans; provide geotechnical input for pavement designs; respond to requests from the Department for various types of geotechnical investigations; develop and administer subsurface boring sampling and testing contracts; perform stability analyses of slopes and retaining structures; geotechnical assistance in preparation of erosion and sedimentation control plans; geotechnical assistance in performing scour analyses and developing remedial solutions; geotechnical review of contour grading plans; geotechnical review of storm water management plans; develop remediation schemes for acid mine drainage (AMD) problems; and preparation of geotechnical engineering reports.

These services may include, but not be limited to, the following specific items: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; perform related field surveys; plot topography and cross sections. Most of the drilling and testing services will be provided by the Department through separate service purchase contracts with other contractors. However, the firm may be required to let separate contractors for drilling and will have to have soil, rock and water testing capabilities. The soil and rock testing will be performed at an AASHTO Materials Reference Laboratory (AMRL) accredited laboratory and the water testing must be performed at a Department of Environment Protection certified laboratory.

The primary services to be provided are geotechnically related; however, other services requiring geotechnical input may be required and they may include, but not be limited to, the following items: prepare and disseminate right-of-entry letters; prepare and provide geotechnical information required for a value engineering review; make the necessary geotechnical investigations and adjustments to the design as a result of the value engineering review comments; make necessary contact with the railroad officials for any railroad-related costs estimates, permits, insurance, approvals and other required information needed for a geotechnical investigation; geotechnical alternatives using benefit/cost analysis; document geotechnical study activities and findings; attend coordination and status meetings with District personnel and prepare minutes; and provide geotechnical assistance in the preparation of construction plans, specifications including special provisions and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firm may be required to assist and provide geotechnical input for any or all of the following environmental studies: surface water and groundwater hydrology; wetlands; soils; geology; farmland; hazardous waste; Section 4(f) and Section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all of the following in order to ensure a complete investigation has been performed: plans and lists of areas where soil, rock and water will be impacted and demolition will occur during proposed construction activities.

The geotechnical, geological and geophysical engineering services identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual work order developed under this open-end contract.

Technical questions concerning the requirements for this project should be directed to William R. Adams, Jr., P.E., District 11-0, at (412) 429-4919.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

Cumberland and Dauphin Counties Reference No. 08430AG2013

The Department of Transportation will retain an engineering firm to perform the preliminary design of approach roadway reconstruction and bridge replacement on S. R. 3034, Section 003, Walnut Street Bridge over the Susquehanna River, City of Harrisburg, Dauphin County. The estimated construction cost is \$10 million.

The required services will include preparation of Feasibility Study and Cost Analysis; Intent to Enter Notices; Categorical Exclusion Evaluation, Section 2002 Evaluation; Cultural Resources; Preliminary Area Reconnaissance; Agency Participation and Coordination; Public Involvement; Deed Searches; Submission of Utility Investigation and Relocation Engineering; Field Survey; Plot Topography and Cross Sections; Safety Design Review; Pavement and Deck Drainage Design; Preliminary Traffic Control Plan with Special Provision; Step 9; Hydraulic Report including Wetland Identification and Delineation Report, Environmental Assessment Form, and the application Checklist for Water Obstruction and Encroachment Permit; Erosion Control Plan with Narrative; and Type, Size and Location Submission.

The shortlisting of firms for further consideration on this project will be held in the Engineering District 8-0 office, in Conference Room D, 2140 Herr Street, Harrisburg, Pennsylvania, on October 4, 1996, at 3 p.m. The shortlist meeting will be open to the public.

Technical questions concerning the requirements for this project should be directed to William P. Longstreet, Consultant Liaison Engineer, District 8-0, at (717) 783-1210.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. 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 corporation which is permitted under 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 Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. 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 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. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 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. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only

required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. 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.

The Standard Form 255 must be 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. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women 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.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct

payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-1543. Filed for public inspection September 13, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Felton v. DEP; EHB Doc. No. 95-269-C

The Department of Environmental Protection and the Borough of Felton (Borough), a municipality in York County, have agreed to a settlement of the above matter. The Commonwealth has ordered under date of November 27, 1995, the Borough to either implement its official plan, the York County Comprehensive Sewerage Study and Plan or to update its plan. This order was issued in response to a private request for revision of the Borough's Plan to provide public sewers.

The parties have agreed to a settlement, the major provisions of which include the Borough's submission of an officially adopted update to its official plan which thoroughly documents the Borough's sewage disposal needs and identifies the most appropriate alternative to address short and long term needs.

Copies of the full agreement are in the hands of:

Gina Thomas, Esquire, Assistant Counsel, DEP, 400 Market Street, Ninth Floor, P. O. Box 8464, Harrisburg, PA 17105-8464;

Jon C. Countess, Esquire, Countess, Gilbert, Andrews, 29 North Duke Street, York, PA 17401-1282;

and at the office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1544. Filed for public inspection September 13, 1996, 9:00 a.m.]

Montgomery County v. DEP; EHB Doc. No. 92-448-MR

The Department of Environmental Protection (Department), and Montgomery County (County) have agreed to a settlement of the appeal at the above-referenced docket.

On August 28, 1992, the Department issued an Order to the County in which the Department required that the County: (1) construct, and place into operation, a system for the collection and conveyance of leachate and contaminated groundwater from Landfills No 1 and 2 to the Upper Merion Township Wastewater Treatment Plant (Matsunk Plant); (2) pump and haul, for treatment at a wastewater treatment plant, a specified amount of leachate and/or contaminated groundwater until completion of the connection to the Matsunk Plant; (3) upon completion of the connection to the Matsunk Plant, increase removal of leachate and contaminated groundwater to a minimum of 110,000 gallons per day and continue to pump at this rate until further Department notice; (4) implement a Department-approved plan for an expanded groundwater monitoring program according to a specified schedule; and (5) submit biweekly progress reports until connection to the Matsunk sewer treatment facility. The County filed a timely appeal from the Department's Order.

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

1. The County has constructed, and placed into operation, the connection to the Matsunk Plant. The County has agreed that it will maintain removals of leachate and/or contaminated groundwater to the Matsunk Plant at a minimum of 110,000 gallons averaged per day and calculated over a calendar month, provided, however, that daily removals shall not be below 100,000 gallons on any given day. The County has agreed to continue such removals at this rate until further notice from the Department, and to submit reports to the Department documenting the gallonage of such removals.

(2) The County has agreed to the dismissal of the appeal at this docket.

Copies of the full agreement are in the hands of:

R. Stephen Barrett, Esquire, County of Montgomery, Office of the Solicitor, 5th Floor, Court House, Norristown, PA 19404-0311, (610) 278-3033;

Martha E. Blasberg, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel—Southeast Region, Lee Park—555 E. North Lane—Suite 6015, Conshohocken, PA 19428-2233, (610) 832-6300;

and at the Office of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement which becomes final if no objection is timely made.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-1545. Filed for public inspection September 13, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Regulation No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-288	Environmental Quality Board Stream Redesignations; Kettle Creek, et al.	09/03/06
7-295	Environmental Quality Board General Conformity	09/03/96

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1546. Filed for public inspection September 13, 1996, 9:00 a.m.]

Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1547. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Rate Increase for Blue Cross Community-Rated Groups; Filing No. 9-P-96

By filing no. 9-P-96, Independence Blue Cross submits for Insurance Department approval a request to increase the premium rates for its Community-Rated Group Blue Cross Hospitalization programs. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 28,000 contracts and will produce an additional premium income of about \$4.25 million per year.

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

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1548. Filed for public inspection September 13, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Independence Blue Cross; Non-Group Rate Increase for Basic Blue Cross, Personal Choice and Special Care; Filing No. 7-P-96

By filing no. 7-P-96, Independence Blue Cross submits for Insurance Department approval a request to increase the premium rates for its Non-Group line of business namely, Basic Blue Cross, 6.5%; Personal Choice, 9.0%; and Special Care, 9.0%. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 54,000 contracts and will produce additional premium income of about \$5.34 million per year.

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

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary,

Independence Blue Cross; Rate Increase for Medicare Supplement Programs: Plans A, B, C and H (Security 65); Filing No. 8-P-96

By filing no. 8-P-96, Independence Blue Cross submits for Insurance Department approval a request to increase the premium rates by 13.69% for its Medicare Supplement business. An effective date of January 1, 1997 is requested.

The proposed rate increase of 13.69% will affect approximately 116,600 members and will produce additional premium income of about \$10.3 million per year.

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

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311

Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1549. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Pennsylvania Blue Shield; Rate Increase for Non-Group Major Medical; Filing No. 6-P-96

By filing no. 6-P-96, Independence Blue Cross and Pennsylvania Blue Shield submit for Insurance Department approval a request to increase the premium rates by 25% for its Non-Group Major Medical line of business. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 11,000 contracts and will produce additional premium income of about \$2.3 million per year.

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

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1550. Filed for public inspection September 13, 1996, 9:00 a.m.]

Independence Blue Cross; Pennsylvania Blue Shield; Rate Increase for Personal Choice Community-Rated Group; Filing No. 10-P-96

By filing no. 10-P-96, Independence Blue Cross and Pennsylvania Blue Shield submit for Insurance Department approval a request to increase the premium rates for its Community-Rated Group Personal Choice line of business. An effective date of November 1, 1996 is requested.

The proposed rate increase will affect approximately 110,700 contracts and will produce additional premium income of about \$12.7 million per year.

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

Interested parties are invited to submit written comments, suggestions or objections, to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311

Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1551. Filed for public inspection September 13, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Eldore Sebastinelli; file no. 96-121-05396; USF&G; doc. no. P96-08-063; October 3, 1996, at 10 a.m.;

Appeal of Justin V. Thomas, file no. 96-188-04648; General Accident Insurance Company; doc. no. P96-08-026; October 3, 1996, at 11 a.m.;

Appeal of Robert S. Wright; file no. 96-265-34928; Pennland Insurance Company; doc. no. PH96-08-058; October 3, 1996, at 2 p.m.;

Appeal of Vincent Cerrone; file no. 96-264-34920; Nationwide Insurance Company; doc. no. PH96-08-059; October 3, 1996, at 3 p.m.;

Appeal of Paul and Linda Barry; file no. 96-121-05094; Liberty Mutual Fire Insurance Company; doc. no. P96-08-062; October 8, 1996, at 9 a.m.;

Appeal of Zoila T. Ruiz; file no. 95-121-05173; TICO Insurance Company; doc. no. P96-08-065; October 8, 1996, at 10 a.m.;

Appeal of Donald and Janet Law; file no. 96-121-05435; Erie Insurance Company; doc. no. P96-08-064; October 10, 1996, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service, or other accommodation to partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1552. Filed for public inspection September 13, 1996, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of TICO Insurance Company; file no. 96-267-34472; Harry Wilson; doc. no. PH96-08-057; October 8, 1996, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1553. Filed for public inspection September 13, 1996, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Alice V. Hoke; file no. 96-124-03310; Donegal Mutual Insurance Company; doc. no. P96-08-060; October 3, 1996, at 9 a.m.;

Appeal of Jennifer L. Olack, file no. 96-121-04973; Erie Insurance Company; doc. no. P96-08-061; October 10, 1996, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-1554. Filed for public inspection September 13, 1996, 9:00 a.m.]

LAWYER TRUST ACCOUNT BOARD

Meeting Notice

A meeting of the Lawyer Trust Account Board will be held on Friday, September 20, 1996, at 10 a.m.

The meeting will be held at the Philadelphia Bar Association, 11th Floor, Committee Room, Philadelphia, PA.

GERALD A. MCHUGH, Jr.,
Chairperson

[Pa.B. Doc. No. 96-1555. Filed for public inspection September 13, 1996, 9:00 a.m.]

MILK MARKETING BOARD

Presubmission Schedule and Prehearing Conference for All Milk Marketing Areas; Over-Order Premium; Hearing

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204), the Commonwealth of Pennsylvania, Milk Marketing Board (Board) will conduct

a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5 and 6 on October 2, 1996, at 9 a.m. in Room 309 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning whether an adjustment should be made to increase the level of the over-order premium, as requested in petitions filed by the Pennsylvania Farm Bureau, the Pennsylvania Farmers Union and the Pennsylvania State Grange.

The petitioners and the staff of the Board shall be deemed to be parties for purposes of this hearing. Other interested persons as defined in section 801 of the Milk Marketing Law who wish to present testimony or exhibits, or both, at the hearing shall file with the Board on or before September 18, 1996, a written request to be included on the Board's list of parties.

(A) Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before September 24, 1996:

(1) A written designation identifying each witness who will testify on behalf of the party at the hearing, including identification of any witness who will testify as an expert.

(2) A statement of the subjects concerning which each witness will testify.

(3) A copy of each exhibit to be presented, including but not limited to financial statements, accounting statements, accounting schedules and economic statistics.

(B) Requests by parties for Board staff to provide data pertinent to this hearing shall be made in writing and received in the Board office on or before September 18, 1996.

(C) Parties shall file seven copies of rebuttal exhibits with the Board and serve one copy on all other parties on or before September 27, 1996.

(D) Parties shall have available in the hearing room at least 20 copies of the documents described in (A)(1)—(3) for the use of nonparties attending the hearing.

(E) Parties wishing the Board to take administrative notice of any document shall, when notice is requested, provide a copy of the document to each Board member and to all other parties. At least 20 additional copies shall be available for the use of nonparties attending the hearing.

The Board may exclude witnesses, evidence or exhibits of a party who failed to comply with the requirements of (A).

There will be a prehearing conference for all parties on September 30, 1996, in Room 110 of the Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA, beginning at 2 p.m.

Persons who require this information in an alternate format should call (717) 787-4194 or 1 (800) 654-5984 (PA Relay Service for TDD users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 96-1556. Filed for public inspection September 13, 1996, 9:00 a.m.]

Presubmission Schedule and Prehearing Conference for Milk Marketing Area No. 5; Hearing

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1204), the Commonwealth of Pennsylvania, Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5. The hearing will commence on October 2, 1996, at 1:30 p.m. and will be continued to October 3, 1996, at 9 a.m., if necessary. The hearing will be held in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The sole purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5 for the following existing costs: processing, packaging, delivery and container. This hearing is being held under Official General Order A-887, section G.

The staff of the Board is deemed to be a party for purposes of this hearing. Other interested persons as defined in section 801 of the Milk Marketing Law who wish to present testimony or exhibits, or both, at the hearing shall file with the Board on or before September 18, 1996, a written request to be included on the Board's list of parties.

(A) Each party shall file with the Board seven copies and serve on all other parties one copy of the following on or before September 24, 1996:

(1) A written designation identifying each witness who will testify on behalf of the party at the hearing, including identification of any witness who will testify as an expert.

(2) A statement of the subjects concerning which each witness will testify.

(3) A copy of each exhibit to be presented, including but not limited to financial statements, accounting statements, accounting schedules and economic statistics.

(B) Requests by parties for Board staff to provide data pertinent to this hearing shall be made in writing and received in the Board office on or before September 18, 1996.

(C) Rebuttal exhibits shall be filed with the Board (seven copies) and served on all other parties (one copy) on or before September 27, 1996.

(D) Parties shall have available in the hearing room at least 20 copies of the documents described in (A)(1)—(3) and (C) for the use of nonparties attending the hearing.

(E) Parties wishing the Board to take administrative notice of any document shall, when notice is requested, provide a copy of the document to each Board member and to all other parties. At least 20 additional copies shall be available for the use of nonparties attending the hearing.

The Board may exclude witnesses, evidence or exhibits of a party who failed to comply with the requirements of (A) or (C).

There will be a prehearing conference for all parties on September 30, 1996, in Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA, beginning at 2:30 p.m.

Persons who require this information in an alternate format should call (717) 787-4194 or 1 (800) 654-5984 (PA Relay Service for TDD users).

O. FRANK DEGARCIA,
Executive Secretary

[Pa.B. Doc. No. 96-1557. Filed for public inspection September 13, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Fuel Adjustment Statements; Doc. No. M-FACS9601-9604

This notice is to inform the public that the following companies:

Community Central Energy Corporation
Trigen-Philadelphia Energy Corporation
Pittsburgh Thermal L. P.
Harrisburg Steam Works

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment clause (Fuel Cost Adjustment) for the 12 month period ending June 30, 1996.

The filing of these statements is required by 66 Pa.C.S. § 1307(e) (relating to sliding scale of rates; adjustments).

The Pennsylvania Public Utility Commission has scheduled a hearing on Thursday, October 10, 1996, at 10 a.m. in the Commission's Hearing Room, Ground Floor, North Office Building, Harrisburg, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1558. Filed for public inspection September 13, 1996, 9:00 a.m.]

Petition of Pennsylvania-American Water Company for Approval to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge; Doc. No. P-00961031

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; Robert K. Bloom

Public meeting held
August 22, 1996

Opinion and Order

By the Commission:

I. Background

On March 15, 1996, the Pennsylvania-American Water Company (PAWC or company) filed the above-referenced petition with this Commission requesting regulatory approval to file and implement an automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC or surcharge) under section 1307(a) of the Public Utility Code. 66 Pa.C.S. § 1307(a).

Section 1307 (a) provides statutory authority for a utility to establish, subject to Commission review and approval, a tariffed automatic adjustment clause mechanism designed to provide "a just and reasonable return on the rate base" of the public utility.

As proposed by PAWC, the DSIC would operate to recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, nonexpense reducing infrastructure rehabilitation projects completed and placed in service between section 1308 base rate cases. The company maintains that the property additions eligible for the DSIC will be limited to revenue neutral infrastructure projects, consisting principally of replacement investments in so-called "mass property" accounts. The DSIC is designed to provide the company with the resources it needs to accelerate its investment in new utility plant to replace aging water distribution infrastructure, facilitating compliance with evolving regulatory requirements imposed by the Safe Drinking Water Act (SDWA) and the implementation of solutions to regional water supply problems.

To illustrate its point, the company states that it has 5,600 miles of mains, that it is currently rehabilitating between 25 and 30 miles of main each year, and that, at that pace, it would require between 185 and 225 years to make all of the needed improvements to existing facilities. The company also states that water service, more than any other utility service, is critical to maintaining public health as water is "a necessity of life and vital for public fire protection services." Petition at 3.

The company alleges that the DSIC may enable it to reduce the frequency of its base rate cases and place the company in a better position to absorb increases in other categories of costs for a longer period, particularly during times of relatively low interest rates. Any reduction in rate case filing frequency would generate costs savings which would inure to the benefit of customers and the Commission. In its petition, the company proposes certain accounts for recovery, time-frames and other procedures to be followed in implementing the DSIC. The details of those procedures will be discussed below.

To begin with, the company proposes that the DSIC become effective for service rendered on and after July 1, 1996. The company also proposes that the initial charge to be calculated would recover the fixed costs of eligible plant additions that have not previously been reflected in the company's rate base and will have been placed in service between January 1, 1996 and May 31, 1996. Thereafter, the company proposes to update the DSIC on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Petition at 3-4.

As to its geographic applicability, the company states that the DSIC will not apply initially to customers located within the authorized service territory formerly served by the Pennsylvania Gas and Water Company (PG&W) that was acquired as of February 16, 1996. Likewise, the company's investment in infrastructure improvements made within the service territory acquired from PG&W are not included in the initial calculation of the surcharge under the DSIC. Petition at 1-2.

The company also proposes that the DSIC be capped at 5% of the amount billed to customers under otherwise applicable rates and charges, exclusive of amounts recovered under the State Tax Adjustment Surcharge (STAS). If the cap is reached, the company would not seek any additional increases. Petition at 4.

As with any section 1307 automatic adjustment clause, the DSIC will be subject to an annual reconciliation, whereby the revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between such revenues and costs will be recouped or refunded to customers, as appropriate, in accordance with section 1307(e). Petition at 5.

Lastly, in terms of procedures, the company proposes that the DSIC will be reset to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the annual costs that had previously been recovered under the DSIC. Petition at 5. And to avoid over recovery of costs in the absence of a base rate case, the company also proposed that the DSIC will be reset to zero if, in any quarter, data filed with the Commission in the company's then most recent Annual or Quarterly Earnings Report shows that the company will earn a rate of return that would exceed the rate of return used to calculate its fixed costs under the DSIC. Petition at 5.

In terms of the legal issues raised by its petition, the company also states that its proposed automatic adjustment clause and procedures are lawful for a number of reasons found in statutory and case law. With regard to statutory law, PAWC states that section 1307(a) of the Public Utility Code, 66 Pa.C.S. § 1307(a), provides that a company may establish a sliding scale of rates or such other method for the automatic adjustment of the rates to recover a variety of costs. Petition at 19. Moreover, the company has cited circumstances in which the Commission has authorized the use of section 1307(a) automatic adjustment clauses to recover a wide array of expenses, depreciation and capital costs. See *Pennsylvania Industrial Energy Coalition v. Pa. P.U.C.*, 653 A.2d 1336 (Pa. Cmwlth. 1995) (PIEC) (recovery of electric utilities' demand-side management costs); 52 Pa. Code § 69.181 (recovery of gas utilities' take or pay liabilities to pipeline suppliers); 52 Pa. Code § 69.341(b) (recovery of gas utilities' gas supply realignment costs and stranded costs resulting from Federal Energy Regulatory Commission Order 636); and 52 Pa. Code § 69.353 (recovery of water utilities' principal and interest due on PennVEST obligations). Petition at 20-21.

Answers were filed by the Office of Trial Staff (OTS) (Answer filed April 4, 1996), the Office of Small Business Advocate (OSBA) (Answer filed May 3, 1996), the Pennsylvania-American Water Large Users Group (PAWLUG) (Answer filed May 6, 1996), and the Office of Consumer Advocate (OCA) (Comments and testimony filed May 6, 1996). Protests to the petition were also filed by individual customers.

In its answer, the OTS requests that the Commission deny the company's petition based on legal and technical grounds. With regard to the legal objections, the OTS argues that, since the facilities are "new" facilities, the company is attempting to circumvent a base rate review through the use of a surcharge, in violation of the Court's decision in *PIEC*.

The OSBA's answer did not submit legal arguments opposing the implementation of the DSIC. Rather, the OSBA has requested that the Commission conduct a thorough investigation regarding the reasonableness and lawfulness of the proposed tariff supplement as they affect the company's various customer classes.

In its comments, the OCA argues against the implementation of the DSIC alleging that the company does not need the DSIC mechanism and that implementation

of a DSIC mechanism would provide in excess of a fair return to the company. With regard to legal arguments, OCA challenges the legality of the surcharge based upon the same arguments outlined in OTS' answer based on its interpretation of section 1307(a) and the *PIEC* decision.

On April 16 and May 30, 1996, the company filed replies with the Commission addressing the comments raised in the answers filed by OTS, OSBA, PAWLUG and OCA. In PAWC's reply to the various parties concerning the legality of the DSIC, the company continued to support the legality of a surcharge under section 1307(a) of the Public Utility Code and the Commonwealth Court decision in *PIEC*, and supplied rebuttal arguments in support of its need for the DSIC and the legality of its proposal.

II. Discussion

At the outset of this discussion regarding the PAWC petition, we believe it necessary to clarify the Commission's view of the scope of this proceeding and the nature of the PAWC proposal. Because the PAWC petition requests regulatory approval to file and implement a certain type of automatic adjustment clause, we will not address, in this order, the specific factual issues that may be raised by the proposed tariff supplement and sample DSIC rate calculations submitted as Exhibits A and B to the petition. The Commission views these exhibits as no more than an illustration of how the company's proposal would operate. Indeed, as explained below, the specific tariff supplement proposed by PAWC will not be approved by this order.

Therefore, to the extent that parties have objections and/or complaints to the rates to be charged by means of an automatic adjustment clause that provides for the recovery of a water company's infrastructure improvement costs, those objections and/or complaints would be appropriately addressed to an actual PAWC tariff filing that contains specific rates to be charged to consumers based on specific distribution system improvement expenditures. A section 701 complaint would be the appropriate procedural vehicle to challenge such a tariff filing and, provided that factual issues are raised, the filing of such a complaint will entitle the complainant to a hearing before an administrative law judge and an adjudication of the complaint.

Thus, the key issues raised by the PAWC petition, and to be resolved in this order, are generic threshold issues regarding (1) the legality of the type of automatic adjustment clause proposed by the company and (2) the appropriate general structure of such an automatic adjustment clause that conforms to the requirement of the statute and Pennsylvania case law. In other words, this proceeding will address the legal issue concerning the adoption of the surcharge pursuant to section 1307(a) of the Code. In addition, the Commission will outline the general parameters of a surcharge mechanism that meets the requirement of the statute, that is consistent with the case law, that has adequate safeguards to protect consumers' interests and, therefore, constitutes a surcharge that is likely to receive regulatory approval when filed.

To begin with, we applaud companies who present this Commission with innovative ideas to address recurring problems for their respective industries. In the water industry, companies are faced with the dual tasks of improving the quality of the water delivered to customers due to the new mandates of the SDWA and other governmental requirements and, at the same time, maintaining an aging water utility infrastructure. We recog-

nize that, in recent years, PAWC and other Pennsylvania water companies have been required to make significant investments in new utility plant for projects such as the filtration of surface water supplies, the replacement of aging water distribution plant and the implementation of meter replacement programs. In addition, water companies face the daunting challenge of rehabilitating their existing distribution infrastructure before the property reaches the end of its service life to avoid serious public health and safety risks.

In the Commission's judgment, the establishment of a DSIC along the lines proposed by PAWC can substantially aid the water company in meeting these challenges on behalf of the water consuming public. We agree with the company that the establishment of a DSIC would enable the company to address, in an orderly and comprehensive manner, the problems presented by its aging water distribution system, and would have a direct and positive effect upon water quality, water pressure and service reliability. For these reasons, we endorse the concept of using an automatic adjustment clause to address this regulatory problem for the water industry in Pennsylvania and, in particular, the type of DSIC proposed by PAWC.

A. Legal Issues

In Pennsylvania, utility costs are recovered from customers through section 1308 base rates and through section 1307 automatic adjustment clauses. The purpose of a section 1307 automatic adjustment clause is to provide an automatic mechanism enabling utilities to recover specific costs not covered by general rates. *Allegheny Ludlum Steel Corporation v. Pa. P.U.C.*, 501 Pa. 71, 75 n.3, 459 A.2d 1218, 1220 n.3 (1983). Moreover, section 1307(e), 66 Pa.C.S. § 1307(e), provides that the automatic adjustment clause procedures shall include an annual report detailing the revenues collected and the expenses incurred under the automatic adjustment clause, followed by a public hearing to reconcile the amounts and to determine any refunds owed to customers or additional recovery due from customers.

Until recently, an automatic adjustment clause has usually been applied only to gas and electric companies. However, the Commission has provided for the recovery of capital costs in at least one instance to date, i.e., for PECO Energy's costs to convert oil-fired units to units which burn natural gas. *Philadelphia Electric Co. ECR No. 3*, Docket No. M-00920312 (Order adopted April 1, 1993). The Commission has also adopted a policy statement which encourages water companies to seek section 1307(a) cost recovery for their PENNVEST debt costs, 52 Pa. Code § 69.361, and policy statements approving section 1307 cost recovery for certain FERC Order 636 stranded costs, 52 Pa. Code § 69.341(b)(4), and electric utility coal uprating costs, 52 Pa. Code § 57.124(a). Moreover, since 1970, the Commission has authorized all utilities to use an automatic adjustment clause mechanism to recover certain incremental changes in State tax rates. 52 Pa. Code § 69.44.

Pennsylvania case law regarding the permissible scope of section 1307 cost recovery, while not extensive, supports a broad interpretation of that section. In *National Fuel Gas Distribution Corp. v. Pa. P.U.C.*, 473 A.2d 1109, 1121 (Pa. Cmwlth. 1984), the Commonwealth Court held that the purpose of section 1307 of the Code is to permit reflection in customer charges of changes in one component of a utility's cost of providing public service without the necessity of the "broad, costly and time-consuming inquiry" required in a section 1308 base rate case.

Moreover, under the 1995 *PIEC* decision, the Commonwealth Court adopted the Commission's legal position that its use of section 1307 was not limited to fuel and purchased power costs. At the same time, the Commonwealth Court cautioned that section 1307 should have limited application and should not override the traditional ratemaking process. *PIEC* at 1349. In determining whether DSM costs could be recovered through the section 1307 mechanism, the Court wrote:

Although we agree that Section 1307 should have limited application and the PUC should not use it to disassemble the traditional rate-making process, *the General Assembly did not limit the allowance of automatic adjustment to only fuel costs and taxes which are generally beyond the control of the utility. Instead, the General Assembly specifically allowed the recovery of fuel costs and also allowed the PUC or the utilities to initiate the automatic adjustment of costs within specific procedures...* In this case, Section 1319 of the Code specifically states that all prudent and reasonable costs should be recovered and sets forth requirements that the proposed programs be determined to be "prudent and cost-effective" by the PUC (or the Bureau of Conservation, Economics and Energy Planning as designated by the PUC), before any costs may be recovered through the surcharge mechanism.

PIEC at 1349 (emphasis added). The Court then concluded that the recovery of DSM costs under section 1307 was lawful because the language of section 1307 gives the Commission discretion to establish automatic adjustment clauses for the recovery of prudently incurred costs, and because in section 1319 the legislature specifically identified and provided for the recovery of prudent and reasonable costs for developing DSM programs.

Clearly, the Court in *PIEC* recognized the importance of the statute (section 1319) in providing for the recovery of development costs of the DSM programs via section 1307. However, the Court also recognized that the language of section 1307 is not limited to a narrow set of costs (as advocated by the industrials), that whether the costs at issue should be recovered via an automatic adjustment clause is a matter of Commission discretion, and that the court "is not free to substitute its discretion for the discretion properly exercised by the PUC in establishing the surcharge method." *PIEC* at 1349.

Turning to the PAWC proposal to file and implement an automatic adjustment clause to recover its distribution system improvement costs, we find that the proposal is appropriately limited and narrowly tailored to recover a specific category of utility costs—the incremental fixed costs (depreciation and pre-tax return) associated with nonrevenue producing, nonexpense reducing distribution system improvement projects completed and placed in service between base rate cases. Recovery of this narrow set of costs is clearly permitted under section 1307(a) (which has no cost category limitation in its language) and Pennsylvania case law; and, in the Commission's judgment, this proposal is in no way a mechanism to "disassemble" the traditional ratemaking process for several reasons: first, the DSIC is designed to identify and recover the distribution system improvement costs incurred between rate cases; second, the costs to be recovered represent a narrow subset of the company's total cost of service; and third, the DSIC amount will be capped at a relatively low level to prevent any long-term evasion of a base rate review of these plant costs. Indeed, the company's proposal recognizes that there will be a full

review of these costs in a subsequent section 1308 base rate proceeding. We also note that the DSIC is designed to reflect only the costs of the eligible plant additions that are actually placed in service during the 3-month periods ending 1 month prior to the effective date of each surcharge update; this key provision serves to avoid any potential violation of section 1315 and this State's long-standing "used and useful" rule.

Additionally, we find that sections 1307(d) and (e) provide broad auditing powers to the Commission and a formal reconciliation mechanism to carefully monitor the operation of such a surcharge. While admittedly section 1307(d) is addressed to fuel cost adjustment audits, we do not view the Commission's auditing power over automatic adjustment clauses as limited to only fuel costs, given the broad auditing and investigative powers granted to the Commission via sections 504, 505, 506, and 516 of the Public Utility Code. 66 Pa.C.S. §§ 504, 505, 506, 516. Nor would we be likely to approve a utility's request for approval of an automatic adjustment clause in the absence of its complete agreement that the Commission has such auditing powers. Moreover, section 1307(e) provides for a mandatory annual reconciliation report regarding the revenues and expenses recovered via an automatic adjustment clause and a "public hearing on the substance of the report and any matters pertaining to the use by such public utility" of the automatic adjustment clause. As such, the costs to be recovered via the company's DSIC proposal will be subject to the Commission's auditing powers, an annual reconciliation report and public hearings.

B. General Tariff Parameters

The basic elements of a tariff supplement to implement a lawful DSIC mechanism include a statement of purpose and description of eligible property, a specification of its effective date and the dates of its subsequent quarterly updates, details regarding the computation methodology and appropriate consumer safeguards. The proposed tariff supplement included with the PAWC petition, as Exhibit A, has no such details. Therefore, in order to provide guidance to PAWC and any other water utility that may need to implement a DSIC, the Commission has developed sample tariff language that, if used in a water utility's section 1307 proposed tariff supplement, is likely to receive the Commission's approval. The sample tariff language is contained in Appendix A to this order.

A properly designed tariff supplement to establish a DSIC that meets the requirement of section 1307 and contains adequate consumer safeguards should include the following features:

- specification of the eligible plant accounts by type and account number;
- elimination from eligibility of (a) the costs of extending facilities to serve new customers¹ and (b) the costs of projects funded by PENNVEST loans;
- include recovery of main extensions installed to eliminate dead ends and to implement solutions to regional water supply problems that have been documented as presenting a significant health and safety concern to existing customers;
- provision of a prospective January 1, 1997 effective date for the tariff supplement and the property eligible for the initial filing;

¹ For purposes of the DSIC surcharge, the existing customers of a newly-acquired water company are not "new customers" and, thus, the replacement of aging water distribution facilities by the acquiring water utility in order to maintain safe, reliable and adequate service to such customers would be eligible for DSIC recovery.

—if more than 2 years have elapsed since the utility's last base rate case, use of the equity return rate determined by staff and specified in the latest Quarterly Earnings Report released by the Commission;

—greater specification of the depreciation and pretax return elements in the formula to calculate the DSIC;

—added provision to provide interest to consumers for any over recoveries during operation of the DSIC; and

—provision for customer notice of any DSIC changes.

Thus, use of the sample tariff language will fully explain the DSIC computation, including a listing of DSIC eligible property and related account numbers, so that in future years the purpose and intent of the DSIC surcharge will be apparent from reading only the tariff supplement. Additionally, the inclusion of plant account numbers and descriptions of property eligible for DSIC cost recovery parallels the format used for other section 1307 surcharges, such as the ECR for electric utilities, the GCR for gas distribution utilities and the SCR for steam heat companies.

With these key changes to PAWC's proposal, the eligible property, filing dates, calculation parameters, and consumer safeguards will be clearly specified. Moreover, we note here that the provisions (1) for resetting the DSIC to zero if the company's rate of return exceeds its allowable rate of return, and (2) for resetting the DSIC to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the eligible plant costs both serve as effective and reliable rate mechanisms to insure that the DSIC automatic adjustment clause will not produce rates in excess of a fair return to the utility, as required by section 1307(a). We also note that the provision of a 5% of billed revenues cap on the maximum amount of any DSIC insures that the surcharge mechanism will not evade the section 1308 base rate process and its intensive top-to-bottom review of all company revenue, expense, rate base and return claims. See Appendix A. In other words, the 5% cap will insure that the surcharge will not allow the company to avoid a base rate review of the eligible property in perpetuity.

Accordingly, although we are denying the PAWC petition to the extent that it requests permission to file and implement a section 1307(a) tariff supplement to implement a surcharge as set forth in its Exhibit A, we invite the company to file a new tariff supplement consistent with the parameters outlined in the sample tariff language set forth in Appendix A to this order. The sample tariff language in Appendix A is identical to that recommended for the Philadelphia Suburban Water Company at Docket No. P-00961036 which has also requested permission to establish a DSIC surcharge.

As with other section 1307 tariff filings, the new tariff supplement would provide for a notice period of no less than 60 days to allow sufficient time for staff review of the proposed tariff supplement and its initial rates for consistency with the sample tariff language and for accuracy of the plant account, depreciation, pre-tax return and other elements of the DSIC calculation. If recommended for approval by staff and formally approved by the Commission, the tariff supplement and initial rates to implement the DSIC will be permitted to go into effect, subject to the outcome of any timely filed complaints. Subsequent quarterly updates, however, may be filed on 10 days notice as originally proposed by the company.

Therefore, It Is Ordered That:

1. The petition filed by the Pennsylvania American Water Company (PAWC) to file and implement a section

1307(a) automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC) is hereby approved in part and denied in part consistent with this order.

2. All protests, answers and other objections filed with respect to the PAWC petition are hereby granted in part and denied in part consistent with this order.

3. Any complaints regarding the rates to be charged under a DSIC tariff supplement may be filed if and when PAWC files a tariff supplement with specific rates in accordance with the tariff parameters outlined by this order.

4. The parameters set forth in the Appendix A are hereby adopted to serve as sample tariff language to be implemented for tariff supplements to establish a DSIC.

5. The normal auditing, reconciliation, reporting and public hearing procedures applicable to all 1307(e) filings will likewise apply to all DSIC tariff supplements.

6. This order be published in the *Pennsylvania Bulletin*.

7. This order be served upon Pennsylvania American Water Company, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, the Pennsylvania-American Water Large Users Group, and the National Association of Water Companies.

JOHN G. ALFORD,
Secretary

APPENDIX A

Sample Tariff Language

Distribution System Improvement Charge (DSIC)

I. General Description

Purpose: To recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, non-expense reducing distribution system improvement projects completed and placed in service and to be recorded in the individual accounts, as noted below, between base rate cases and to provide the Company with the resources to accelerate the replacement of aging water distribution infrastructure, to comply with evolving regulatory requirements imposed by the Safe Drinking Water Act and to develop and implement solutions to regional water supply problems. The costs of extending facilities to serve new customers are not recoverable through the DSIC. Also, Company projects receiving PENNVEST funding are not DSIC-eligible property.

Eligible Property: The DSIC-eligible property will consist of the following:

—services (account 323), meters (account 324) and hydrants (account 325) installed as in-kind replacements for customers;

—mains and valves (account 322) installed as replacements for existing facilities that have worn out, are in deteriorated condition, or upgraded to meet Chapter 65 regulations of Title 52;

—main extensions (account 322) installed to eliminate dead ends and to implement solutions to regional water supply problems that have been documented as presenting a significant health and safety concern for customers currently receiving service from the Company or the acquired Company;

—main cleaning and relining (account 322) projects; and

—unreimbursed funds related to capital projects to relocate Company facilities due to highway relocations.

Effective Date: The DSIC will become effective for bills rendered on and after January 1, 1997.

II. Computation of the DSIC

Calculation: The initial charge, effective January 1, 1997, shall be calculated to recover the fixed costs of eligible plant additions that have not previously been reflected in the Company's rate base and will have been placed in service between September 1, 1996, and November 30, 1996. Thereafter, the DSIC will be updated on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Thus, changes in the DSIC rate will occur as follows:

<i>Effective Date of Change</i>	<i>Date To Which DSIC-Eligible Plant Addition Reflected</i>
April 1	February 28
July 1	May 30
October 1	August 31
January 1	November 30

The fixed costs of eligible distribution system improvement projects will consist of depreciation and pre-tax return, calculated as follows:

Depreciation: The depreciation expense will be calculated by applying to the original cost of DSIC-eligible property the annual accrual rates employed in the Company's last base rate case for the plant accounts in which each retirement unit of DSIC-eligible property is recorded.

Pre-tax return: The pre-tax return will be calculated using the State and Federal income tax rates, the Company's actual capital structure and actual cost rates for long-term debt and preferred stock as of the last day of the 3-month period ending 1 month prior to the effective date of the DSIC and subsequent updates. The cost of equity will be the equity return rate approved in the Company's last fully-litigated base rate proceeding for which a final order was entered not more than 2 years prior to the effective date of the DSIC. If more than 2 years shall have elapsed between the entry of such a final order and the effective date of the DSIC, then the equity return rate used in the calculation will be the equity return rate calculated by the Commission Staff in the latest Quarterly Report on the Earnings of Jurisdictional Utilities released by the Commission.

DSIC Surcharge Amount: The charge will be expressed as a percentage carried to two decimal places and will be applied to the total amount billed to each customer under the Company's otherwise applicable rates and charges, excluding amounts billed for public fire protection service and the State Tax Adjustment Surcharge (STAS). To calculate the DSIC, one-fourth of the annual fixed costs associated with all property eligible for cost recovery under the DSIC will be divided by the Company's projected revenue for sales of water for the quarterly period during which the charge will be collected, exclusive of revenues from public fire protection service and the STAS.

Formula: The formula for calculation of the DSIC surcharge is as follows:

$$\text{DSIC} = \frac{(\text{DSI} \times \text{PTRR}) + \text{Dep} + e}{\text{PQR}}$$

Where:

- DSI = the original cost of eligible distribution system improvement projects.
- PTRR = the pre-tax return rate applicable to eligible distribution system improvement projects.
- Dep = Depreciation expense related to eligible distribution system improvement projects.
- e = the amount calculated under the annual reconciliation feature as described below.
- PQR = Projected quarterly revenue including any revenue from acquired companies that are now being charged the rates of the acquiring company.

Quarterly updates: Supporting data for each quarterly update will be filed with the Commission and served upon the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate at least 10 days prior to the effective date of the update.

III. Safeguards

Cap: The DSIC will be capped at 5% of the amount billed to customers under otherwise applicable rates and charges.

Audit/Reconciliation: The DSIC will be subject to audit at intervals determined by the Commission. It will also be subject to annual reconciliation based on a reconciliation period consisting of the 12 months ending December 31 of each year. The revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between revenue and costs will be recouped or refunded, as appropriate, in accordance with section 1307(e), over a 1 year period commencing on April 1 of each year. If DSIC revenues exceed DSIC-eligible costs, such overcollections will be refunded with interest. Interest on the overcollections will be calculated at the residential mortgage lending specified by the Secretary of Banking in accordance with the Loan Interest and Protection Law (41 P. S. § 101, et seq.) and will be refunded in the same manner as an overcollection.

New Base Rates: The charge will be reset at zero as of the effective date of new base rates that provide for prospective recovery of the annual costs that had theretofore been recovered under the DSIC. Thereafter, only the fixed costs of new eligible plant additions, that have not previously been reflected in the Company's rate base, would be reflected in the quarterly updates of the DSIC.

Earning Reports: The charge will also be reset at zero if, in any quarter, data filed with the Commission in the Company's then most recent Annual or Quarterly Earnings reports show that the Company will earn a rate of return that would exceed the allowable rate of return used to calculate its fixed costs under the DSIC as described in the Pre-tax return section.

Customer Notice: Customers shall be notified of changes in the DSIC by including appropriate information on the first bill they receive following any change. An

explanatory bill insert shall also be included with the first billing.

[Pa.B. Doc. No. 96-1559. Filed for public inspection September 13, 1996, 9:00 a.m.]

Petition of Philadelphia Suburban Water Company for Approval to Implement a Tariff Supplement Establishing a Distribution System Improvement Charge; Doc. No. P-00961036

Commissioners Present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; Robert K. Bloom

Public meeting held
August 22, 1996

Opinion and Order

By the Commission:

I. Background

On March 20, 1996, the Philadelphia Suburban Water Company (PSWC or company) filed the above-referenced petition with this Commission requesting regulatory approval to file and implement an automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC or surcharge) under section 1307(a) of the Public Utility Code. 66 Pa.C.S. § 1307(a). Section 1307 (a) provides statutory authority for a utility to establish, subject to Commission review and approval, a tariffed automatic adjustment clause mechanism designed to provide "a just and reasonable return on the rate base" of the public utility.

As proposed by PSWC, the DSIC would operate to recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, nonexpense reducing infrastructure rehabilitation projects completed and placed in service between section 1308 base rate cases. The company maintains that the property additions eligible for the DSIC will be limited to revenue neutral infrastructure projects, consisting principally of replacement investments in so-called "mass property" accounts. The DSIC is designed to provide the company with the resources it needs to accelerate its investment in new utility plant to replace aging water distribution infrastructure, facilitating compliance with evolving regulatory requirements imposed by the Safe Drinking Water Act (SDWA) and the implementation of solutions to regional water supply problems.

To illustrate its point, the company states that it has 3,180 miles of mains, that it is currently rehabilitating approximately 15 miles of main each year, and that, at that pace, it would require approximately 212 years to make all of the needed improvements to existing facilities. The company also states that water service, more than any other utility service, is critical to maintaining public health as water is "a necessity of life and vital for public fire protection services." Petition at 3.

The company alleges that the DSIC may enable it to break out of a cycle, imposed on it by its capital investment needs, of filing base rate relief every 15 months. Any reduction in rate case filing frequency would generate costs savings which would inure to the benefit of customers and the Commission. In its petition, the company proposes certain accounts for recovery, time-frames and other procedures to be followed in implementing the DSIC. The details of those procedures will be discussed below.

To begin with, the company proposes that the DSIC become effective for service rendered on and after July 1, 1996. The company also proposes that the initial charge to be calculated would recover the fixed costs of eligible plant additions that have not previously been reflected in the company's rate base and will have been placed in service between January 1, 1996 and May 31, 1996. Thereafter, the company proposes to update the DSIC on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Petition at 3-4.

The company also proposes that the DSIC be capped at 5% of the amount billed to customers under otherwise applicable rates and charges, exclusive of amounts recovered under the State Tax Adjustment Surcharge (STAS). If the cap is reached, the company would not seek any additional increases. Petition at 4.

As with any section 1307 automatic adjustment clause, the DSIC will be subject to an annual reconciliation, whereby the revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between such revenues and costs will be recouped or refunded to customers, as appropriate, in accordance with section 1307(e). Petition at 5.

Lastly, in terms of procedures, the company proposes that the DSIC will be reset to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the annual costs that had previously been recovered under the DSIC. Petition at 5. And to avoid over recovery of costs in the absence of a base rate case, the company also proposed that the DSIC will be reset to zero if, in any quarter, data filed with the Commission in the company's then most recent Annual or Quarterly Earnings Report shows that the company will earn a rate of return that would exceed the rate of return used to calculate its fixed costs under the DSIC. Petition at 5.

In terms of the legal issues raised by its petition, the company also states that its proposed automatic adjustment clause and procedures are lawful for a number of reasons found in statutory and case law. With regard to statutory law, PSWC states that section 1307(a) of the Public Utility Code, 66 Pa.C.S. § 1307(a), provides that a company may establish a sliding scale of rates or such other method for the automatic adjustment of the rates to recover a variety of costs. Petition at 19. Moreover, the company has cited circumstances in which the Commission has authorized the use of section 1307(a) automatic adjustment clauses to recover a wide array of expenses, depreciation and capital costs. See *Pennsylvania Industrial Energy Coalition v. Pa. P.U.C.*, 653 A.2d 1336 (Pa. Cmwlth. 1995) (PIEC) (recovery of electric utilities' demand-side management costs); 52 Pa. Code § 69.181 (recovery of gas utilities' take or pay liabilities to pipeline suppliers); 52 Pa. Code § 69.341(b) (recovery of gas utilities' gas supply realignment costs and stranded costs resulting from Federal Energy Regulatory Commission Order 636); and 52 Pa. Code § 69.353 (recovery of water utilities' principal and interest due on PennVEST obligations). Petition at 20-21.

Answers were filed by the Office of Trial Staff (OTS) (Answer filed April 9, 1996), the Office of Small Business Advocate (OSBA) (Answer filed May 3, 1996) and the Office of Consumer Advocate (OCA) (Comments and testimony filed May 6, 1996). Protests to the petition were also filed by many individual customers.

In its answer, the OTS requests that the Commission deny the company's petition based on legal and technical grounds. With regard to the legal objections, the OTS argues that, since the facilities are "new" facilities, the company is attempting to circumvent a base rate review through the use of a surcharge, in violation of the Court's decision in *PIEC*.

The OSBA's answer did not submit legal arguments opposing the implementation of the DSIC. Rather, the OSBA has requested that the Commission conduct a thorough investigation regarding the reasonableness and lawfulness of the proposed tariff supplement as they affect the company's various customer classes.

In its comments, the OCA argues against the implementation of the DSIC alleging that the company does not need the DSIC mechanism and that implementation of a DSIC mechanism would provide in excess of a fair return to the company. With regard to legal arguments, OCA challenges the legality of the surcharge based upon the same arguments outlined in OTS' answer based on its interpretation of section 1307(a) and the *PIEC* decision.

On May 30, 1996, the company filed a reply with the Commission addressing the comments raised in the answers filed by OTS, OSBA and OCA. The OCA then filed a response to this reply on June 19, 1996. In PSWC's reply to the various parties concerning the legality of the DSIC, the company continued to support the legality of a surcharge under section 1307(a) of the Public Utility Code and the Commonwealth Court decision in *PIEC*, and supplied rebuttal arguments in support of its need for the DSIC and the legality of its proposal.

II. Discussion

At the outset of this discussion regarding the PSWC petition, we believe it necessary to clarify the Commission's view of the scope of this proceeding and the nature of the PSWC proposal. Because the PSWC petition requests regulatory approval to file and implement a certain type of automatic adjustment clause, we will not address, in this order, the specific factual issues that may be raised by the proposed tariff supplement submitted as Exhibit A to the petition. The Commission views the tariff supplement in Exhibit A as no more than the company's proposal as to how such an automatic adjustment clause should be structured. Indeed, as explained below, the specific tariff supplement proposed by PSWC will not be approved by this order.

Therefore, to the extent that parties have objections and/or complaints to the rates to be charged by means of an automatic adjustment clause that provides for the recovery of a water company's infrastructure improvement costs, those objections and/or complaints would be appropriately addressed to an actual PSWC tariff filing that contains specific rates to be charged to consumers based on specific distribution system improvement expenditures. A section 701 complaint would be the appropriate procedural vehicle to challenge such a tariff filing and, provided that factual issues are raised, the filing of such a complaint will entitle the complainant to a hearing before an administrative law judge and an adjudication of the complaint.

Thus, the key issues raised by the PSWC petition, and to be resolved in this order, are generic threshold issues regarding (1) the legality of the type of automatic adjustment clause proposed by the company and (2) the appropriate general structure of such an automatic adjustment clause that conforms to the requirement of the statute and Pennsylvania case law. In other words, this proceed-

ing will address the legal issue concerning the adoption of the surcharge under section 1307(a) of the Code. In addition, the Commission will outline the general parameters of a surcharge mechanism that meets the requirement of the statute, that is consistent with the case law, that has adequate safeguards to protect consumers' interests and, therefore, constitutes a surcharge that is likely to receive regulatory approval when filed.

To begin with, we applaud companies who present this Commission with innovative ideas to address recurring problems for their respective industries. In the water industry, companies are faced with the dual tasks of improving the quality of the water delivered to customers due to the new mandates of the SDWA and other governmental requirements and, at the same time, maintaining an aging water utility infrastructure. We recognize that, in recent years, PSWC and other Pennsylvania water companies have been required to make significant investments in new utility plant for projects such as the filtration of surface water supplies, the replacement of aging water distribution plant and the implementation of meter replacement programs. In addition, water companies face the daunting challenge of rehabilitating their existing distribution infrastructure before the property reaches the end of its service life to avoid serious public health and safety risks.

In the Commission's judgment, the establishment of a DSIC along the lines proposed by PSWC can substantially aid the water company in meeting these challenges on behalf of the water consuming public. We agree with the company that the establishment of a DSIC would enable the company to address, in an orderly and comprehensive manner, the problems presented by its aging water distribution system, and would have a direct and positive effect upon water quality, water pressure and service reliability. For these reasons, we endorse the concept of using an automatic adjustment clause to address this regulatory problem for the water industry in Pennsylvania and, in particular, the type of DSIC proposed by PSWC.

A. Legal Issues

In Pennsylvania, utility costs are recovered from customers through section 1308 base rates and through section 1307 automatic adjustment clauses. The purpose of a section 1307 automatic adjustment clause is to provide an automatic mechanism enabling utilities to recover specific costs not covered by general rates. *Allegheny Ludlum Steel Corporation v. Pa. P.U.C.* 501 Pa. 71, 75 n.3, 459 A.2d 1218, 1220 n.3 (1983). Moreover, section 1307(e), 66 Pa.C.S. § 1307(e), provides that the automatic adjustment clause procedures shall include an annual report detailing the revenues collected and the expenses incurred under the automatic adjustment clause, followed by a public hearing to reconcile the amounts and to determine any refunds owed to customers or additional recovery due from customers.

Until recently, an automatic adjustment clause has usually been applied only to gas and electric companies. However, the Commission has provided for the recovery of capital costs in at least one instance to date, i.e., for PECO Energy's costs to convert oil-fired units to units which burn natural gas. *Philadelphia Electric Co. ECR No. 3*, Docket No. M-00920312 (Order adopted April 1, 1993). The Commission has also adopted a policy statement which encourages water companies to seek section 1307(a) cost recovery for their PENNVEST debt costs, 52 Pa. Code § 69.361, and policy statements approving section 1307 cost recovery for certain FERC Order 636

stranded costs, 52 Pa. Code § 69.341(b)(4), and electric utility coal uprating costs, 52 Pa. Code § 57.124(a). Moreover, since 1970, the Commission has authorized all utilities to use an automatic adjustment clause mechanism to recover certain incremental changes in State tax rates. 52 Pa. Code § 69.44.

Pennsylvania case law regarding the permissible scope of section 1307 cost recovery, while not extensive, supports a broad interpretation of that section. In *National Fuel Gas Distribution Corp. v. Pa. P.U.C.*, 473 A.2d 1109, 1121 (Pa. Cmwlth. 1984), the Commonwealth Court held that the purpose of section 1307 of the code is to permit reflection in customer charges of changes in one component of a utility's cost of providing public service without the necessity of the "broad, costly and time-consuming inquiry" required in a section 1308 base rate case. Moreover, under the 1995 *PIEC* decision, the Commonwealth Court adopted the Commission's legal position that its use of section 1307 was not limited to fuel and purchased power costs. At the same time, the Commonwealth Court cautioned that section 1307 should have limited application and should not override the traditional ratemaking process. *PIEC* at 1349. In determining whether DSM costs could be recovered through the section 1307 mechanism, the Court wrote:

Although we agree that Section 1307 should have limited application and the PUC should not use it to disassemble the traditional rate-making process, *the General Assembly did not limit the allowance of automatic adjustment to only fuel costs and taxes which are generally beyond the control of the utility. Instead, the General Assembly specifically allowed the recovery of fuel costs and also allowed the PUC or the utilities to initiate the automatic adjustment of costs within specific procedures...* In this case, Section 1319 of the Code specifically states that all prudent and reasonable costs should be recovered and sets forth requirements that the proposed programs be determined to be "prudent and cost-effective" by the PUC (or the Bureau of Conservation, Economics and Energy Planning as designated by the PUC), before any costs may be recovered through the surcharge mechanism.

PIEC at 1349 (emphasis added). The Court then concluded that the recovery of DSM costs under section 1307 was lawful because the language of section 1307 gives the Commission discretion to establish automatic adjustment clauses for the recovery of prudently incurred costs, and because in section 1319 the legislature specifically identified and provided for the recovery of prudent and reasonable costs for developing DSM programs.

Clearly, the Court in *PIEC* recognized the importance of the statute (section 1319) in providing for the recovery of development costs of the DSM programs via section 1307. However, the Court also recognized that the language of section 1307 is not limited to a narrow set of costs (as advocated by the industrials), that whether the costs at issue should be recovered via an automatic adjustment clause is a matter of Commission discretion, and that the court "is not free to substitute its discretion for the discretion properly exercised by the PUC in establishing the surcharge method." *PIEC* at 1349.

Turning to the PSWC proposal to file and implement an automatic adjustment clause to recover its distribution system improvement costs, we find that the proposal is appropriately limited and narrowly tailored to recover a specific category of utility costs—the incremental fixed costs (depreciation and pre-tax return) associated with

nonrevenue producing, nonexpense reducing distribution system improvement projects completed and placed in service between base rate cases. Recovery of this narrow set of costs is clearly permitted under section 1307(a) (which has no cost category limitation in its language) and Pennsylvania case law; and, in the Commission's judgment, this proposal is in no way a mechanism to "disassemble" the traditional ratemaking process for several reasons: first, the DSIC is designed to identify and recover the distribution system improvement costs incurred between rate cases; second, the costs to be recovered represent a narrow subset of the company's total cost of service; and third, the DSIC amount will be capped at a relatively low level to prevent any long-term evasion of a base rate review of these plant costs. Indeed, the company's proposal recognizes that there will be a full review of these costs in a subsequent section 1308 base rate proceeding. We also note that the DSIC is designed to reflect only the costs of the eligible plant additions that are actually placed in service during the 3-month periods ending 1 month prior to the effective date of each surcharge update; this key provision serves to avoid any potential violation of section 1315 and this State's long-standing "used and useful" rule.

Additionally, we find that sections 1307(d) and (e) provide broad auditing powers to the Commission and a formal reconciliation mechanism to carefully monitor the operation of such a surcharge. While admittedly section 1307(d) is addressed to fuel cost adjustment audits, we do not view the Commission's auditing power over automatic adjustment clauses as limited to only fuel costs, given the broad auditing and investigative powers granted to the Commission via sections 504, 505, 506, and 516 of the Public Utility Code. 66 Pa.C.S. §§ 504, 505, 506, 516. Nor would we be likely to approve a utility's request for approval of an automatic adjustment clause in the absence of its complete agreement that the Commission has such auditing powers. Moreover, section 1307(e) provides for a mandatory annual reconciliation report regarding the revenues and expenses recovered via an automatic adjustment clause and a "public hearing on the substance of the report and any matters pertaining to the use by such public utility" of the automatic adjustment clause. As such, the costs to be recovered via the company's DSIC proposal will be subject to the Commission's auditing powers, an annual reconciliation report and public hearings.

B. General Tariff Parameters

The basic elements of a tariff supplement to implement a lawful DSIC mechanism include a statement of purpose and description of eligible property, a specification of its effective date and the dates of its subsequent quarterly updates, details regarding the computation methodology and appropriate consumer safeguards. The proposed tariff supplement included with the PSWC petition, as Exhibit A, includes most of these elements but, in the Commission's judgment, certain elements should be modified in order to adequately protect consumer interests and to comply with section 1307. In order to provide guidance to PSWC and any other water utility that may need to implement a DSIC, the Commission has developed sample tariff language that, if used in a water utility's section 1307 proposed tariff supplement, is likely to receive the Commission's approval. The sample tariff language is contained in Appendix A to this order.

The major differences between the tariff supplement proposed by PSWC and the sample tariff language in Appendix A can be summarized as follows:

- specification of the eligible plant accounts by type and account number;

- provision to include recovery of main extensions installed to implement solutions to regional water supply problems that have been documented as presenting a significant public health and safety concern to existing customers;

- specification that the costs of projects funded by PENNVEST loans are not eligible;

- provision of a prospective January 1, 1997 effective date for the tariff supplement and the property eligible for the initial filing;

- if more than 2 years have elapsed since the utility's last base rate case, use of the equity return rate determined by staff and specified in the latest Quarterly Earnings Report released by the Commission;

- greater specification of the depreciation and pretax return elements in the formula to calculate the DSIC;

- added provision to provide interest to consumers for any over recoveries during operation of the DSIC; and

- provision for customer notice of any DSIC changes.

Thus, use of the sample tariff language will fully explain the DSIC computation, including a listing of DSIC eligible property and related account numbers, so that in future years the purpose and intent of the DSIC surcharge will be apparent from reading only the tariff supplement. Additionally, the inclusion of plant account numbers and descriptions of property eligible for DSIC cost recovery parallels the format used for other section 1307 surcharges, such as the ECR for electric utilities, the GCR for gas distribution utilities and the SCR for steam heat companies.

With these changes to PSWC's proposal, the eligible property, filing dates, parameters, and consumer safeguards have been significantly strengthened. In particular, we note here that the provisions (1) for resetting the DSIC to zero if the company's rate of return exceeds its allowable rate of return, and (2) for resetting the DSIC to zero as of the effective date of new section 1308 base rates that provide for prospective recovery of the eligible plant costs both serve as effective and reliable rate mechanisms to insure that the DSIC automatic adjustment clause will not produce rates in excess of a fair return to the utility, as required by section 1307(a). We also note that the provision of a 5% of billed revenues cap on the maximum amount of any DSIC insures that the surcharge mechanism will not evade the section 1308 base rate process and its intensive top-to-bottom review of all company revenue, expense, rate base and return claims. See Appendix A. In other words, the 5% cap will insure that the surcharge will not allow the company to avoid a base rate review of the eligible property in perpetuity.

Accordingly, although we are denying the PSWC petition to the extent that it requests permission to file and implement a section 1307(a) tariff supplement to implement a surcharge as set forth in its Exhibit A, we invite the company to file a new tariff supplement consistent with the parameters outlined in the sample tariff language set forth in Appendix A to this order. The sample tariff language in Appendix A is identical to that recommended for the Pennsylvania-American Water Company at Docket No. P-00961031 which has also requested permission to file a DSIC surcharge.

As with other section 1307 tariff filings, the new tariff supplement would provide for a notice period of no less

than 60 days to allow sufficient time for staff review of the proposed tariff supplement and its initial rates for consistency with the sample tariff language and for accuracy of the plant account, depreciation, pre-tax return and other elements of the DSIC calculation. If recommended for approval by staff and formally approved by the Commission, the tariff supplement and initial rates to implement the DSIC will be permitted to go into effect, subject to the outcome of any timely filed complaints. Subsequent quarterly updates, however, may be filed on 10 days notice as originally proposed by the company. *Therefore,*

It Is Ordered That:

1. The petition filed by the Philadelphia Suburban Water Company (PSWC) to file and implement a section 1307(a) automatic adjustment clause tariff that would establish a Distribution System Improvement Charge (DSIC) is hereby approved in part and denied in part consistent with this order.

2. All protests, answers and other objections filed with respect to the PSWC petition are hereby granted in part and denied in part consistent with this order.

3. Any complaints regarding the rates to be charged pursuant to a DSIC tariff supplement may be filed if and when PSWC files a tariff supplement with specific rates in accordance with the tariff parameters outlined by this order.

4. The parameters set forth in the Appendix A are hereby adopted to serve as sample tariff language to be implemented for tariff supplements to establish a DSIC.

5. The normal auditing, reconciliation, reporting and public hearing procedures applicable to all 1307(e) filings will likewise apply to all DSIC tariff supplements.

6. This order be published in the *Pennsylvania Bulletin*.

7. This order be served upon Philadelphia Suburban Water Company, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the National Association of Water Companies.

JOHN G. ALFORD,
Secretary

APPENDIX A

Sample Tariff Language

Distribution System Improvement Charge (DSIC)

I. General Description

Purpose: To recover the fixed costs (depreciation and pre-tax return) of certain nonrevenue producing, nonexpense reducing distribution system improvement projects completed and placed in service and to be recorded in the individual accounts, as noted below, between base rate cases and to provide the Company with the resources to accelerate the replacement of aging water distribution infrastructure, to comply with evolving regulatory requirements imposed by the Safe Drinking Water Act and to develop and implement solutions to regional water supply problems. The costs of extending facilities to serve new customers are not recoverable through the DSIC. Also, Company projects receiving PENNVEST funding are not DSIC-eligible property.

Eligible Property: The DSIC-eligible property will consist of the following:

—services (account 323), meters (account 324) and hydrants (account 325) installed as in-kind replacements for customers;

—mains and valves (account 322) installed as replacements for existing facilities that have worn out, are in deteriorated condition, or upgraded to meet Chapter 65 regulations of Title 52;

—main extensions (account 322) installed to eliminate dead ends and to implement solutions to regional water supply problems that have been documented as presenting a significant health and safety concern for customers currently receiving service from the company or the acquired Company;

—main cleaning and relining (account 322) projects; and

—unreimbursed funds related to capital projects to relocate Company facilities due to highway relocations.

Effective Date: The DSIC will become effective for bills rendered on and after January 1, 1997.

II. Computation of the DSIC

Calculation: The initial charge, effective January 1, 1997, shall be calculated to recover the fixed costs of eligible plant additions that have not previously been reflected in the Company's rate base and will have been placed in service between September 1, 1996, and November 30, 1996. Thereafter, the DSIC will be updated on a quarterly basis to reflect eligible plant additions placed in service during the 3-month periods ending 1 month prior to the effective date of each DSIC update. Thus, changes in the DSIC rate will occur as follows:

<i>Effective Date of Change</i>	<i>Date To Which DSIC-Eligible Plant Addition Reflected</i>
April 1	February 28
July 1	May 30
October 1	August 31
January 1	November 30

The fixed costs of eligible distribution system improvement projects will consist of depreciation and pre-tax return, calculated as follows:

Depreciation: The depreciation expense will be calculated by applying to the original cost of DSIC-eligible property the annual accrual rates employed in the Company's last base rate case for the plant accounts in which each retirement unit of DSIC-eligible property is recorded.

Pre-tax return: The pre-tax return will be calculated using the State and Federal income tax rates, the Company's actual capital structure and actual cost rates for long-term debt and preferred stock as of the last day of the 3-month period ending 1 month prior to the effective date of the DSIC and subsequent updates. The cost of equity will be the equity return rate approved in the Company's last fully-litigated base rate proceeding for which a final order was entered not more than 2 years prior to the effective date of the DSIC. If more than 2 years shall have elapsed between the entry of such a final order and the effective date of the DSIC, then the equity return rate used in the calculation will be the equity return rate calculated by the Commission Staff in the latest Quarterly Report on the Earnings of Jurisdictional Utilities released by the Commission.

DISC Surcharge Amount: The charge will be expressed as a percentage carried to two decimal places and will be applied to the total amount billed to each customer under the Company's otherwise applicable rates and charges, excluding amounts billed for public fire protection service and the State Tax Adjustment Surcharge (STAS). To

calculate the DSIC, one-fourth of the annual fixed costs associated with all property eligible for cost recovery under the DSIC will be divided by the Company's projected revenue for sales of water for the quarterly period during which the charge will be collected, exclusive of revenues from public fire protection service and the STAS.

Formula: The formula for calculation of the DISC surcharge is as follows:

$$\text{DSIC} = \frac{(\text{DSI} \times \text{PTRR}) + \text{Dep} + e}{\text{PQR}}$$

Where:

- DSI = the original cost of eligible distribution system improvement projects.
- PTRR = the pre-tax return rate applicable to eligible distribution system improvement projects.
- Dep = Depreciation expense related to eligible distribution system improvement projects.
- e = the amount calculated under the annual reconciliation feature as described below.
- PQR = Projected quarterly revenue including any revenue from acquired companies that are now being charged the rates of the acquiring company.

Quarterly updates: Supporting data for each quarterly update will be filed with the Commission and served upon the Office of Trial Staff, the Office of Consumer Advocate and the Office of Small Business Advocate at least 10 days prior to the effective date of the update.

III. Safeguards

Cap: The DSIC will be capped at 5% of the amount billed to customers under otherwise applicable rates and charges.

Audit/Reconciliation: The DSIC will be subject to audit at intervals determined by the Commission. It will also be subject to annual reconciliation based on a reconciliation period consisting of the 12 months ending December 31 of each year. The revenue received under the DSIC for the reconciliation period will be compared to the Company's eligible costs for that period. The difference between revenue and costs will be recouped or refunded, as appropriate, in accordance with section 1307(e), over a 1 year period commencing on April 1 of each year. If DSIC revenues exceed DSIC-eligible costs, such overcollections will be refunded with interest. Interest on the overcollections will be calculated at the residential mortgage lending specified by the Secretary of Banking in accordance with the Loan Interest and Protection Law (41 P. S. § 101, et seq.) and will be refunded in the same manner as an overcollection.

New Base Rates: The charge will be reset at zero as of the effective date of new base rates that provide for prospective recovery of the annual costs that had theretofore been recovered under the DSIC. Thereafter, only the fixed costs of new eligible plant additions, that have not previously been reflected in the Company's rate base, would be reflected in the quarterly updates of the DSIC.

Earning Reports: The charge will also be reset at zero if, in any quarter, data filed with the Commission in the Company's then most recent Annual or Quarterly Earnings reports show that the Company will earn a rate of return that would exceed the allowable rate of return used to calculate its fixed costs under the DSIC as described in the Pre-tax return section.

Customer Notice: Customers shall be notified of changes in the DSIC by including appropriate information on the first bill they receive following any change. An explanatory bill insert shall also be included with the first billing.

[Pa.B. Doc. No. 96-1560. Filed for public inspection September 13, 1996, 9:00 a.m.]

Railroad With Hearing

I-00860009. Consolidated Rail Corporation. Investigation into the matters pertaining to the restrictions of, and necessary improvements to the rail-highway crossing carrying South Grosstown Road over and above the grade of the tracks of Consolidated Rail Corporation, in West Pottsgrove Township, Montgomery County.

A public hearing in this investigation will be held Wednesday, November 20, 1996, at 10 a.m. in an available hearing room, 13th floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1561. Filed for public inspection September 13, 1996, 9:00 a.m.]

Railroad With Hearing

C-00968151. Donna L. Blair v. Consolidated Rail Corporation and C-00968152. Joseph R. Spilis v. Consolidated Rail Corporation. Complaints have been made to the Pennsylvania Public Utility Commission, under the provisions of Public Utility Code. The complaints allege malfunction due to faulty equipment and request inspection of a railroad crossing where a track of Conrail's Lurgan Branch cross Station Road (Longsdorf Road) State Route 3013 (AAR 592 528 W) in Penn Township, Cumberland County. This crossing is the location of a recent fatal accident.

A public hearing upon this proceeding will be held Thursday, November 7, 1996, at 10 a.m., in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA, when persons may appear and be heard.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1562. Filed for public inspection September 13, 1996, 9:00 a.m.]

Railroad With Hearing

I-00960064 (AAR 592 703 K). Southeastern Pennsylvania Transportation Authority. Investigation into the maintenance of the crossing carrying S. R. 3009 (AAR 592 703 K) above the tracks of Southeastern Pennsylvania Transportation Authority (SEPTA), in the City of Philadelphia.

A public hearing in this investigation will be held Tuesday, December 10, 1996, at 10 a.m. in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1563. Filed for public inspection September 13, 1996, 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 7, 1996, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00113319. Cottage Hose Ambulance Corps, Inc. (2 Greenfield Road, Carbondale, Lackawanna County, PA 18407), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Lackawanna, Wayne and Susquehanna. *Attorney:* Jeff Levine, Seventh Avenue and Church Street, Carbondale, PA 18407.

Notice of 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 30, 1996.

- A-00113324 Service America Courier Corp.
6001 North Adams Road, Suite 210,
Bloomfield Hills, MI 48304
- A-00113325 Michael L. Bowser
R. D. 1, Box 66A, Knox, PA 16232; Kent
S. Pope, Esquire, Pope, Pope and
Drayer, Ten Grant Street, Clarion, PA
16214
- A-00113298 McCarthy Flowered Cabs, Inc.
1708 Delaware Street, Dunmore, PA
18509; Lloyd R. Persun, P. O. Box 5950,
Harrisburg, PA 17110
- A-00113331 David W. Skapnit
21 Trinley Road, Linfield, PA 19468
- A-00113332 Nancy T. Adams
R. D. 1, Box 90, Punxsutawney, PA
15767
- A-00113333 H & R Transport, Inc.
9521 Bradford Lane, N. E., Warren, OH
44484
- A-00113334 Robin M. Snyder, t/d/b/a Deliverie
3454 Exley Drive, Fairview, PA 16415
- A-00113337 George W. Markert, t/d/b/a AAA Carriers
8060 Bausch Road, New Tripoli, PA
18066
- A-00113338 William Summerhill, t/d/b/a Summerhill
Trucking,
10030 Bridge Lane, Clarks Summit, PA
18411
- A-00113340 John G. Kulick
629 Hillside Street, Vandling, PA 18421-
1515
- A-00113341 Valcon Utilities, Inc.
P. O. Box 305, Mount Carmel, PA 17851
- A-00113342 Edwards Sales, Inc.
1490 Lake Street, Lake City, PA 16423

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-1564. Filed for public inspection September 13, 1996, 9:00 a.m.]