

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission will hold a public hearing on Wednesday, December 11, 1996. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference among the Commissioners and staff will be held at 10 a.m. at the same location and will include reports on the Tulpehocken Creek/Blue Marsh watershed project; flood and hurricane-related reservoir operation; the Commission's GIS and computer systems and proposed revisions to the Southeastern Pennsylvania Ground Water Protected Area Regulations.

In addition to the subjects listed below which are scheduled for public hearing at the business meeting, the Commission will also address the following matters: Minutes of the October 23, 1996 business meeting; announcements; General Counsel's report; consideration of Wissahickon Spring Water, Inc. matter; report on Basin hydrologic conditions; authorization to accept funding for water quality assessment and modeling of the Maurice River; a resolution to continue the Commission's Water Quality Advisory Committee; a resolution approving certain budget transfers for fiscal years 1996 and 1997; annual salary rates of Commission employees and public dialogue.

The subjects of the public hearing will be as follows:

A Proposal to Adopt the 1996-1997 Water Resources Program. A proposal that the 1995-1996 Water Resources Program and the activities, programs, initiatives, concerns, projections and proposals identified and set forth therein be accepted and adopted and that a staff report of progress in completing the various elements in the 1995-1996 Water Resources Program be made a part thereof, in accordance with the requirements of section 13.2 of the Delaware River Basin Compact.

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

1. *Ramblewood Country Club D-94-41.* An application for an increased withdrawal from the Ramblewood County Club golf course irrigation pond from 3.9 million gallons (mg)/30 days (0.13 million gallons per day (mgd)) to 14 mg/30 days (0.47 mgd). The proposed maximum withdrawal rate from all sources, existing wells and the pond, is 0.47 mgd. The surface water withdrawal facilities are located at the pond pump house on the golf course property. The pond is on an unnamed tributary of North Branch Pennsauken Creek in Mount Laurel Township, Burlington County, NJ. Two existing Potomac-Raritan-Magothy wells (Pool House Well and Well No. 2) are also reallocated to restrict their yearly use.

2. *Degussa Corporation D-96-11.* A project to modify and expand the applicant's existing industrial wastewater treatment plant (IWTP) from 0.42 mgd to 0.95 mgd. The

IWTP is located adjacent to the Delaware River, to which it will continue to discharge, just off Front Street in the City of Chester, Delaware County, PA. The expanded IWTP will continue to serve only the applicant's silica production operations. The applicant has also requested a new determination for the allowable total dissolved solids limits relative to the expanded discharge.

3. *Township of Roxbury D-96-17 CP.* An application for approval of a groundwater withdrawal project to supply up to 30 mg/30 days of water to the applicant's distribution system from existing well nos. 2, 4, 9 and 12 located within the Delaware River Basin, and to limit the withdrawal from all wells located within the Delaware River Basin to 30 mg/30 days. The project is located in Roxbury Township, Morris County, NJ.

4. *Warrington Township and The Cutler Group D-96-18.* An application to construct a new 0.26 mgd sewage treatment plant (STP) to serve existing and proposed residential developments in the northwestern area of Warrington Township, Bucks County, PA. The Tradesville STP will provide advanced secondary biological treatment utilizing sequencing batch reactors, phosphorus removal and ultraviolet disinfection. The STP will be located on a site along the west side of Pickerton Road immediately north of Mill Creek Road and will discharge to Mill Creek, a tributary of Neshaminy Creek.

5. *Artesian Water Company, Inc. D-96-33 CP.* An application for approval of groundwater withdrawal project to supply up to 30 mg/30 days of water to the applicant's distribution system from new Artisans Village Well No. 3, and to increase the existing withdrawal limit of 60.48 mg/30 days from all Artisans Village wells to 90.72 mg/30 days. The project is located in New Castle County, DE.

6. *City of Philadelphia, Division of Aviation D-96-36 CP.* An application for approval of a groundwater withdrawal of up to 29.7 mg/30 days of water as part of the applicant's Western Boundary Area Mitigation system from new well nos. EW-A, EW-1, EW-2 and EW-3, and to limit the withdrawal from all wells to 29.7 mg/30 days. The project is located in the City of Philadelphia, Philadelphia County, PA.

7. *Milford-Trumbauersville Area Sewer Authority D-96-41 CP.* A project to modify the applicant's existing 0.8 mgd STP. The existing STP provides secondary biological treatment via the extended aeration activated sludge process as well as tertiary filtration prior to disinfection by chlorine contact and discharge to Unami Creek, a tributary of the Perkiomen Creek, in Milford Township, Bucks County, PA. The project entails primarily the addition of two sand filters along with other minor modifications. The STP will continue to serve Trumbauersville Borough and portions of Milford Township.

8. *Lansdale Borough D-96-45 CP.* An application to expand the Lansdale Borough STP from the current annual average flow capacity of 2.5 mgd to 2.6 mgd and the maximum monthly flow of 4.0 mgd to 4.5 mgd. The STP will also change its mode of operation so that more wet weather related flow will be routed through the treatment process. The STP will continue to serve Lansdale Borough and provide secondary biological treatment via the extended aeration activated sludge process, and tertiary treatment for nutrient removal prior to

chlorine disinfection and discharge to an unnamed tributary of the West Branch Neshaminy Creek in the northern portion of Lansdale Borough, Montgomery County, PA just east of the Penn Central railroad tracks.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons

wishing to testify at the hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,
Secretary

[Pa.B. Doc. No. 96-2058. Filed for public inspection December 6, 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 November 26, 1996.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-28-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	100—600 South Cedar Crest Boulevard Allentown Lehigh County	Opened
11-12-96	Parkvale Savings Bank Monroeville Allegheny County	Raceway Plaza 2100 Washington Pike Scott Township Allegheny County	Opened
11-20-96	Premier Bank Doylestown Bucks County	Southampton Shopping Center 516 Second Street Pike Southampton Bucks County	Approved
11-20-96	BT Management Trust Company Johnstown Cambria County	550 Central Ave. Johnstown Cambria County	Approved
11-20-96	The York Bank and Trust Company York York County	Weis Market 5140 Simpson Ferry Rd. Mechanicsburg Cumberland County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	3570 Hamilton Blvd. Dorneyville S. Whitehall Twp. Lehigh County	Effective

SAVINGS ASSOCIATIONS

None.

CREDIT UNIONS

New Charter Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-13-96	Aliquippa Regional Credit Union Aliquippa Beaver County	392 Franklin Ave. Aliquippa Beaver County	Commenced Operations

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
11-20-96	George R. Spangler, Jr.— DuPont Credit Union Emigsville York County	To provide for a change in corporate title to "Iceberg Credit Union."	Approved And Effective

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 96-2059. Filed for public inspection December 6, 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 wastewater into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Richard Adams at (717) 327-3666. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0001791. Amendment No. 2. Industrial waste, SIC: 3499 and 3089. **Osram Sylvania, Inc.**, 816 Lexington Avenue, Warren, PA 16365.

This application is for an amendment of an NPDES permit to discharge treated industrial waste to Allegheny River in Warren Borough, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and PA American Water Company located at East Brady, approximately 97 miles below point of discharge.

The proposed discharge limit change for Outfall No. 001, based on a design flow of 0.326 mgd, is:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	monitor and report		

PA 0030104. Sewage. **Department of Public Welfare Polk Center**, P. O. Box 94, Polk, PA 16342-0094.

This application is for renewal of an NPDES permit to discharge treated sewage to Little Sandy Creek in Polk Borough, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 12 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.45 mgd, are:

<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
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	2	4
(11-1 to 4-30)	6	12
Fecal Coliforms		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,500/100 ml as a geometric average	
Total Residual Chlorine		
(Interim Limits)	monitor and report	
(Final Limits)	0.1	0.4
Dissolved Oxygen	minimum of 6 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

The proposed discharge limit change for Outfall No. 004, based on a design flow of 0.067 mgd, is:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	monitor and report		

The proposed discharge limit changes for Outfall No. 101, based on a design flow of 0.320 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	2.07	3.38	5.2

The EPA waiver is not in effect.

PA 0006441. Industrial waste, SIC: 4011. **CSX Transportation, Inc.**, 500 Water Street, Jacksonville, FL 32202, telephone (904) 359-7527.

This application is for renewal of an NPDES permit to discharge untreated stormwater and treated groundwater to Mahoning Creek in Bell Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Allegheny River used by the Kittanning District Pennsylvania-American Water Company 67.05 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.050400 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
BOD ₅	monitor and report		
COD	monitor and report		
TSS	30		60
Total Kjeldahl Nitrogen	monitor and report		
Total Phosphorus	monitor and report		
Total Iron	monitor and report		
Oil and Grease	15		30
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall Nos. 003, 004, 005 and 006, based on stormwater runoff only, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
BOD ₅	monitor and report		
COD	monitor and report		
TSS	monitor and report		
Total Kjeldahl Nitrogen	monitor and report		
Total Phosphorus	monitor and report		
Total Iron	monitor and report		
Oil and Grease	15		30
pH	monitor and report		

The EPA waiver is in effect.

Northcentral Region, Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.

PA 0009300. Industrial waste, SIC: 3111, **Howes Leather Corporation**, P. O. Box 57, Cooper Road, Curwensville, PA 16833.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to the west branch of the Susquehanna River in Curwensville Borough, **Clearfield County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton, approximately 170 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.115 mgd of treated process wastewater, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(6-1 to 10-31)	200	400	500
(11-1 to 5-31)	220	495	550
NH ₃ -N			
(6-1 to 10-31)	200	300	400
(11-1 to 5-31)	350	525	700
Total Suspended Solids	380	840	950
Oil and Grease	15	22	30
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Chromium	5.2	14.6	
Total Chlorine Residual	2.0		6.5
pH	6.0—9.0 at all times		

Outfall 002: The proposed effluent limits for this emergency overflow of process wastewater are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	report	report	
NH ₃ -N	report	report	
Total Suspended Solids	report	report	
Oil and Grease	report	report	
Fecal Coliforms	report	report	
Total Chromium	report	report	
pH	6.0—9.0 at all times		

Outfall 003: The proposed effluent limits, based on a design flow of 0.038 mgd of noncontact cooling water, stormwater and unused river water, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 at all times		

Other Conditions:

A permit condition requires that acute chronic whole effluent toxicity testing be conducted for Outfall 001 effluent.

When discharging occurs from Outfall 002, the total daily maximum mass units from both discharges (001 and 002) for CBOD₅, TSS and NH₃-N must comply with the daily maximum mass limitations of Outfall 001 for that parameter.

The EPA waiver is not in effect.

PA 0113034. Sewerage, SIC: 4952, **Beaver Lake Sewer Co.**, P. O. Box 1, Cambria, PA 18611.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Beaver Run in Penn Township, **Lycoming 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 25 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	40
TSS	30	60
Ammonia Nitrogen (6-1 to 10-31)	3.5	7.0
(11-1 to 5-31)	10.5	21
Fecal Coliforms	200/100 ml as a geometric average	
pH	within the range of 6.0—9.0	
Total Chlorine Residual		
1st month—36th month	report	report
37th month—Expiration	1.0	2.3

The EPA waiver is in effect.

PA 0002640. SIC: 3255, **TYK Refractories Company**, P. O. Box 187, Irvona, PA 16656.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to North Witmer Run in Irvona Borough, **Clearfield County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.004 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
TSS	monitor	
pH	6.0—9.0 std. units	

The proposed effluent limits for Outfall 002, based on a design flow of 0.011 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0—9.0 std. units	

The EPA waiver is in effect.

PA 0009857. SIC: 4952, **U. S. Fish and Wildlife Service**, Northeast Fishery Center, P. O. Box 75, Lamar, PA 16848.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Fishing Creek in Porter Township, **Clinton County**.

The receiving stream is classified for the following uses: high-quality, 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 downstream potable water supply (PWS) considered during the evaluation is the PA American Company located approximately 60 miles below the discharge at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 6.048 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	7.0	14.0
TSS	10.0	20.0
NH ₃ -N	0.8	1.6
Phosphorus—Total P	monitor	
Dissolved Oxygen	minimum 6.0 mg/l at all times	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 s.u. at all times	
Temperature	monitor	

The proposed effluent limits for Outfall 002, based on a design flow of 0.0576 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	7.0	14.0
TSS	10.0	20.0
NH ₃ -N	1.0	2.0
Phosphorus—Total P	monitor	
Dissolved Oxygen	minimum 6.0 mg/l at all times	
pH	6.0—9.0 s.u. at all times	

The proposed effluent limits for Outfall 003, based on a design flow of 0.0576 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	7.0	14.0
TSS	10.0	20.0
NH ₃ -N	1.0	2.0
Phosphorus—Total P	monitor	
Dissolved Oxygen	minimum 6.0 mg/l at all times	
pH	6.0—9.0 s.u. at all times	

The proposed effluent limits for Outfall 004, based on a design flow of 0.0576 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	7.0	14.0
TSS	10.0	20.0
NH ₃ -N	1.0	2.0
Phosphorus—Total P	monitor	
Dissolved Oxygen	minimum 6.0 mg/l at all times	
pH	6.0—9.0 s.u. at all times	

Other Conditions:

Whole Effluent Toxicity testing for Outfall 001.

The EPA waiver is in effect.

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

PA 0087637. Sewage, SIC: 4592, **Mountain View Terrace Sewage Assoc., Inc.**, 414 East Old York Road, Carlisle, PA 17013.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary to Conodoguinet Creek in Upper Frankford Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Phosphorus			
(4-1 to 10-31)	1		2
Total Residual Chlorine	0.18		0.57
Dissolved Oxygen	minimum of 5.0 at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	from 6.0—9.0 inclusive		
Fecal Coliforms	200/100 ml as a geometric average		

The EPA waiver is in effect.

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

PA 0024121. Sewage, **Borough of Media**, 301 North Jackson Street, P. O. Box A, Media, PA 19063.

This application is for amendment of an NPDES permit to discharge treated sewage from a sewage treatment plant in Upper Providence Township, **Delaware 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 and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 1.8 mgd are as follows:

Delete lead sampling as a permit requirement based on data submission.

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.

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.

Northcentral Regional Office, Regional Water Management Program Manager, 208 W. Third Street, Williamsport, PA 17701, telephone (717) 327-3669.

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

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

NPDES Permit PAS100239. Stormwater. **Richard Hartung**, Danburry Farms, Inc., 1120 Perry Highway, Pittsburgh, PA 15237 has applied to discharge stormwater from a construction activity located in New Sewickley Township, **Beaver County**, to UNT to Big Sewickley Creek and Brush Run.

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

NPDES Permit PAS10D087. Stormwater. **New Hope-Solebury School District**, 180 W. Bridge Street, New Hope, PA 18938 has applied to discharge stormwater from a construction activity located in New Hope Borough, **Bucks County**, to UNT to the Delaware River.

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

NPDES Permit PAS10F060. Stormwater. **Jerry Haney**, 15009 S. 24th Way, Phoenix, AZ 85048 has applied to discharge stormwater from a construction activity located in Halfmoon Township, **Centre County**, to UNT to Halfmoon Creek.

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

NPDES Permit PAS10H061. Stormwater. **New Penn Motor Express**, 625 S. 5th Avenue, Lebanon, PA 17042 has applied to discharge stormwater from a construction activity located in Lower Allen Township, **Cumberland County**, to Yellow Breeches Creek.

NPDES Permit PAS10H062. Stormwater. **Smith Land & Development Corporation**, 2001 State Road, Camp Hill, PA 17011 has applied to discharge stormwater from a construction activity located in Upper Allen Township, **Cumberland County**, to Cedar Run.

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

NPDES Permit PAS10T089. Stormwater. **Ronald Mintz**, Limekiln Partners, 2421 Bristol Road, Warrington, PA 18976 has applied to discharge stormwater from a construction activity located in Horsham Township, **Montgomery County**, to Little Neshaminy and Park Creeks.

Venango County Conservation District, District Manager, R. R. 2, Box 108, Franklin, PA 16323, telephone (814) 432-7456.

NPDES Permit PAS107000. Stormwater. **Sandy-creek Township**, R. D. 4, Box 900, Franklin, PA 16323 has applied to discharge stormwater from a construction activity located in Sandycreek Township, **Venango County**, to UNT to Morrison Run and the Allegheny River.

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

NPDES Permit PAS10X068. Stormwater. **Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P. O. Box 149, Ebensburg, PA 15931 has applied to discharge stormwater from a construction activity located in Fairfield and Ligonier Townships, **Westmoreland County**, to UNT to Hannas Run.

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

NPDES Permit PAS10Y056. Stormwater. **Harry Fox, Jr.**, 241 Old York Road, Dillsburg, PA 17019 has applied to discharge stormwater from a construction activity located in Fairview Township, **York County**, to Fishing Creek.

NPDES Permit PAS10Y057. Stormwater. **Glen Rock State Bank**, Robert Williams, 59 Main Street, Glen Rock, PA 17327 has applied to discharge stormwater from a construction activity located in Springfield Township, **York County**, to Seaks Run.

NPDES Permit PAS10Y058. Stormwater. **Mike Stoner**, Lutheran Social Services, 1050 Pennsylvania Avenue, York, PA 17404 has applied to discharge stormwater from a construction activity located in Manchester Township, **York County**, to Codorus Creek.

Public Hearing Notice

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

Cross Roads School, NPDES Application #PAS10-G231

The hearing is scheduled for January 7, 1997, at 7 p.m. at Chester County Conservation District Office, Govern-

ment Services Center, Conference Room 380, 601 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to Valley Creek. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, telephone number (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is:

Valley Forge Specialized Education Services Corporation, 1777 North Valley Road, P. O. Box 730, Paoli, PA 19307-0730.

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

Anyone intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of the project and a brief statement about your presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Anyone wishing to present written material directly to DEP may do so within 30 days following the hearing.

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

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

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

WQM Permit No. 4296404. Sewage. **Keating Township**, P. O. Box 103, East Smethport, PA 16730. This project is to construct a wastewater collection and conveyance system along Marvin Creek in Keating Township, **McKean County**.

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. 0996516. Public water supply. **Bucks County Water and Sewer Authority**, Benjamin W. Jones, 1275 Almshouse Road, Warrington, PA 18976. This proposal involves the construction of a 2.0 mg standpipe in Southampton Township, **Bucks County**.

Southcentral Regional Office, Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4562.

A. 0696510. Public water supply. **Hamburg Area School District Upper Bern Elementary School**, Upper Bern Township, **Berks County**, (Roy A. Hango, P. E., 2000 Mountain View Drive, Colchester, VT 05446), instal-

lation of corrosion control treatment consisting of orthophosphate injection, (UAI Engineers, 2000 Mountain View Drive, Colchester, VT 05446).

A. 0696511. Public water supply. **Hamburg Area School District—Tilden Elementary School**, Tilden Township, **Berks County** (Roy A. Hango, P. E., 2000 Mountain View Drive, Colchester, VT 05446), installation of corrosion control treatment consisting of orthophosphate injection, (UAI Engineers, Roy A. Hango, 2000 Mountain View Drive, Colchester, VT 05446).

A. 0696512. Public water supply. **Laurel Nursing & Rehabilitation Center**, Tilden Township, **Berks County**, (Edward Schmitz, Director, Maintenance, Laurel Nursing & Rehabilitation Center, 125 Holly Road, Hamburg, PA 19526), addition of well no. 3 to existing public water supply, (Bruce W. Haigh, P. E., Technicon Enterprises, Inc., Green Hills Corporate Center, 2675 Morgantown Road, Suite 4100, Reading, PA 19607).

A. 2296504. Public water supply. **Middletown Borough Authority**, Middletown Borough, **Dauphin County**, (Kenneth L. Klinepeter, Supervisor, Utility Operations Division, 60 W. Emaus Street, Middletown, PA 17057), air stripping tower, disinfection and fluoridation for well no. 6, (Peter J. Lusardi, P. E., CET Engineering Services, 1040 N. Mountain Road, Harrisburg, PA 17112-1754).

Acknowledgment of Notices of Intent to Remediate

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 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.

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.

Former Standard Register Plant, Bedford Township, **Bedford County**. JLG Industries, c/o Louis A. Naugle, Esq., Reed Smith Shaw & McClay, 435 Sixth Avenue, Pittsburgh, PA 15219-1886, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PAHs, diesel range petroleum compounds, and volatile organic compounds. 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 the *Bedford Gazette* on November 6, 1996.

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

Slatedale Industrial Center, Borough of Pen Argyl, **Northampton County**. Nicholas De Rose, P. G., Langan Engineering and Environmental Services, Inc., Georgetown Crossing, Suite 225, 3655 Route 202, Doylestown, PA has submitted a Notice of Intent to Remediate (on behalf of his client, H. W. Exhibits, 141 Lanza Avenue, Garfield, NJ) site soils, groundwater, sediments and surface water suspected to be contaminated with petroleum hydrocarbons, PCBs (polychlorinated biphenyls), metals and polyaromatic hydrocarbons. The applicant proposes to meet the Statewide health standard, with the option to use either the background standard or the site-specific standard.

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:

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

SGS—Thomson Microelectronics, Montgomery Township, **Montgomery County**. Randy L. Shuler, Ph. D., Environmental Resources Management, Inc., Princeton Crossroads Corp. Center, 300 Phillips Blvd., Suite 200, Ewing, NJ 08618, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the site-specific standard for groundwater and background health standard for soil. A summary of the Notice of Intent to Remediate was reported to have been published in *The Reporter* on October 25, 1996.

Proposed Response Under the Hazardous Sites Cleanup Act

Giordano Waste Materials Site Butler Township, Schuylkill County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), proposes to initiate an interim response action at the Giordano Waste Materials Site (site) located in Butler Township, Schuylkill County.

The site is located 1/2 mile south of the Borough of Ashland, off of TR#417 (Germanville Road). The property is a former battery recycling facility on a 7.7 acre parcel of land in Butler Twp., Schuylkill County, PA. The facility is now abandoned. Site features include an abandoned building which was utilized for aluminum and lead smelting, waste/ash piles and an underground storage tank.

Under a previous response action, the Department removed hazardous surface waste from this site. Chemical analysis indicates that the site building and soils are also contaminated with lead at levels which the Department considers to be hazardous.

The response action objective established by the Department for the Giordano Waste Materials site is to prevent human exposure to site media with concentrations of contaminants above health based levels.

To achieve this objective, the following alternatives were considered:

- Alternative 1: Removal of waste, debris, soil and building material with lead levels in excess of 10,000 mg/kg, offsite disposal of the material removed, and covering the excavated areas of the site with clean soil and/or mine spoil material and stabilizing the site (erosion control and revegetation). The remedy would not be a permanent remedy, since the mobility, toxicity and vol-

ume of the contaminants would not be significantly altered, although the direct contact pathway would be reduced.

- Alternative 2: Removal of waste, debris, soil and building material with lead levels in excess of 5,000 mg/kg, offsite disposal of the material removed, and covering excavated areas of the site with clean soil and/or mine spoil material. The remedy would not be a permanent remedy, since the mobility, toxicity and volume of the contaminants would not be significantly altered, although the direct contact pathway would be reduced.

- Alternative 3: Removal of waste, debris, soil and building material with lead levels in excess of 1,000 mg/kg, offsite disposal of the material removed, and stabilizing the site. This remedy would remove a significant amount of contaminated soil but would not address the physical hazard presented by the site processing building.

- Alternative 4: Removal of waste, debris, soil and building material with lead levels in excess of 500 mg/kg, offsite disposal of the material removed, and stabilizing the site. This remedy would remove a significant amount of contaminated soil but would not address the physical hazard presented by the site processing building.

- Alternative 5: Removal of waste debris, soil and building material with lead levels in excess of 500 mg/kg, onsite solidification and offsite disposal of the material removed and stabilizing the site. This remedy would remove a significant amount of contaminated soil but would not address the physical hazard presented by the site processing building.

- Alternative 6: Removal of all site surface waste/debris piles and building contents along with the demolition of the contaminated site building. All waste and demolition material will be sent to an offsite disposal facility. The entire fenced in area of the site would be covered with clean soil and/or mine spoil material and stabilized (erosion control, topsoil addition and revegetation). This alternative would significantly reduce the potential for contact with the contaminated soil onsite and be protective to the community by eliminating the nuisance and physical threats presented by the processing building.

- Alternative 7: No further action. This alternative provides a baseline against which other alternatives can be compared. Under this alternative, no activities would be implemented at the Site. Because no response actions would be implemented with this alternative, neither the human nor the environmental risks associated with the Site would decrease.

Proposed Response

The Department's proposed response to address the contaminated media at the Site is Alternative 6. This response will be conducted as a HSCA Interim Response action. The Department's goal is to remove the threats of direct contact and offsite migration of contamination by the removal and disposal of surface wastes and demolition of the unstable site building along with the placement of a soil and vegetative cover over the entire site.

The administrative record, which contains the information that forms the basis and documents the selection of this response action, is available for public review. The Administrative record will be available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, at the Department's Northeast Regional Office located at 2 Public Square, Wilkes-Barre, PA 18711.

Written comments concerning the response or information in the administrative record will be accepted in person, if delivered, or by mail, if postmarked, on or before March 7, 1997 to the attention of Joseph Iannuzzo, Project Officer, Hazardous Sites Cleanup Program, at the Northeast Regional Office address.

Additionally, the public will have an opportunity to present oral comments at a public hearing. The public hearing has been scheduled for January 29, 1997, at 1 p.m. at the Butler Township Municipal Building which is located on Route 61 in Butler Township.

Persons wishing to present oral testimony must register on or before January 22, 1997, by calling Joseph Iannuzzo at (717) 826-2589. Persons interested in finding out if anyone has registered or the location of the hearing should contact Joseph Iannuzzo. The Department may cancel the hearing if no one registers to present comments by the above date.

The Department is providing this notice under section 506(b) of the HSCA. The date of publication of this notice in the *Pennsylvania Bulletin* initiates the minimum 90 day public comment period on the administrative record, as provided under that act. Questions concerning this site may be directed to Joseph Iannuzzo at (717) 826-2589.

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

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.

A. 301304. Northeastern Power Company, P. O. Box 7, McAdoo, PA 18237-0007. An Ash Placement Demonstration Project to take place on property located in Kline Township, **Schuylkill County**, which is owned by Northeastern Power Company (NEPCO). The project will entail the placement of ash generated by the NEPCO Cogeneration Facility into a previously abandoned stripping pit, which contains water from the mine pool. The intent of the project is the beneficial reclamation of the abandoned stripping pit. The Demonstration Project application was received on October 24, 1996, and was determined to be complete in the Regional Office on November 5, 1996.

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

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

12-399-012. The Department intends to issue an operating permit to **Embassy Powdered Metals** (P. O. Box 344, Emporium, PA 15834) for the operation of a powdered metal parts sintering furnace and associated air cleaning device (an "Instackerator") in Emporium Borough, **Cameron County**.

Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **39-313-032A**
Source: 23 DMPA Tanks W/Packed Scrubber
Company: **Mallinckrodt Chemical Inc.**
Location: South Whitehall Township
County: **Lehigh**

Permit: **48-322-003**
Source: Landfill Gas Flare
Company: **Chrin Brothers Sanitary Landfill**
Location: Williams Township
County: **Northampton**

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

Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

An application for Plan Approval has been received by this office for the construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **48-307-058**
Source: Grit Blast Room W/Baghouse
Received: November 4, 1996
Company: **Centec Corporation**
Location: City of Bethlehem
County: **Northampton**

Permit: **48-309-084A**
Source: Clinker Operations W/ 8 Baghouses
Received: November 8, 1996
Company: **Hercules Cement Company**
Location: Stockertown Borough
County: **Northampton**

Permit: **48-310-017C**
Source: Portable Plant #3 W/Watersprays
Received: November 15, 1996
Company: **Haines & Kibblehouse Incorporated**
Location: Lower Mt. Bethel Township
County: **Northampton**

Permit: **48-318-126**
Source: Three Cement Spray/Cure W/Filters
Received: November 2, 1996
Company: **S K F USA Incorporated**
Location: Hanover Township
County: **Northampton**

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.

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

Coal Applications Received

17960121. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous surface mine-auger permit in Chest and Ferguson Townships, **Clearfield County** affecting 290 acres, receiving streams unnamed tributary to Wilson Run and McMasters Run, application received November 15, 1996.

17910131. Ecklund Coal Co., Inc. (R. D., Box 109, Irvona, PA 16656), renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 137.6 acres, receiving streams Porter

Run and unnamed tributary to Clearfield Creek, application received November 12, 1996.

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

32921302. Helvetia Coal Company, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Marshall Run bituminous deep mine in Young Township, **Indiana County** to add permit and subsidence control plan acres, no additional discharge. Application received October 25, 1996.

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

Noncoal Applications Received

7574SM5C3. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit #PA0613711 in Dickinson Township, **Cumberland County**, affecting 395.3 acres, receiving stream Yellow Creek. Application received October 25, 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.

E35-273. Encroachment. **Gouldsboro-Wayne Peat Humus Company**, R. R. 1, Box 1587A, Gouldsboro, PA 18424. To operate and maintain an existing peat mining operation in 23.5 acres of PEM wetlands with work consisting of the restoration of 40 acres of wetlands, the construction and maintenance of 500 linear feet of riprap trapezoidal stream channel and a 40 acre lake. The project is located at the wildcat swamp approximately 1.7 miles northeast of the intersection of S. R. 2013 and S. R. 0435 (Sterling, PA Quadrangle N: 3.8 inches; W: 14.7 inches) in Convington Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

E45-312. Encroachment. **Caesars Pocono Resorts**, Paradise Stream, P. O. Box 400, Scotrun, PA 18355. To

restore a 275 foot long reach of Devils Hole Creek (HQ-CWF) which was altered by erosion during a recent flooding event. The proposed work consists of realigning the stream channel to existing conditions and installing dumped rock streambank stabilization. The project is located at Caesars Pocono Resorts, Paradise Stream approximately 1,000 feet north of S. R. 0940 and 2,000 feet west of S. R. 0390 (Buck Hill Falls, PA Quadrangle N: 1.0 inch; W: 8.3 inches) in Paradise Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

E66-108. Encroachment. **William and Sheila Skoronski**, R. R. 5, Box 280 A-1, Tunkhannock, PA 18657. To maintain a private bridge across Marsh Creek (HQ-CWF) having a single span of 18.0 feet and an underclearance of approximately 4.5 feet. The construction of this bridge was authorized under Emergency Permit No. EP6696406 and is located on the north side of S. R. 0292, approximately 1.2 miles west of its intersection with S. R. 2002 (Center Moreland, PA Quadrangle N: 13.9 inches; W: 13.5 inches) in Northmoreland Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

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

E12-098. Encroachment. **Thomas Diamond**, 1607 Pine St., Philadelphia, PA 19103. To remove an existing structure and to construct and maintain a single span, steel beam bridge to carry a private road across Four Mile Run. The proposed bridge shall be constructed with a single span of 24.0 feet, a width of 12.0 feet and an underclearance of 8.0 feet. The project is located along the eastern right-of-way of SR 0155 approximately 2.1 miles east of the intersection of Four Mile Run Road and SR 0155 (Emporium, PA Quadrangle N: 11.8 inches; W: 15.3 inches) in Shippen Township, **Cameron County**. Estimated stream disturbance is 16.0 linear feet with no wetland impact; stream classification is Cold Water Fishery.

E18-228. Encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove the existing structure and to construct and maintain a precast concrete box culvert with a normal clear span of 10.0 feet with minimum underclearance of 8.0 feet at a 60 degree skew on Bull Run on SR 477 about 1/2 mile south of Sugar Grove School (Loganton, PA Quadrangle N: 1.4 inches; W: 10.5 inches) in Greene Township, **Clinton County**. Estimated stream disturbance is less than 250 linear feet; stream classification is CWF.

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

E01-172. Encroachment. **Michael Schuman**, 350 Straley Road, Littletowns, PA 17340. To construct and maintain a private drive over Little's Run consisting of two 48-inch diameter culverts each 10 feet long located near the intersection of Hickory and Straley Roads (Gettysburg, PA Quadrangle N: 7.0 inches; W: 3.0 inches) in Mount Joy Township, **Adams County**.

E07-269. Encroachment. **Department of Transportation**, Engineering District 9-0, Dain Davis, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing culvert and to construct and maintain a reinforced concrete box culvert having a span of 8 feet and a rise of 2 feet in an unnamed tributary to Brush Run along with reconstructing the channel upstream and

downstream of the culvert for a total length of 150 feet located on Scotch Valley Road (T-424) about 300 feet west of its intersection with SR 1009 (Frankstown, PA Quadrangle N: 14.0 inches; W: 14.5 inches) in Frankstown Township, **Blair County**.

E22-357. Encroachment. **Richard Yingst**, 7100 Fishing Creek Valley Road, Harrisburg, PA 17112. To construct and maintain a twin 25 feet by 7 feet Reinforced Concrete Box Culvert in the channel of Beaver Creek at a point approximately 3,800 feet upstream of Route 81 (Harrisburg East, PA Quadrangle N: 16.7 inches; W: 1.6 inches) in Lower Paxton and West Hanover Townships, **Dauphin County**. The applicant is required to provide 0.48 acre of replacement wetlands.

E28-243. Encroachment. **John Hart**, Franklin County Commissioners, 157 Lincoln Way East, Chambersburg, PA 17201. To replace a previously collapsed bridge with a prestressed spread box beam bridge on a 90 degree skew with a width of 24 feet, span of 37 feet and minimum underclearance of 10.3 feet located on Keffer Road over Rocky Spring Run. Approximately 120 linear feet of Rocky Spring Run will be regraded directly upstream of the structure (Chambersburg, PA Quadrangle N: 18.2 inches; W: 10.8 inches) in Hamilton Township, **Franklin County**.

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

E02-1170. Encroachment. **Grand View Development Company**, 300 Mt. Lebanon Blvd., Pittsburgh, PA 15234. To place and maintain fill in 0.046 acre of wetlands for the purpose of developing a 70-acre site for a proposed Giant Eagle and a parking lot located off of Strocheim Road (Braddock, PA Quadrangle N: 11.0 inches; W: 3.0 inches) in Monroeville Borough, **Allegheny County**.

E03-360. Encroachment. **Borough of Kittanning**, P. O. Box 973, Kittanning, PA 16201. To construct and maintain a riverfront park along the Allegheny River consisting of the following structures: pavilions, gazebo, walkways, stairs and ramp to water's edge, terracing of bank, fishing dock, landscaping, stormwater lines, power lines, restrooms, amphitheater, wharf wall, improvements to existing boat ramp, and to dredge sand and gravel to a 24-foot depth for commercial purposes from the project area. The project is located 2,000 feet north and south of the Kittanning Bridge in Pool 6 (Kittanning, PA Quadrangle N: 11.3 inches; W: 2.8 inches) in Kittanning Borough, **Armstrong County**.

E04-241. Encroachment. **THF Chippewa Development, L. P.**, 955 Executive Parkway, St. Louis, MO 63141. To construct and maintain a 78-inch CMP x 219 linear foot long enclosure in an unnamed tributary to Wallace Run (WWF) and to place and maintain fill in 0.3 acre of wetland (PFO) associated with the enclosure for the purpose of providing access to a proposed retail development site. The project is located on the north side of SR 0051 and SR 0251 (New Galilee, PA Quadrangle N: 5.3 inches; W: 1.2 inches) in Chippewa Township, **Beaver County**.

E04-242. Encroachment. **Department of Transportation**, 45 Thoms Run Rd., Bridgeville, PA 15017. To remove the existing structure and to construct and maintain a box culvert having a clear span of 16 feet with a minimum underclearance of 5 feet in an unnamed tributary to Little Traverse Creek (WWF). The project is located on S. R. 0030, Section B04, Segment 0160, Offset

1620, Station 502+24 (Hookstown, PA Quadrangle N: 5.2 inches; W: 3.2 inches) in Hanover Township, **Beaver County**.

E04-243. Encroachment. **Department of Transportation**, 45 Thoms Run Rd., Bridgeville, PA 15017. To remove the existing structure and to construct and maintain a reinforced concrete box culvert having a single span of 14.0 feet with a minimum underclearance of 6.5 feet in Little Traverse Creek (WWF). The project is located on S. R. 0030 (Section B03, Segment 0120, Offset 3119, Station 404+47) at the intersection of SR 0030 and SR 0018 (Hookstown, PA Quadrangle N: 7.7 inches; W: 5.1 inches) in Hanover Township, **Beaver County**.

E11-247. Encroachment. **Edward J. and Tina M. Shedlock**, 815 West Knox Ave., Portage, PA 15946-2174. To construct and maintain 150 feet of a 4-foot by 5-foot enclosure in an unnamed tributary to Kane Run (CWF) for purpose of improving private residential property located on West Knox Ave. (Ebensburg, PA Quadrangle N: 0.4 inch; W: 5.4 inches) in Portage Township, **Cambria County**.

E32-379. Encroachment. **Edwin L. and Virginia C. Snyder**, R. R. 1, Box 202-A, Rochester Mills, PA 15074. To remove approximately 70 to 100 cubic yards of a 100-foot vegetated gravel bar in Little Mahoning Creek for the purpose of preventing flooding located approximately 800 feet from the Railroad Crossing on Savan Road (Rochester Mills, PA Quadrangle N: 12.9 inches; W: 17.0 inches) in East Mahoning Township, **Indiana County**.

E32-380. Encroachment. **Pine Township**, R. R. 2, Box 104-D, Barnesboro, PA 15714. To remove existing structure and to construct and maintain a 47" x 71" elliptical pipe, approximately 40 feet long in Yellow Creek on TR-581 (Tower Hill Rd.) (Strongstown, PA Quadrangle N: 0.9 inch; W: 3.6 inches) in Pine Township, **Indiana County**.

E56-270. Encroachment. **Brad H. and Gregg H. English**, 600 Dott Ave., Somerset, PA 15501. To construct and maintain a 40-foot long, 12-foot wide, single-span bridge with an underclearance of 4.6 feet over an unnamed tributary to Laurel Hill Creek (HQ-CWF) for the purpose of providing access to property located on T-495 approximately 0.5 mile from the intersection of T-495 and SR 3033 (Kingwood, PA Quadrangle N: 17.6 inches; W: 0.9 inch) in Middlecreek Township, **Somerset County**.

E63-421. Encroachment. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain a 1,000-foot long, dual 4-span steel bridge with a minimum underclearance of 200 feet across Maple Creek (WWF); to relocate and maintain 200 feet of channel of a tributary to south branch Maple Creek (WWF); to place and maintain fill in 0.02 acre of wetlands (PEM), for the purpose of constructing the Mon-Fayette Expressway Construction Section 52B2. The wetlands will be replaced under Permit No. E26-217. The project is located off of S. R. 2016 in Fallowfield Township, **Washington County**.

E65-642. Encroachment. **Gustine Hempfield Assoc., Ltd.**, 2100 Wharton St., Ste 700, Pittsburgh, PA 15203. To place and maintain fill in 0.1 acre pond (POW) for the purpose of constructing a retail sales development located on the south side of Route 30 (Greensburg, PA Quadrangle N: 9.75 inches; W: 13.5 inches) in Hempfield Township, **Westmoreland County**.

E65-643. Encroachment. **Matthew Canestrале and Lorraine Canestrале**, P. O. Box 234, Belle Vernon, PA

15012. To construct and maintain 1,500 linear feet of 80-inch RCP in Speers Run (WWF) for the purpose of commercial development located adjacent to SR 3009 (Donora, PA Quadrangle N: 3.9 inches; W: 13.7 inches) in Rostraver Township, **Westmoreland County**.

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

E09-733. Encroachment. **American Stores Properties**, P. O. Box 30658, Salt Lake City, UT 84130-0658. To place fill material in 0.03 acre of wetlands (PFO) and approximately 340 linear feet of an unnamed tributary to the north branch of the Neshaminy Creek associated with the construction of the proposed Acme Supermarket. The project site is located immediately north of US Route 202, approximately 1,700 feet northeast from the intersection with the County Line Road (Doylestown, PA Quadrangle N: 3.5 inches; W: 14.0 inches) in New Britain Township, **Bucks County**.

Applications taken on permits/orders of confirmation issued under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA-41-806. Succession to Water Rights. The Department has acknowledged that **Limestone Township Municipal Water Authority**, Limestone Township, **Lycoming County** has given notice that it succeeded to all rights and obligations under the permit issued to the former Oval-Oriole Water Association, Limestone Township, **Lycoming County** on June 24, 1996.

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

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

NPDES Permit No. PA-0026492. Sewerage. **The Sewer Authority of the City of Scranton**, 307 North Washington Avenue, Scranton, PA 18503 is authorized to discharge from a facility located in the City of Scranton, **Lackawanna County** to the Lackawanna River.

Permit No. 1396401. Sewerage. **Duane Schleicher** (Schleicher Trailer Park), R. R. 7, Box 198, Lehighton, PA 18235. Permit to construct and operate a wastewater collection system and treatment plant to serve the Schleicher Trailer Park, located in East Penn Township, **Carbon County**.

Permit No. 5496404. Sewerage. **Girardville Area Municipal Authority**, P. O. Box 5, Girardville, PA 17935. Permit to construct and operate a wastewater collection system and wastewater treatment plant, located in Butler Township, **Schuylkill County**.

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

NPDES Permit No. PA0092819. **Fair Winds Manor, Inc.**, 126 Iron Bridge Road, Sarver, PA 16055 is authorized to discharge from a facility located in Winfield Township, **Butler County** to an unnamed tributary to Buffalo Creek.

NPDES Permit No. PA0024571. Amendment No. 1. **Municipal Sewer & Water Authority of Cranberry Township**, 2525 Rochester Road, Suite 700, Cranberry Township, PA 16066-6498 is authorized to discharge from a facility located in Cranberry Township, **Butler County** to Brush Creek.

NPDES Permit No. PA0222119. **Carriage Inn**, 3050 Ellwood Road, New Castle, PA 16101 is authorized to discharge from a facility located in Shenango Township, **Lawrence County** to an unnamed tributary to Big Run.

NPDES Permit No. PA0032531. DCNR, Bureau of State Parks, Moraine State Park, P. O. Box 387, Prospect, PA 16052-0387 is authorized to discharge from a facility located in Muddy Creek Township, **Butler County** to Muddy Creek.

NPDES Permit No. PA0104353. **Lemick, Inc.**, Oakleaf Estates, 4090 Greenwood Oval, North Royalton, OH 44133 is authorized to discharge from a facility located in Shenango Township, **Mercer County** to an unnamed tributary to the Shenango River.

NPDES Permit No. PA1012296. **Bartone's Stateline Service Center, Inc.**, 110 Garden Street, Conneaut, OH 44030 is authorized to discharge from a facility located in Springfield Township, **Erie County** to an unnamed tributary to Raccoon Creek.

NPDES Permit No. PA0102326. **Mercer SCI Wastewater Treatment Plant**, Department of Corrections, P. O. Box 598, Camp Hill, PA 17001-0598 is authorized to discharge from a facility located in Findley Township, **Mercer County** to Neshannock Creek.

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

WQM Permit No. 4395409. Sewerage. **Mercer SCI Wastewater Treatment Plant**, Department of Corrections, P. O. Box 598, Camp Hill, PA 17001-0598. This project is for the construction and operation of a proposed wastewater treatment facility in Findley Township, **Mercer County**.

WQM Permit No. 2596415. Sewerage. **North East Township Water and Sewer Authority**, I-90 Rest Stop

Sewer Extension, 10300 West Main Road, P. O. Box 249, North East, PA 16428. This project is for plans to install gravity sewer, force main and pump station to serve the I-90 rest area in North East Township, **Erie County**.

WQM Permit No. 1096409. Sewerage. **Thornhill Industrial Park Sanitary Interceptor Sewer**, Marshall Township Municipal Sanitary Authority, P. O. Box 2063, Warrendale, PA 15086. This project is for plans for an expanded service into Thornhill Industrial Park in Cranberry Township, **Butler County**.

Northcentral Regional Office, Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

NPDES PAG044911. Sewerage. **Christopher J. Mosier**, R. R. 2, Box 223M, Ulster, PA 18850. Approval was granted for renewal of their NPDES permit to discharge from a single family residence sewage treatment system discharging to Brown's Creek. It is located in Smithfield Township, **Bradford County**.

NPDES PA0111741. Sewerage. **Warrior Run School District**, R. R. 2, Box 151A, Turbotville, PA 17772. Approval was authorized to Warrior Run School District to discharge from a facility located at Lewis Township, **Northumberland County**.

NPDES PAG044913. Sewerage. **Franklin S. and Vicki L. Pantalone**, R. R. 2, Box 2966, Berwick, PA 18603. Renew their single residence treatment system that discharges to unnamed tributary to Briar Creek. It is located in North Centre Township, **Columbia County**.

NPDES PA0209392. Sewerage. **Richmond Township Municipal Authority**, 563 Valley Road, Mansfield, PA 16933. Approval was given to discharge treated municipal wastewater to an unnamed tributary to Tioga River. Facility is located at Richmond Township, **Tioga County**.

NPDES PA0114979. Sewerage. **Borough of Knoxville**, P. O. Box 191, Knoxville, PA 16928. Approval was given to discharge treated sewage from facility located at Knoxville Borough, **Tioga County**.

NPDES PAG044912. Sewerage. **Stuart C. Goodwin Jr.**, R. D. 7, Box 260, Wellsboro, PA 16901. Approval was given to discharge from a single family residence system, located in Charleston Township, **Tioga County**.

NPDES PA0008591. Transfer, Industrial waste. **NGC Industries Inc.**, P. O. Box 338, Milton. Has changed their NPDES Industrial Waste permit name at facility located White Deer Township, **Union County**.

NPDES PA0114448. Industrial waste. **Agway Energy Products**, P. O. Box 4852, Syracuse, NY 13221-4852. Has renewed their NPDES permit for the treatment and discharge of groundwater as part of remediation project. The discharge is to an unnamed tributary to Warrion Run. Facility is located in Turbotville Borough, **Northumberland County**.

NPDES PA0209414. Industrial waste. **Amerada Hess Corporation**, 1 Hess Plaza, Woodbridge, PA 18017. Has been approved to discharge treated groundwater as part of a remediation project located in Town of Bloomsburg, **Columbia County**.

WQM 1496412. Sewerage. **John and Colleen Dunkleberger**, R. D. 1, Box 187B, Spring Mills, PA 16875. Has approval to construct a single residence sewage treatment facility located in Gregg Township, **Centre County**.

WQM 6096405. Sewerage. **Kim A. and Janeen L. Oberdorf**, 133 North Second Street, Lewisburg, PA

17837. Has been approved to construct single residence sewage treatment facility located at Limestone Township, **Union County**.

5996407. Sewerage. **Richmond Township Municipal Authority**, 563 Valley Road, Mansfield, PA 16933. Has approval to construct and maintain small flow wastewater treatment facilities to serve the Mann Creek Heights residential development. It is located in Richmond Township, **Tioga County**.

1996405. Sewerage. **Donald and Patricia Wagner**, R. R. 2, Box 387, Catawissa, PA 17820. Has approval to construct single residence treatment facility located at Franklin Township, **Columbia County**.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Reqmts.</i>
PA 0082996	Mt. Zion School of Ministry R. R. 1, Box 7380 Grantville, PA 17028	Lebanon E. Hanover Twp.	UNT to Swatara Creek	TRC
PA 0030252	Tussey Mtn. School District Robertsdale Elementary R. D. 1, Box 178A Saxton, PA 16678	Huntingdon Wood Twp.	Great Trough Creek	TRC
PA 0029823	Tusset Mtn. School District Defiance Elementary R. D. 1, Box 178A Saxton, PA 16678	Bedford Broad Top Twp.	Six Mile Run	TRC
PA 0081825	Betty Nelson MHP 16 Betty Nelson Court Carlisle, PA 17013	Cumberland L. Frankford Twp.	Conodoguinet Creek	TRC

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, telephone (717) 787-3483, by an aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the 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 the appeal form and the Department's regulations governing practice and 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

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

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>
PAR106407	Flying J, Inc. P. O. Box 678 Brigham City, Utah 84302	New Milford Township Susquehanna County	Partners Creek

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>
PAR230061	3	Quaker Chemical Corporation Elm and Lee Streets Conshohocken, PA 19428	Montgomery Co. Whitemarsh Twp.	Brandywine Creek	2899
PAR700003	3	Castrol Industries, Inc. 775 Louis Drive Warminster, PA 18974	Bucks Co. Warminster Twp.	Unnamed Tributary to Little Neshaminy Creek	2999
PAR700012	3	Sun Company P. O. Box 426 Marcus Hook, PA 19061	Delaware Co. Upper Chichester Twp.	Marcus Hook Creek	2911
PAR210023	3	Refractory Minerals Company, Inc. P. O. Box 551 Avondale, PA 19399	Chester Co. Avondale Borough	Trout Creek	3295
PAR800079	3	Roadway Express, Inc. 750 County Line Road Line Lexington, PA 18932	Bucks Co. Hatfield Twp.	Neshaminy Creek	4231
PAR600028	3	Cimco Terminals, Inc. 2500 Richmond Avenue Philadelphia, PA 19125	Philadelphia City of Philadelphia	Delaware River	5093
PAR600026	3	Allegheny Iron & Metal Co. Inc. Tacony Street & Adams Ave. Philadelphia, PA 19124	Philadelphia City of Philadelphia	Frankford Creek	5093
PAR60001	3	Biello Auto Parts 1528 Ridge Road Perkasie, PA 18944	Bucks Co. East Rockhill Twp.	Threemile Run	5015
PAR140007	3	The Davey Company 600 Brandywine Road Downingtown, PA 19335	Chester Co. East Caln Twp.	Brandywine Creek	2631

Southcentral Regional Office, Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110-9333, telephone (717) 657-4590.

<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>
PAR803607	3	Builders Transport Inc. 1511 E. Commercial Dr. Carlisle, PA 17013	Cumberland Co. Carlisle Borough	Conodoguinet Creek	4213
PAR143520	3	Reading Paper Board Co. 3110 Paper Mill Rd. Sinking Spring, PA 19608	Berks Co. L. Heidelberg Spring	Tulpehocken River	2631
PAR503503	3	L. Paxton Twp. Landfill 75 S. Houcks Rd. Harrisburg, PA 17109	Dauphin Co. L. Paxton Twp.	UNT to Beaver Creek	
PAR213507	3	Berks Products Corporation Temple Plant P. O. Box 421 Reading, PA 19603	Berks Co. Muhlenberg Twp.	Laurel Run Creek	3273
PAR213543	3	Hoover-Wilbert Burial Vault Co. 216 Gartner Lane York, PA 17402	York Co. Hallam Borough	Kreutz Creek	3272

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

<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>
PAG048410	PAG-4	Joseph and Tricha Gregor 14140 Dickson Rd. Meadville, PA 16335	Crawford Co. W. Mead Twp.	Woodcock	

Plan revision approval granted November 13, 1996, under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Southcentral Regional Office, Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110-3999.

Location: Oasis-Of-Love Church STP. Along the east side of State Route 3001, approximately 1 mile northeast of the intersection of PA 913 and SR 3001, Carbon Township, **Huntingdon County**.

Project Description: Approval of a revision to the Official Sewage Plan of Carbon Township, Huntingdon County. Project involves construction of a small flow sewage treatment facility to serve a proposed dwelling located along the east side of State Route 3001. Treated effluent is to be discharged to an unnamed tributary of House Run.

Any required NPDES permits or WQM permits must be obtained in the name of the owner.

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

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

Apex Waste Services, Inc., 13 Peggy Parkway, Dunmore, PA 18512; License No. **PA-HC 0194**; license issued November 5, 1996.

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

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

ABC Tank Co., Inc., P. O. Box 111, Clayton, NJ 08312; License No. **PA-AH 0342**; renewal license issued November 14, 1996.

Auburn Container Co., Inc., 23 Perrine Street, Auburn, NY 13021; License No. **PA-AH 0059**; renewal license issued November 14, 1996.

Chemical Solvents, Inc., 3751 Jennings Road, Cleveland, OH 44109; License No. **PA-AH 0049**; renewal license issued November 13, 1996.

Cousins Waste Control Corp., 1701 E. Matzinger Road, Toledo, OH 43612; renewal license issued November 14, 1996.

Disposal Systems, Inc., P. O. Box 6696, Freehold, NJ 07728; renewal license issued November 14, 1996.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380; renewal license issued November 13, 1996.

Empire Wrecking Co., Reading, PA 19601; renewal license issued November 14, 1996.

Griffin Industrial Services, Inc., 8952 Falls Road, New Woodstock, NY 13122; renewal license issued November 14, 1996.

Pat Perretti Freight Service, Inc., 73 Greenpond Road, Rockaway, NJ 07866; renewal license issued November 1, 1996.

S. D. Myers, Inc., 180 South Avenue, Tallmadge, OH 44278; renewal license issued November 15, 1996.

Sanford Motors, Inc., 1307 S. Pennsylvania Avenue, Morrisville, PA 19067; renewal license issued November 14, 1996.

Select Transportation, Inc., 5055 Nike Drive, Columbus, OH 43026; renewal license issued November 14, 1996.

Wills Trucking, Inc., 3185 Columbia Road, Richfield, OH 44286; renewal license issued November 15, 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.

Auburn Container Co., Inc., 23 Perrine Street, Auburn, NY 13021; License No. **PA-AH 0059**; amended license issued November 14, 1996.

Chemical Solvents, Inc., 3751 Jennings Road, Cleveland, OH 44109; License No. **PA-AH 0049**; amended license issued November 13, 1996.

Cousins Waste Control Corp., 1701 E. Matzinger Road, Toledo, OH 43612; License No. **PA-AH 0344**; amended license issued November 14, 1996.

Disposal Systems, Inc., P. O. Box 6696, Freehold, NJ 07728; License No. **PA-AH 0470**; amended license issued November 14, 1996.

Eldredge, Inc., 898 Fern Hill Road, West Chester, PA 19380; License No. **PA-AH 0056**; amended license issued November 13, 1996.

Empire Wrecking Co. of Reading, PA, 1420 Clarion Street, Reading, PA 19601; License No. **PA-AH 0255**; amended license issued November 14, 1996.

Griffin Industrial Services, Inc., 8952 Falls Road, New Woodstock, NY 13122; License No. **PA-AH 0471**; amended license issued November 14, 1996.

Pat Perretti Freight Service, Inc., 73 Greenpond Road, Rockaway, NJ 07866; License No. **PA-AH 0465**; amended license issued November 1, 1996.

S. D. Myers, Inc., 180 South Avenue, Tallmadge, OH 44278; License No. **PA-AH 0468**; amended license issued November 15, 1996.

Sanford Motors, Inc., 1307 S. Pennsylvania Avenue, Morrisville, PA 19067; License No. **PA-AH S178**; amended license issued November 14, 1996.

Select Transportation, Inc., 5055 Nike Drive, Columbus, OH 43026; License No. **PA-AH 0469**; amended license issued November 14, 1996.

Wills Trucking, Inc., 3185 Columbia Road, Richfield, OH 44286; License No. **PA-AH 0295**; amended license issued November 15, 1996.

Hazardous Waste Transporter License reinstated 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.

Pat Perretti Freight Service, Inc., 73 Greenpond Road, Rockaway, NJ 07866; License No. **PA-AH 0465**; license reinstated November 1, 1996.

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

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

Capitol Parts Washers, Inc., 570 Industrial Drive, Lewisberry, PA 17339; License No. **PA-AH 0401**; license terminated November 5, 1996.

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

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

Permit No. 400689 (formerly 300439). **Merck and Company, Inc.** (P. O. Box 600, Danville, PA 17841-0600). Permit for the operation of a residual waste incinerator facility located in Riverside Borough, **Northumberland County** issued in the regional office on November 20, 1996.

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

Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **39-318-074C**

Source: Paint Spray Line W/Cat Oxidizer
Company: **Stanley Storage Systems Inc.**
Location: City of Allentown
County: **Lehigh**

Permit: **45-302-059G**

Source: 700 hp Superior Boiler/Nat. Gas
Company: **East Stroudsburg University**
Location: East Stroudsburg Borough
County: **Monroe**

Permit: **48-310-025**

Source: Stone Crushing Plant W/Waterspray
Company: **Eastern Industries Incorporated**
Location: Upper Mt. Bethel Township
County: **Northampton**

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

Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

48-0013. On October 24, 1996, a RACT Air Quality Operating Permit was issued to **Bethlehem Structural Products Corporation** (1805 East Fourth Street,

Bethlehem, PA 18016) for the operation of coke and coal chemical production operations at its facility located in Bethlehem, **Northampton County**.

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

Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.

A Plan Approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **45-302-059G**

Source: 700 hp Superior Boiler/Nat. Gas

Issued: November 12, 1996

Company: **East Stroudsburg University**

Location: East Stroudsburg Borough

County: **Monroe**

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

56900114. Permit renewal, **Beechdale Mining, Inc.** (P. O. Box 266, Jennerstown, PA 15547), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Brothersvalley Township, **Somerset County**, affecting 45.4 acres, receiving stream unnamed tributary to Tubs Run and Tubs Run, application received September 11, 1996, permit issued November 13, 1996.

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

65910303. International Mill Service, Inc. (1155 Business Center Drive, Horsham, PA 19044-3454). Revision issued to grant approval to process offsite iron and steel slag at an existing noncoal surface mine affecting 62.9 acres located in Rostraver Township, **Westmoreland County**. Revision application received August 7, 1996. Revision issued November 14, 1996.

03960105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision issued to redesign collection ditches CD-25 and CD-26 to Sed Pond F, to upgrade an existing road within the stream barrier, and to add 8.0 acres to the existing bituminous surface mine affecting 470.0 acres located in Cowanshannock Township, **Armstrong County**. Receiving streams unnamed

tributaries to Huskins Run. Revision applications received September 30, 1996 and October 8, 1996. Revisions issued November 14, 1996.

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

17960105. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), commencement, operation and restoration of bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 23 acres, receiving streams unnamed tributary to Dutch Hollow Run and Dutch Hollow Run, application received February 20, 1996, permit issued November 6, 1996.

17960113. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Covington and Karthaus Townships, **Clearfield County** affecting 306 acres, receiving streams Curley's Run, Curley's Run to west branch Susquehanna River, application received June 28, 1996, permit issued November 8, 1996.

17960109. R. B. Contracting (R. R. 1, Box 13, Curwensville, PA 16833), commencement, operation and restoration of a bituminous surface mine permit in Bell Township, **Clearfield County** affecting 54.1 acres, receiving streams Buck Run to east branch of Mahoning Creek to the Allegheny River, application received May 23, 1996, permit issued November 13, 1996.

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

49861303R2. Snyder Coal Co., (R. D. 2, Box 93, Hegins, PA 17938), renewal of an existing anthracite deep mine operation in Zerbe Township, **Northumberland County** affecting 2.8 acres, receiving stream none. Renewal issued November 4, 1996.

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

Noncoal Permits Issued

54960301. Walter J. and Jean J. Mintz, (R. R. 1, Dieberts Valley Road, P. O. Box 6, Schuylkill Haven, PA 17972), commencement, operation and restoration of a quarry operation in Landingville Borough, **Schuylkill County** affecting 8.0 acres, receiving stream none. Permit issued November 4, 1996.

40900303T. Barletta Materials & Construction, Inc., (P. O. Box 10, Hazleton, PA 18201), transfer of an existing quarry operation in Hazle Township, **Luzerne County** affecting 490.0 acres, receiving stream none. Transfer issued November 5, 1996.

40960303. Pikes Creek Sand & Stone, Inc., (P. O. Box 330, Sweet Valley, PA 18656), commencement, operation and restoration of a quarry operation in Lehman Township, **Luzerne County** affecting 54.5 acres, receiving stream none. Permit issued November 6, 1996.

4873SM8T2. Global Stone PenRoc, Inc., (P. O. Box 1967, York, PA 17405-1967), transfer of an existing quarry operation in West Manchester Township, **York County** affecting 413.0 acres, receiving stream unnamed tributary to Codorus Creek. Transfer issued November 7, 1996.

Field Operations—Mining and Reclamation, 5 West Laurel Boulevard, Pottsville, PA 17901.

Coal Applications Returned

49941302. C & B Mining Co., (R. D. 2, Box 857, Coal Township, PA 17866), commencement, operation and restoration of an anthracite underground mine operation in Coal Township, **Northumberland County** affecting 4.6 acres, receiving stream Shamokin Creek. Application received May 5, 1994. Application returned November 5, 1996.

49861307C. Eagle Run Coal Company, Inc., (416 Chestnut Street, Kulpmont, PA 17834), correction of an existing anthracite underground mine operation in Coal Township, **Northumberland County** affecting 3.3 acres, receiving stream Shamokin Creek. Application received September 1, 1994. Application returned November 5, 1996.

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

Small Industrial Mineral Authorizations Granted

17960801. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), commencement, operation and restoration of a Small Industrial Mineral (Shale) Permit in Penn Township, **Clearfield County** affecting 2.3 acres, application received September 6, 1996, authorization granted November 13, 1996.

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

General Small Noncoal Authorizations Granted

35960801. Ben Telford, (R. R. 1, Box 1148, Carbondale, PA 18407), commencement, operation and restoration of a small quarry operation in Greenfield Township, **Lackawanna County** affecting 4.0 acres, receiving stream none. Authorization granted November 4, 1996.

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

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

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the 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).

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

E01-169. Encroachment. Franklin Township Supervisors, Larry Smith, Box 309, Cashtown, PA 17310. To remove an existing structure and to construct and maintain (2) 48 inch diameter 40 foot long culverts with gabion headwall and endwall in Marsh Creek at its intersection with Spigot Valley Road (Caledonia Park, PA Quadrangle N: 3.5 inches; W: 1.8 inches) in Franklin Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E07-245. Encroachment. Westvaco, 1600 Pennsylvania Ave., Tyrone, PA 16686. To remove the superstructure of a two span steel beam privately owned bridge across the Frankstown Branch of the Juniata River located about 1,600 feet upstream of the S. R. 2015 bridge at Williamsburg Borough (Williamsburg, PA Quadrangle N: 16.4 inches; W: 11.1 inches) in Williamsburg Borough and Catharine Townships, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-253. Encroachment. East Pennsboro Township, ATTN: Robert L. Gill, Cumberland County, 98 South Enola Drive, Enola, PA 17025-2796. To construct and maintain an additional 8 foot × 12 foot concrete building to the existing Brentwater Road pumping station to elevate the location of the electrical controls located within the 100 year floodplain of the Conodoguinet Creek (Harrisburg West, PA Quadrangle N: 2.0 inches; W: 9.5 inches) in East Pennsboro Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E31-132. Encroachment. Robert Smith, Jr., Huntingdon County, R. D. 1, Box 389A, Petersburg, PA 16669. To remove an existing structure and to construct and maintain a bridge having a clear span of 15.33 feet and a minimum underclearance of about 5.6 feet across Greenlee Run located on Township Road T-534 about 0.5 mile north of its intersection with Township Road T-528 (McAlevy's Fort, PA Quadrangle N: 8.4 inches; W: 10.5 inches) in Jackson Township, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E50-178. Encroachment. Emil Tasker, 405 Schoolhouse Road, Duncannon, PA 17020. To permit the fill placed 260 feet in length and 20 feet in width along and in the floodway of an unnamed tributary to the Susquehanna River in conjunction with the construction of a sanitary sewer line located in the northeast portion of the Susquenita Hills residential subdivision about 600 feet southwest of Schoolhouse Road (T-309) and about 1.0 mile southeast of the intersection of Schoolhouse Road and US Route 11 and 15 (Wertzville, PA Quadrangle N: 18.7 inches; W: 1.0 inch) in Penn Township, **Perry County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E50-179. Encroachment. **Juniata Township**, ATTN: Robert Gabel, Supervisor, Perry County, R. D. 3, Box 65AA, Newport, PA 17074. To remove an existing culvert and to construct and maintain a 53-inch by 83-inch elliptical concrete culvert pipe in Little Buffalo Creek for roadway maintenance purposes located on Buffalo Road (T-431), just north of its intersection with Mansville Road (SR 40.10) (Ickesburg PA Quadrangle N: 10.55 inches; W: 0.5 inch) in Juniata Township, **Perry 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.

E58-213. Encroachment. **Franklin Township Supervisors**, R. R. 3, Box 93-E, Montrose, PA 18801. To construct and maintain a low-flow road crossing known as Bridge No. 2 in Fall Brook consisting of a 20.0 foot x 5.0 foot concrete box culvert depressed 2.0 feet below streambed elevation. The project is located along Township Road T677, approximately 0.3 mile east of its intersection with T601 (Franklin Forks, PA Quadrangle N: 5.8 inches; W: 16.1 inches) in Franklin Township, **Susquehanna County**.

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

E08-237. Encroachment. **Susan P. Kulsar**, 376 Rutherford Ave., Franklin, NJ 07416-1525. The applicant proposes to construct and maintain a private road crossing Beckwith Creek for access to a single residence. The proposed road crossing shall be constructed with a corrugated metal culvert pipe that has a 72 inch diameter and a length of 20.0 feet. The project is located along eastern right-of-way of SR 0549 approximately 4,000.0 feet east of the intersection of SR 0549 and SR 4038 (Millerton, PA Quadrangle N: 9.6 inches; W: 1.0 inch) in Wells Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E08-295. Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. Remove the existing structure and to construct and maintain two 7 foot diameter by 50 foot long corrugated metal pipe culverts with concrete headwalls and wingwalls in Beckwith Creek located on SR 4038 Seg 0050 approximately 4,000 feet west of the SR 4038 and SR 4039 intersection (Millerton, PA Quadrangle N: 9.8 inches; W: 1.0 inch) in Wells Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects."

E14-289. Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. Remove the existing structure and to construct and maintain a single span bridge with a clear normal span of 34.0 feet and minimum underclearance of 5.4 feet over Pine Creek on Pine Creek Road at the second crossing of Pine Creek off of T-515. This project will be a de minimus impact (.02 acre) to existing wetlands (Woodward, PA Quadrangle N: 10.4 inches; W: 11.5 inches) in Haines Township, **Centre County**.

E14-291. Encroachment. **Keith G. Benner**, HC 1, Box 75, Aaronsburg, PA 16820. To construct and maintain two 48 inch diameter CMP culverts 16 feet long in an unnamed tributary to Pine Creek. The project is located off Middle Road about 600 feet east of Applebutter Road (Millheim, PA Quadrangle N: 6.3 inches; W: 0.6 inch) in Haines Township, **Centre County**.

E14-293. Encroachment. **Corl Farm, Inc.**, c/o Galen E. Dreibelbis, 1535 N. Atherton St., State College, PA 16803. To construct and maintain a stream enclosure in Big Hollow Run that will provide access to a residential development. The proposed work shall consist of installing a CMP arch culvert pipe that will have a span of 77.0 inches, rise of 52.0 inches and length of 150.0 linear feet. The project is located along the north right-of-way of SR 0026 approximately 1.5 miles north of the intersection of SR 0026 and Science Park Road (Julian, PA Quadrangle N: 7.0 inches; W: 4.0 inches) in Ferguson Township, **Centre County**.

E18-216. Encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552. To 1) construct and maintain a 12 foot by 5 foot reinforced concrete box culvert with reinforced concrete wingwalls with an approximate skew of 50 degrees in Middle Branch 2) construct and maintain a 14 foot by 5 foot reinforced concrete box culvert with reinforced concrete wingwalls in Two Mile Run (Renovo West, PA Quadrangle N: 15.7 inches; W: 14.5 inches) in Noyes Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-356. Encroachment. **Lycoming County Water & Sewer Authority**, 48 W. Third St., Williamsport, PA 17701. To construct and maintain a 30-inch reinforced concrete outfall sewer pipe about 1,600 feet long in the floodplain of the west branch Susquehanna River. This project is located next to Tules Run about 0.25 mile from the west branch Susquehanna River (Muncy, PA Quadrangle N: 19.75 inches; W: 16.75 inches) in Fairfield Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-381. Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain streambed paving and rock protection at wings and upstream and downstream banks for an existing bridge across Gamble Run. The project is located on Rt. 414 just south of Gamble Run Road (Cedar Run, PA Quadrangle N: 1.5 inches; W: 11.2 inches) in Brown Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E57-074. Encroachment. **Department of Conservation and Natural Resources**, 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 protected with riprap over west branch of Mill Creek on Mill Creek Road approximately 4.6 miles from the village of Hillsgrove (Barbours, PA Quadrangle N: 19.5 inches; W: 2.1 inches) in Fox Township, **Sullivan County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-325. Encroachment. **Department of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To remove the existing far right wingwall and to construct and maintain a new wingwall and streambed paving for an existing bridge across an unnamed tributary to North Elk Run. The project is located on SR 6 about 600 feet west of T-648 (Crooked Creek, PA Quadrangle N: 2.8 inches; W: 10.5 inches) in Charleston Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1155. Encroachment. **Tonomo Marine Inc.**, 36 Allegheny Square, Glassport, PA 15045. To construct and maintain a barge mooring facility and to operate and maintain the existing retaining wall in the channel of and along the right bank of the Monongahela River for the purpose of barge cleaning and repair. The project is located at River Mile 18.8 (Glassport, PA Quadrangle N: 12.4 inches; W: 2.6 inches) in Glassport Borough, **Allegheny County**.

E02-1157. Encroachment. **County of Allegheny**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. To remove the existing structure (Painters Run Bridge No. PA01) and to construct and maintain a box culvert having a span of 16.0 feet with an underclearance of 8.0 feet in Painters Run for the purpose of improving Painters Run Road. The project is located on Painters Run Road approximately 450 feet west from the intersection of Painters Run Road, Cedar Boulevard and Gilkeson Road (Bridgeville, PA Quadrangle N: 20.2 inches; W: 9.15 inches) in Mt. Lebanon Township, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E03-357. Encroachment. **Kittanning Suburban Joint Water Authority**, R. R. 1, Box 23, Adrian, PA 16210-9712. To construct and maintain a 12-foot x 12-foot raw water pump station in the right bank of the Allegheny River for the purpose of providing a supplemental water source to an existing water treatment plant. The project is located at approximately River Mile 48 (Kittanning, PA Quadrangle N: 18.1 inches; W: 2.65 inches) in East Franklin Township, **Armstrong County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E26-225. Encroachment. **North Union Township**, 62 North Gordon Street, Uniontown, PA 15401. To remove the existing structure and to construct and maintain two 30-foot long 54-inch CM pipe culverts in an unnamed tributary to Coolspring Run (WWF) located on T-685 at a point approximately 600 feet south of intersection of SR 2021 with T-685 (Uniontown, PA Quadrangle N: 4.65 inches; W: 4.50 inches) in North Union Township, **Fayette County**.

E30-168. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 28.7 feet and an underclearance of 8.1 feet across Roberts Run on SR 0218, Section E00 (Oak Forest, PA Quadrangle N: 5.3 inches; W: 13.0 inches) in Wayne Township, **Greene County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E30-169. Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 16.6-foot x 5.0-foot box culvert on a skew of 74 degrees with the invert depressed 1 foot in a tributary to Roberts Run, to relocate approximately 200 L. F. of said stream at the box culvert location and place and maintain fill in a de minimus area of wetlands equal to or less than 0.05 acre. The project is located on S. R. 0218, Section D01, Station 207+58.50 (Oak Forest, PA Quadrangle N: 4.0 inches; W: 13.8 inches) in Wayne Township, **Greene County**.

E65-634. Encroachment. **Regis J. Kraisinger**, 139 Quarry Street, Mt. Pleasant, PA 15666. To construct and

maintain a 220-foot stream enclosure consisting of two 60-inch CMP culverts with 6-inch depressed inverts in a tributary to Jacobs Creek for the purpose of providing parking space and access to a commercial kitchen and a banquet hall. The proposed stream enclosure is located approximately 1,500 feet west of the intersection of State Route 0031 and State Route 0119 (Mt. Pleasant, PA Quadrangle N: 5.9 inches; W: 9.3 inches) in East Huntingdon Township, **Westmoreland County**.

EA02002SW. Environmental assessment. **Scott Township**, 2600 Old Greentree Road, Carnegie, PA 15106. To construct and maintain a 0.7 acre wetland area for the purpose of passive treatment of abandoned mine discharge located along Scrubgrass Run approximately 1,000 feet north of Kane Memorial Hospital (Pittsburgh West, PA Quadrangle N: 1.3 inches; W: 12.5 inches) in Scott Township, **Allegheny County**.

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

E09-724. Encroachment. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. To construct and maintain two parking area and recreational facilities within the 100-year floodplain of the Delaware River. The site is situated within the existing Macclesfield Park which is located east of the intersection of the Pennsylvania Canal (AKA Delaware Canal) with Conrail Tracks (Trenton West, NJ-PA Quadrangle N: 20.25 inches; W: 10.75 inches) in Lower Makefield Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects."

SPECIAL NOTICES

Millcreek Dump Site Millcreek Township, Erie County

Under section 122 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. § 9622, and section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Decree concerning settlement of the Department's Complaint against Union Iron and Metal Company (Union). The Department's Complaint concerns the response costs that the Department has incurred and will incur to clean up the Millcreek Dump Site in Erie County, PA. The Department's Complaint is filed in the United States District Court for the Western District of Pennsylvania, at Docket No. 93-297 (Erie).

The Department has incurred over \$700,000 in past response costs, and estimates that it will incur over \$4 million in response costs in the future at the Millcreek Dump Site. However, based upon Union's limited ability to pay, the Department has agreed to settle its Complaint against Union for \$8,000. The specifics of the Department's settlement with Union are set forth in the Consent Decree.

The Department will receive and consider comments relating to the Consent Decree for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Consent Decree if the comments concerning the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, inadequate or not in the public interest. After the public comment period, the Department's settlement with Union shall become final upon the filing of the Department's response to significant written

comments to the Consent Decree and upon the United States District Court's approval of the Consent Decree.

Copies of the Consent Decree are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA, and at the United States District Court-house in Erie, PA. Comments may be submitted, in writing, to Edward Orris, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335-3481. Further information may be obtained by contacting Edward Orris at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 1 (800) 654-5984.

[Pa.B. Doc. No. 96-2060. Filed for public inspection December 6, 1996, 9:00 a.m.]

Area Unsuitable for Coal Mining

Shade Township, Somerset County

The Department of Environmental Protection (Department) has completed a technical study of a petition requesting designation of a portion of Shade Township in Somerset County as unsuitable for surface mining activities. Based upon this study and evaluation of public comments, the Department has made a recommendation to the Environmental Quality Board not to designate the petition area as unsuitable for coal mining.

A petition to designate an area in Shade Township, Somerset County, as unsuitable for mining was received by the Department on September 27, 1995. The petition was submitted by the Shade Township Supervisors. The petition area included approximately 565 acres (230 hectares) located immediately northeast of the village of Reels Corners.

The petition was filed under the discretionary criteria concerning the substantial loss or reduction of long-range productivity of water supply. The Department's technical study evaluated the allegations presented in the petition document which specifically stated that further surface mining activities conducted on any coals within the petition area could result in the diminution, loss or degradation of surface and groundwater resources, including aquifers and aquifer recharge areas used for water supply. A primary concern identified in the petition document was the alleged potential loss of private water supplies through surface effects of underground mining in the petition area.

Based upon the technical study and evaluation of public comments, the Department found that, although there is a potential that underground mining operations within the petition area could result in diminution, loss or degradation of some water supply wells, there are strata which contain aquifer zones that are suitable as replacement water supplies.

Given the availability of alternate water supply sources which could be developed in the event private water supplies were affected by surface mining activities, the Department's recommendation to the Environmental Quality Board is that none of the petition area be designated as unsuitable for surface mining activities. This recommendation would allow for evaluation of the hydrologic impacts of mining specific coals or areas through the permit review process and would provide for

protection of water supplies within the constraints of mining and reclamation technology.

A copy of the Department's recommendation, which includes a technical study and a comment and response document addressing comments which were received during the public comment period on the petition, is available from the Bureau of Mining and Reclamation, Division of Environmental Analysis and Support, Room 213 Executive House, P. O. Box 8461, Harrisburg, PA 17105-8461, telephone (717) 787-4761, or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD).

The Department is soliciting comments before the Environmental Quality Board takes final action on the recommendation. Comments should be forwarded to M. C. McCommons, Bureau of Mining and Reclamation, Room 213 Executive House, P. O. Box 8461, Harrisburg, PA 17105-8461. Comments must be received by January 6, 1997.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-2061. Filed for public inspection December 6, 1996, 9:00 a.m.]

Mining and Reclamation Advisory Board and Regulation, Legislation and Technical Committee; Meetings

The Mining and Reclamation Advisory Board (MRAB) will meet on Thursday, December 12, 1996, at 12:30 p.m. in the 6th floor Conference Room, Rachel Carson State Office Building, 400 Market St., Harrisburg. This meeting had previously been scheduled for January 16, 1997.

The MRAB's Regulation, Legislation and Technical Committee will also meet on December 12 in the 6th Floor Conference Room, Rachel Carson State Office Building, beginning at 9 a.m.

Questions concerning the agendas for these meetings can be directed to Rodney Kelley at (717) 783-5338 or e-mail to Kelley.Rodney@a1.dep.state.pa.us. The agendas for these meetings will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Rodney Kelley directly at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 96-2062. Filed for public inspection December 6, 1996, 9:00 a.m.]

DEPARTMENT OF HEALTH

Review of Ambulatory Surgical Facility Regulations

Under Governor Ridge's Executive Order 1996-1 (relating to regulatory review and promulgation), the Department of Health is preparing to review the ambulatory

surgical facility regulations found at 28 Pa. Code §§ 551.1—573.02.

The Department actively seeks and appreciates any comments regarding the revision of these regulations. The Department will begin its review of the current regulations on January 10, 1997. While the Department encourages interested parties to submit comments at any time, those parties who wish to have their comments considered from the beginning of the review and revision process for the ambulatory surgical facility regulations should submit their comments by January 10, 1997.

Please submit comments to Andrew Major, Acting Director, Division of Acute and Ambulatory Care Facilities, Bureau of Quality Assurance, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8980 or TDD: (717) 783-6514. Persons with a disability may submit comments in alternative formats, such as by audio tape or braille.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 96-2063. Filed for public inspection December 6, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of Social Services Block Grant Documents

The Department of Public Welfare, in accordance with the requirements of Title XX Block Grant to States for Social Services (42 U.S.C.A. § 1397), announces the availability of the following documents:

- a. Response to Comment on the Fiscal Year 1996-97 Social Services Block Grant Plan; and
- b. Fiscal Year 1996-97 Social Services Block Grant Pre-Expenditure Report.

These documents are available by written request to:

Department of Public Welfare, Office of Social Programs, Division of County-Based Programs, 2nd Floor Bertolino Building, 1401 North Seventh Street, Harrisburg, PA 17105-2675.

Persons with a disability may request the documents through the AT&T Relay Services by calling 1 (800) 654-5984 (TDD Users) or 1 (800) 654-5988 (Voice Users), or may use the Department of Public Welfare TDD by calling (717) 787-3616. Persons who require another alternative should contact Thomas G. Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 96-2064. Filed for public inspection December 6, 1996, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Chester County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to demolish and remove three bridges from State Route 9900, Section BRG known as Newport Avenue in the township of Sadsbury in Chester County. The project does not consist of the construction of new bridges.

The proposed project will have an adverse effect on bridge #3, which has been determined eligible for the National Register of Historic Places. There is no feasible and prudent alternative to the removal of the historic bridge. Minimization of impact will be addressed through the recordation of the historic structure using state standards.

No adverse environmental effect is likely to result from the construction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-2065. Filed for public inspection December 6, 1996, 9:00 a.m.]

Pedalcycle and Pedestrian Advisory Committee; Meeting Notice

The Pedalcycle and Pedestrian Advisory Committee will hold a scheduled quarterly meeting on Friday, December 13, 1996. This meeting is open to the public and will begin at 10 a.m. at the following location: Conference Room 1201, Transportation and Safety Building, Harrisburg, PA 17120.

The meeting location is accessible to persons having disabilities. Any persons having special needs or requiring special aides are requested to contact the Pedalcycle and Pedestrian Office at (717) 787-2913 in order that special disability needs may be accommodated.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 96-2066. Filed for public inspection December 6, 1996, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Buckeye Pipe Line Co., L. P. v. DEP; Doc. No. 96-146-R

The Department of Environmental Protection (Department) and Buckeye Pipe Line Co., L. P. (Buckeye) have agreed to a settlement of the above matter.

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

1. The Department will amend the NPDES permit. The amendment provides Buckeye with 1 year to design and install an oil/water separator to treat stormwater from the tank farm diked area; and the amendment sets design standards for the oil/water separator.

Copies of the full agreement are in the possession of:

Zelda Curtiss, Assistant Regional Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Brian J. Clark, Esquire, Morgan, Lewis & Bockius, L.L.P., One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904;

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

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, 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 Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-2067. Filed for public inspection December 6, 1996, 9:00 a.m.]

SCM Metal Products, Inc. v. DEP; EHB Doc. No. 96-247-MR 10/16/96 NPDES Permit No. PA01110591

SCM Metal Products, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Johnstown, Cambria County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 96-2068. Filed for public inspection December 6, 1996, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly on Thursday, November 21, 1996, at 10:30 a.m. and took the following actions:

Regulations Approved:

Pennsylvania Public Utility Commission # 57-152—Line Extensions (amends 52 Pa. Code § 65.1 and adds sections 65.21, 65.22 and 65.23)

Pennsylvania Public Utility Commission # 57-156—Revisions of Rules and Administrative Practice and Procedure (amends 52 Pa. Code Chapters 1, 3, 5, 57 and 59)

Pennsylvania Insurance Department # 11-135—Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers (amends 31 Pa. Code by adding Chapter 163)

Municipal Police Officers' Education and Training Commission # 17-55—Administration of the Training Program (amends 37 Pa. Code by adding a new Chapter 203 and by repealing Chapter 201)

Department of Agriculture # 2-108—Deletion of "Grade AA" Regulatory Standards for Milk (deletes the provisions of 7 Pa. Code Chapter 59)

State Board of Chiropractic # 16A-437—Examination Fees (amends 49 Pa. Code § 5.6)

Pennsylvania Insurance Department # 11-136—No-Fault Motor Vehicle Insurance (amends 31 Pa. Code by deleting Chapter 66)

Commissioners present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
November 21, 1996

Pennsylvania Public Utility Commission—Line Extensions; Doc. No. 57-152

Order

On September 23, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would amend 52 Pa. Code § 65.1 and add §§ 65.21, 65.22 and 65.23. This regulation would also delete § 69.171 Fixed utility line extensions—statement of policy. The authority for this regulation is 66 Pa.C.S. §§ 501 and 1501. The proposed regulation was published in the *Pennsylvania Bulletin* on October 8,

1994 with a 45-day public comment period. The final-form regulation was submitted to the Commission on November 12, 1996.

The PUC is proposing to establish a universal standard for determining when an individual may be required to contribute to the costs of a line extension for water utility service and the amount of contribution that will have to be made. The proposed regulation applied to large electric, water, natural gas, and local exchange telephone utilities. However, as a result of comments received during the proposed rulemaking stage, the final-form rulemaking only applies to line extensions for water utilities.

Historically, utilities have had provisions in their tariffs (rules, rates and conditions for service) that provided either a specific distance of free line extension or that established a utility contribution toward the costs of an extension based on the customer's expected revenue or consumption. In September 1992, the PUC adopted a Statement of Policy (52 Pa. Code § 69.171 Fixed utility line extensions—statement of policy) where it interpreted Pennsylvania appellate court decisions on when a customer should contribute to the costs of a line extension for all utilities. This policy statement provides that a utility can only require a customer contribution if a given line extension would materially handicap the utility in securing a fair return on its overall investment or would place an undue burden on utility customers.

Numerous complaints have been filed on utilities' line extension policies which have resulted in extensive litigation before the PUC. The PUC has not historically provided clear direction on line extensions and the utilities' policies have varied considerably. As a result, the PUC has had to decide numerous line extension complaints on a case-by-case basis with no apparent end in sight. The PUC developed this rulemaking in an effort to develop a fair and uniform policy for line extensions to alleviate litigation.

The rulemaking establishes an economic test to determine when a customer contribution may be required for a proposed water utility line extension. Customer contributions may be required at the point where annual revenue from the line extension is less than the utility's annual line extension costs. The utility's investment is determined by a formula in the regulation which includes factors directly related to the line extension including the utility's expected revenues and costs. A customer's contribution is determined by subtracting the utility's investment from the total construction costs for the line extension. The regulation further provides that utilities with \$10 million or more in gross annual revenue shall give the customer the option of either paying the customer contribution over a period of not less than 3 years with the utility recovering financing costs, or providing information to the customer on financial institutions that may offer financing. Finally, the regulation creates a category called "special utility service" which is specifically exempted from the economic test in the rulemaking. Special utility service is defined as residential or business service which exceeds that required for ordinary residential purposes.

The Senate Consumer Affairs and Professional Licensure Committee met on November 13, 1996, and approved the rulemaking. The House Consumer Affairs Committee met on November 20, 1996, and approved the rulemaking.

All PUC jurisdictional public water utilities will be affected by the regulation. According to the PUC, the cost

of compliance will vary from utility to utility since some companies already have policies which are at least as generous as the regulation while others are more restrictive. The PUC believes the economic test contained in the regulation will result in a substantially greater amount of footage at no cost to the customer. The regulation should provide a more streamlined approach to determine when a customer contribution may be required for a line extension. This should result in a decrease in the number of appeals and complaints being filed against utilities concerning whether contributions need to be made by customers and in the associated costs incurred by the utilities and the PUC.

We have reviewed this regulation and find it to be in the public interest. We compliment the PUC on their determination to improve this regulation. This regulation has been revised several times to resolve various concerns. We expressed serious concerns with a final-form regulation filed on March 21, 1996, and the PUC withdrew that final-form regulation on April 12, 1996. The PUC resubmitted a final-form rulemaking on October 28, 1996, but withdrew that final-form regulation on November 12, 1996, to correct a substantive error. The PUC resubmitted this final-form rulemaking on November 12, 1996. The following discussion highlights some of the previous concerns expressed and how the PUC resolved the issues.

In the final-form regulation submitted March 21, 1996, the PUC used an economic test to determine the percentage of the total construction costs the customer may be required to pay. Unfortunately, none of the definitions and nothing in the PUC's regulation clearly reflected an intent to net contributions against the utility's investment to calculate costs. In fact, the regulation, as interpreted by Table III in the PUC's Order approving the final-form regulation, showed an intent to base depreciation costs and debt costs upon the total cost of the line extension, which included the contributed property. For this reason, we believed the PUC's economic test was flawed. We recommended that the rulemaking be withdrawn to make the appropriate revisions. The PUC withdrew the rulemaking. In the resubmitted regulation, the PUC corrected the calculations to set contributions against the utility's investment. Therefore, the PUC has satisfactorily addressed our concern in this area.

The proposed regulation exempted "special utility service" from the economic test provisions of the regulation. Special utility service was defined as residential or business service which exceeds that required for ordinary residential purposes or service for which there is a safe, adequate and competitively priced alternative to meet the applicant's utility needs. If the utility determined that a line extension falls under the definition of special utility service, the customer no longer qualified for the economic test provisions in the regulation and would be required to bear the full cost of a line extension.

We saw two problems with the special utility service provision. First, we believed the economic test in the regulation should be used to strike a reasonable balance between the utility and all of its customers regardless of the service the customer was requesting. We did not believe any provisions beyond the economic test were necessary or reasonable. Second, the regulation also did not provide guidance on how to determine "safe, adequate and competitively priced alternatives" or how the utility would substantiate their existence to the customer. For these reasons we believed the special utility service provision should have been deleted. The PUC explained

that there are circumstances where the special utility service provision would protect the utility. However, the PUC agreed that the utilities were not prepared to provide substantive alternatives to customers and the PUC deleted the "safe, adequate and competitively priced alternatives" from the final-form regulation. We believe the special utility service definition is now an acceptable compromise.

In every submittal to the Commission, including the PUC's order accompanying the final-form rulemaking, the rulemaking had a provision which exempted special utility service from all of the provisions except one. The single provision that was not exempted for special utility service provided for refunds of a portion of the money advanced by the original customer if more customers attached service lines to the main extension within 10 years. However, in the final-form regulation submitted on October 28, 1996, the PUC inadvertently exempted special utility service from the requirement to provide reimbursement of a portion of the advance if additional customers attach to the main extension. The PUC recognized the error and the regulation was withdrawn. The resubmitted regulation now contains the correct exemption language for special utility service.

The proposed regulation provided that a utility with gross annual receipts of \$10 million or more must provide a line extension customer the option of financing the cost of the line extension over at least a 3-year period. Our comments recommended that the PUC delete this financing provision unless it could demonstrate a significant number of potential utility customers are having difficulty obtaining the cost of essential line extensions. We took this position because we do not believe utilities should be in the business of providing financial services to its customer or have the ability to perform this function. We suggested that if the PUC maintained the financing provision in the regulation, it should allow the utility to screen customers with poor credit histories and to charge market based rates.

In response to our concern, the PUC amended the regulation by providing two options which are within the discretion of the utility. The first option is that a utility may finance the customer's main extension costs over 3 years. The second option is that the utility may provide information to the customer on financial institutions that may offer financing. We believe the amended regulation provides the flexibility for a utility to avoid financing a customer's costs for a main extension and, therefore, we consider this issue to be resolved.

Finally, another concern we raised with the final-form rulemaking submitted March 21, 1996, was that it allowed a utility discretion in collecting the customer contribution. After establishing the ground rules for a fair and common policy, the central provision in section 65.21(b) states the following: "... a bona fide service applicant *may* be required to provide a customer advance to the utility's cost of construction for the line extension." (Emphasis added.) We believed that in order for the regulation to be fairly applied, the word "may" should have been changed to "shall" because discretion could result in inequitable treatment of line extension requests.

The PUC addressed this concern in their Order and stated that "a hard and fast rule would mean that companies wishing to be more generous would have to seek a waiver of the rule. . . ." The PUC perceives a need to protect service applicants from overly zealous utilities, but the PUC does not perceive a need to protect the utilities from themselves. The PUC states that utilities do

not as a rule make uneconomic or irrational business decisions by offering to fund their own line extensions when they are permitted to ask for a reasonable customer contribution. The PUC believes using the word "shall" would not address a compelling public interest.

We believe a more definitive guideline would avert more line extension proceedings before the PUC, or at a minimum make the adjudication of a complaint easier. Further, based upon the PUC's explanation in their Order, we question how the PUC will treat the resulting investment by a "generous" utility in a ratemaking proceeding if the utility foregoes the opportunity for a contribution and funds a line extension. A more definitive requirement could avoid even more future litigation because the exercise of discretion has the potential for inequitable treatment of customers requesting line extensions and could have future ratemaking implications. However, the PUC's complaint procedures and adversarial ratemaking process provide the opportunity to resolve these issues if they ever develop into a significant problem. Despite this remaining concern, the regulation is an improvement over the PUC's present procedures which have resulted in numerous case-by-case judgments on line extension complaints.

Therefore, It Is Ordered That:

1. Regulation No. 57-152 from the Pennsylvania Public Utility Commission, as submitted to the Commission on November 12, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Dissenting; Irvin G. Zimmerman

Public meeting held
November 21, 1996

Pennsylvania Public Utility Commission—Revisions of Rules of Administrative Practice and Procedure; Doc. No. 57-156

Order

On March 28, 1995, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking would comprehensively amend and update the PUC's rules of Administrative Practice and Procedure at 52 Pa. Code Chapters 1, 3, 5, 57 and 59. The authority for this regulation is found in sections 331—335, 501, and 701—703 of the Public Utility Code (66 Pa.C.S. §§ 331—335, 501, and 701—703) and the Commonwealth Documents Law (45 P. S. § 1201 et seq.) and its attendant regulations at 1 Pa. Code §§ 7.1—7.4. The proposed regulation was published in the April 8, 1995 edition of the *Pennsylvania Bulletin*, with a 90-day public comment period. The final-form regulation was submitted to the Commission on October 28, 1996.

The PUC believes these amendments are necessary to improve the rules by changing provisions which are incorrect, inefficient or outdated. The PUC's stated objective is to produce procedural rules that are fair, efficient and clear. The rules were previously amended in 1984 and 1989. Approximately 100 sections are involved in these amendments, ranging from minor grammatical changes, rewording phrases and correcting references to adding entirely new sections to address perceived problems.

The PUC began this round of proposed changes by publishing an advance notice of proposed rulemaking in the *Pennsylvania Bulletin* on March 13, 1993. Following receipt of numerous comments and recommendations from PUC practitioners, a PUC internal committee made further changes before this rulemaking was adopted by the PUC.

Chapter 1 amendments section 1.8 (Definitions) includes certain new terms. For example, the rules now distinguish "active parties" from "inactive parties" in general rate cases. There is also now an Office of the "Prothonotary" (rather than "Secretary") of the PUC. The "Prothonotary" is the PUC office where pleadings and other documents are filed and records kept.

These amendments update a variety of procedural filing requirements. For example, under "date of filing" (section 1.11), a new subsection (c) has been added to explicitly prohibit telecopier facsimile transmission (fax) filings. The rationale is to ensure that the PUC's files contain clear and legible original documents. However, parties to litigation proceedings are not precluded from agreeing to accept faxed documents from each other. In the final-form regulation, new language has been added to subsection (b) in section 1.12 (relating to computation of time) to further clarify the rules on computing time.

Section 1.21 (appearance in person) and section 1.22 (appearance by attorney or certified legal intern), involve representation before the PUC. The PUC's proposed amendments to these sections were the most controversial provisions of this rulemaking, based on commentators' comments during the proposed rulemaking phase. Several commentators, including the Pennsylvania Bar Association's Unauthorized Practice of Law Committee (PBA) and the Attorney General's Office of Consumer Advocate (OCA), cited Pennsylvania's statutory and case law (and Pennsylvania Supreme Court Rules of Professional Conduct) which generally impose significant restrictions on using non-lawyers in the manner proposed in the revisions to sections 1.21 and 1.22.

For example, amendments proposed for section 1.22(d) would have allowed legal assistants (joining attorneys and legal interns), employed by or subject to the direct supervision of a currently certified Pennsylvania attorney, to represent an individual who files a formal complaint with the PUC's Bureau of Consumer Services alleging an inability to pay a utility bill. It was unclear whether this language was intended to allow such representation before an Administrative Law Judge (ALJ) in formal, adversarial hearings. The PUC's intent was to only allow legal assistants to be involved in representing complainants in non-hearing informal proceedings involving factual issues (for example, resolution of a complaint over a utility bill).

We concluded our Comments on the unauthorized practice of law issue by stating our belief that the representation of parties by legal assistants may be allowed only in informal proceedings before the PUC's Bureau of Consumer Services. We requested that section 1.22 of the final-form regulation be further amended, consistent with applicable law, to clarify the limits of legal assistants' representational authority. The PUC has further amended sections 1.21 and 1.22 in response to these concerns.

Section 1.21 of the final-form regulation has been revised and reorganized into four subsections for improved clarity. Subsection (a) provides that individuals may represent themselves in PUC proceedings. Subsection (b) now provides that in adversarial proceedings

partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be represented only as provided under section 1.22 (for example, by attorneys and certified legal interns). The PUC also adopted a suggestion of the OCA and amended subsection (b) to provide that any request for a general rate increase (under 66 Pa.C.S. § 1307(f) or § 1308(d)), made under subsection (b), shall be considered to be an adversarial proceeding.

Section 1.21(c) is the former section 1.21(b). It provides that, in nonadversarial proceedings, a member of a partnership may represent the partnership, and a bona fide officer of a corporation, trust or association may represent the corporation, trust or association. An officer or employe of another agency, political subdivision or government entity may represent the agency or political subdivision before the PUC and in conjunction with formal proceedings under Chapter 5 (relating to formal proceedings).

Section 1.21(d) is new in the final-form regulation. It provides that in informal proceedings brought under Chapters 56 and 64 (relating to standards and billing practices for residential utility service and residential telephone service, for example, residential utility billing disputes), parties may be represented by paralegals working under the direct supervision of an attorney admitted to the Pennsylvania Bar or by another appropriate individual. The PUC substituted the word "paralegals" for "legal assistants" and clarified that the role of paralegals as representatives is limited to only informal proceedings, which involve efforts to resolve factual issues in billing disputes. Since informal proceedings do not involve legal issues, the PUC also provided, for added flexibility, that parties may be represented by paralegals supervised by a licensed attorney or another appropriate individual.

Section 1.22 now provides for representational appearance by an attorney or a certified legal intern. The proposal to allow an appearance by a "legal assistant" has been dropped, as was the proposed subsection (d). Subsection (a) provides that a Pennsylvania attorney may represent individuals, partnerships, associations, corporations or government entities in PUC proceedings. Subsection (b) would allow an attorney from another state to represent a party in a PUC proceeding even if a Pennsylvania attorney would not be accorded like privileges in that other state, if so allowed in the discretion of the presiding officer or the PUC. Sections 1.22(c) would allow law students meeting the requirements of Pennsylvania Bar Admission Rule 321 to appear in PUC proceedings consistent with Pennsylvania Bar Admission Rule 322 (relating to authorized activities of certified legal interns).

In the proposed version, the PUC amended section 1.36 to allow a party's attorney to personally verify all applications, petitions, formal complaints, motions and answers. In our Comments on the proposed rulemaking, we questioned the PUC's justification for allowing an attorney to sign a verification since, in many cases, the attorney may know only what has been disclosed by the client. We suggested the PUC adopt alternative section 1.36(a) language proposed by Duquesne Light Company (Duquesne Light). The PUC did so in the final-form regulation and also deleted the reference to a party's attorney executing a verification.

Section 1.54(c) provides for service of process by mail and how that is to be done. In our Comments on the proposed rulemaking we suggested some language changes to improve clarity and allow the use of other

modes of delivery (for example, by Federal Express). The PUC incorporated our suggested language in the final-form regulation.

Other subchapters of Chapter 1 may be summarized as follows. Subchapter D deals with requirements for documentary filings and provides basic filing forms. Subchapter E relates to fees. Section 1.43(a) increases the fee to provide copies of microfilm from \$25 per roll to \$80 per roll. Minor clarifying amendments are also proposed in the language of other subchapters including: Subchapter F, dealing with service of documents; Subchapter G, dealing with matters before other tribunals; and Subchapter H, relating to public access to PUC records.

A number of clarifications/corrections have been made in Chapter 3 (relating to special provisions). Subchapter A deals with special PUC actions. It includes procedures for emergency orders and interim emergency orders, including their issuance or denial, and hearings on them. An "emergency order" is an ex parte order issued by a single PUC Commissioner, the PUC, the PUC's Director of Operations or his executive assistant, or the PUC's Secretary, in response to an emergency. This change has been made to reflect the PUC's current practice of having the PUC's Secretary sign emergency orders when a PUC Commissioner or the Director of Operations is not available. Other sections deal with various procedural matters relating to emergency orders.

Subchapter B of Chapter 3 deals with informal complaint procedures. Section 3.111(b) provides that informal complaints in rate cases be filed with the Prothonotary of the PUC. All other informal complaints instituted by a letter or other informal communication are to be filed with the PUC's Bureau of Consumer Services. Non-rate case informal complaints involve mostly billing/ability-to-pay disputes with utilities. The filing of an informal complaint may lead to the filing of a formal complaint with the PUC, which would be a more formal, adversarial proceeding before an ALJ.

Section 3.501 (relating to certificate of public convenience as a water or wastewater treatment supplier), has been expanded and refined to cover wastewater treatment suppliers. The PUC states that it coordinated these provisions with the Department of Environmental Protection (DEP). Subsection (d) requires service of applications upon the OCA, the Office of Small Business Advocate (OSBA), and the DEP. The protest subsection has been moved to section 3.502, which sets out the requirements for filing protests in more detail. Section 3.551 sets forth a listing of various official PUC forms.

There is a new Subchapter I (sections 3.601 and 3.602) with requirements for public utilities to file a notice of registration of a securities certificate with the PUC before they may issue or assume securities. This information, currently in Form L, is slightly revised and moved into the body of this regulation.

Chapter 5 (relating to formal proceedings) deals with amendments to the procedural requirements for formal PUC proceedings (as distinguished from "informal" proceedings before the PUC's Bureau of Consumer Services). These include sections 5.21 (formal complaints, generally) and 5.41 (petitions, generally), which add new subsections requiring that petitions be served upon the OCA, the PUC's Office of Trial Staff and, if applicable, the OSBA. Section 5.21(d) spells out that the filing of a formal complaint generally entitles the complainant to a formal trial-type hearing unless the PUC determines that the

complaint should be dismissed without hearing if, in its opinion, a hearing is not necessary in the public interest. New language relating to the filing of motions has been added to further clarify section 5.21(d).

Many other sections in Chapter 5 have been expanded or otherwise include a variety of clarifying amendments, including those dealing with hearings and other conferences, settlements and stipulations, transcripts, interlocutory (for example, interim or pre-final) review of PUC rulings, discovery, evidence and witnesses, subpoenas and protective orders and presiding officers.

The PUC also has made minor clarifying amendments to section 57.26 (relating to construction and maintenance of electrical service facilities), and to sections 57.45 and 59.45 (preservation of records) relating to electric service and gas service, respectively.

These comprehensive amendments of the PUC's procedural rules will affect public utilities subject to the PUC's jurisdiction, including those providing gas, water, telecommunication, electric and some transportation services. The amendments will also affect other parties who appear before the PUC in connection with various complaints or requests for approval of utility rate changes. In terms of record keeping and reporting impacts, certain amendments may require some additional information while other amendments may reduce or otherwise lessen current requirements.

There is one direct cost increase associated with this rulemaking. Section 1.43(a), relating to schedule of fees payable to the PUC, would increase the fee to provide copies of microfilm from \$25 per roll to \$80 per roll. The PUC states that it has done so following an in-house cost study, which establishes that the proposed new charge reflects its actual costs. No opposition was expressed about this change.

Commentators on the proposed version of this rulemaking, in addition to this Commission, were the PBA; Central Pennsylvania Paralegal Association; National Federation of Paralegal Associations, Inc.; DEP; Duquesne Light; law firms of Kirkpatrick & Lockhart and Malatesta, Hawke & McKeon; OCA; OSBA; PECO Energy Company; Pennsylvania Conference of Administrative Law Judges; Pennsylvania Gas Association; Pennsylvania Power Company; West Penn Power Company; PUC Office of Trial Staff; PUC's Special Assistants and its Bureaus of Audits, Law and the Secretary; and Raymond A. Thistle, Jr., Esquire.

Most, but not all, comments consisted of suggested refinements and "fine-tuning" amendments. After carefully considering all comments, the PUC further revised the final-form regulation. There were also a number of suggested changes that the PUC chose not to make. The PUC staff stated that in some instances certain suggested changes were determined to be too costly, administratively too burdensome, or otherwise were inappropriate to adopt.

On November 13, 1996, the Senate Consumer Protection and Professional Licensure Committee met and voted to approve the final-form regulation.

The Commission received four comment letters on the final-form regulation. Letters from the Harrisburg law firm of Malatesta, Hawke & McKeon and the Keystone Alliance of Paralegal Associations were supportive of the final-form regulation. The Pennsylvania Gas Association suggested a further clarification be made. The comment letter from the PBA objected to the use of the word "paralegals" in section 1.21(d) as an ambiguous and

imprecise term. The PBA also noted that this provision could be interpreted as allowing "another appropriate individual" (for example, someone other than a non-Pennsylvania licensed attorney) to supervise paralegals. It is the PBA's position that paralegals must be supervised exclusively by attorneys.

At our public meeting, the PUC representative stated that the term "paralegal" was used to refer to a general class of individuals and clarified that the phrase "another appropriate individual" is intended to allow a company's customer service representative or some other person to participate in a billing dispute between the utility and its customer. While the wording of this section could be improved, we agree with the PUC's position on this issue.

We also note that PUC Commissioner John Hanger issued a Statement in connection with the PUC's Order approving the submission of this final-form regulation. Commissioner Hanger, reflecting a concern he raised initially in connection with the proposed version of this rulemaking, stated that section 1.21 should be amended to make clear that non-attorneys may appear as witnesses presenting factual testimony in adversarial proceedings before an ALJ without having to hire an attorney to sponsor their testimony.

We understand Commissioner Hanger's concern that it may not be economically feasible or practical for small utilities to hire an attorney so that a witness can give factual testimony in an adversarial proceeding. However, any business which has been incorporated is required by Pennsylvania law to be represented by an attorney in adversarial proceedings. In effect, for the corporation to have legal standing so that an owner or other person may present factual testimony in a proceeding before an ALJ, the testimony must be sponsored by an attorney who has entered an appearance on behalf of the corporation. This is in contrast to the section 1.21(a) rule which allows individuals to represent themselves in either formal or informal PUC proceedings.

We have reviewed this regulation and find it to be in the public interest. The final-form regulation incorporates extensive amendments, including many of those suggested by commentators. These revisions will update incorrect, inefficient or outdated provisions and result in fairer, more efficient and clarified PUC procedural rules.

Therefore, It Is Ordered That:

1. Regulation No. 57-156 from the Pennsylvania Public Utility Commission, as submitted to the Commission on October 28, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
November 21, 1996

Insurance Department—Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers; Doc. No. 11-135

Order

On February 27, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking would amend 31 Pa. Code by adding

Chapter 163. The authority for this regulation is found in sections 319, 319.1 and 319.2 of the Insurance Law of 1921 (Act) (40 P. S. §§ 442, 442.1 and 442.2). The proposed regulation was published in the March 9, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 4, 1996.

Reinsurance is an agreement in which one insurance company (the ceding insurer) purchases insurance from another insurance company (the reinsurer) to cover the potential losses the ceding insurer may incur from the policies it has underwritten. By "ceding" a portion of the risk of loss to a reinsurer, the ceding insurer is protected from operating losses and can underwrite a greater number of policies.

According to the Department, for accounting purposes a ceding insurer may create an asset for losses it is entitled to recover from a reinsurer or reduce its liabilities for losses that are reinsured. This accounting transaction is called credit for reinsurance. However, if the reinsurer is not licensed by the Department or is not on the Department's list of qualified reinsurers, the reinsurer must provide collateral for the amount it is obligated to pay the ceding insurer under the reinsurance agreement. The collateral must meet the requirements established in the proposed regulation for the ceding insurer to take credit for the reinsurance.

This regulation establishes minimum requirements for trust agreements, letters of credit and other types of security approved by the Department for credit for reinsurance ceded to unlicensed, unqualified reinsurers. The regulation is intended to ensure that the collateral provided by the reinsurer to back up its obligations under the reinsurance agreement meets minimum standards for quality and collectibility.

In our Comments submitted in response to the proposed rulemaking, we raised several issues relating to the clarity of the regulation. The Department agreed with the vast majority of our recommendations, and the final-form regulation reflects the changes we suggested in our Comments. However, the Department rejected two of our recommendations. In addition, the Insurance Federation of Pennsylvania (IFP) made a recommendation in its comments on the proposed rulemaking relating to credit for reinsurance ceded to an alien reinsurer. A discussion of these issues follows.

Section 163.6(a) provides that assets in trust accounts must be in the form of security permitted by 40 P. S. § 442.1(b). However, the regulation does not list the types of security permitted by 40 P. S. § 442.1(b). In our Comments, we noted that the clarity of the regulation could be improved by including a list of acceptable types of security. Therefore, we recommended that in the final-form regulation, the Department provide a list summarizing the types of security permitted by 40 P. S. § 442.1(b).

In response, the Department stated that it believes domestic insurers have ready access to and are familiar with the laws and regulations affecting reinsurance agreements, and with statutory accounting principles related to reinsurance agreements. The Department stated that it believes summarizing the statutory requirements in the regulation could increase the potential for misinterpretation and noncompliance. The Department does not object to reciting statutory language that is not lengthy or subject to misinterpretation if taken out of context of the statute. However, because of the nature

and length of 40 P. S. § 442.1(b), the Department decided not to repeat it in the regulation.

We agree with the Department that misinterpretation is possible if portions of the statute are taken out of context. In addition, no party has raised any objection to the reference to 40 P. S. § 442.1(b) in the regulation. Therefore, we believe the Department has sufficiently justified its reasons for rejecting the recommendation we made on this issue in our Comments.

Section 163.8 provides the conditions under which the trustee may resign or be removed. In its comments, IFP proposed to add an additional provision to subsection (3) which would allow for replacement of a trust with a letter of credit. In our Comments, we noted that it was our understanding that nothing in the regulation would prevent a trust from being replaced with a letter of credit. We noted that the clarity of the regulation could be improved by adopting IFP's recommendation. We recommended that the Department incorporate IFP's proposal in the final-form regulation.

In its response, the Department agreed that nothing in the regulation precludes one form of security from being replaced with another. The Department noted that the introductory statement in section 163.8 provides the following:

This section applies if the resignation or removal of a trustee *does not result in the termination of the trust agreement* under § 163.9 (relating to termination of trust agreements). (Emphasis added.)

Based on this introductory statement, the Department explained that the restrictions in section 163.8 apply only when there is a change in the trustee for an existing agreement, not when an agreement is terminated and replaced with another form of security. Therefore, the Department concluded that IFP's recommendation would contradict, rather than clarify, the existing language.

We believe the Department has sufficiently explained why it rejected IFP's recommendation. Consequently, we have no outstanding concerns on this issue.

A domestic insurer may take credit for reinsurance ceded to an alien reinsurer under certain circumstances. Credit for reinsurance is permitted if the alien reinsurer is licensed in Pennsylvania, included on the Department's list of qualified reinsurers, or provides collateral to back up its obligations under the reinsurance agreement. In its comments, IFP proposed to add a new subsection (c) to section 163.20 (Other security acceptable to the Commissioner) which would permit credit for reinsurance ceded to a reinsurer domiciled and licensed in an alien jurisdiction. IFP proposed to permit credit for reinsurance if:

1. The alien jurisdiction has standards similar to those of Pennsylvania;
2. The reinsurance is recognized by the regulatory authority of the alien jurisdiction;
3. The reinsurance or the alien jurisdiction is approved by Pennsylvania's Insurance Commissioner; and
4. The credit for reinsurance is no more than 10% of the domestic ceding insurer's policyholder surplus as of the last filing.

In our Comments, we stated that IFP's proposal would place the burden on the Department of determining if the reinsurance requirements in a foreign country are comparable to those in Pennsylvania. We stated the burden of proving that reinsurance provided by an unqualified, alien reinsurer is acceptable should fall on the ceding

insurer, not the Department. We further stated it would be inappropriate to assume that because the reinsurance is recognized by the regulatory authority of the alien jurisdiction it meets minimum standards for quality and collectibility in Pennsylvania.

To determine if the standards in an alien jurisdiction are comparable to those in Pennsylvania, the Department would not only have to be familiar with the alien jurisdiction's reinsurance standards, but also its laws and insurance practices. Without this information, it would be inappropriate for Pennsylvania's Insurance Commissioner to approve the reinsurance or the alien jurisdiction, even with the 10% limit proposed by IFP. We also noted in our Comments that alien reinsurers may conduct business in Pennsylvania by becoming "qualified" to do business in Pennsylvania under the requirements for qualifications set forth in 31 Pa. Code § 161.3(3).

We stated that we recognized the merit of IFP's position that no alien reinsurer may be as financially sound as a domestic reinsurer and able to meet its obligations under the reinsurance agreement. However, IFP's proposed subsection (c) placed the burden of demonstrating that the alien reinsurer can meet its obligations on the Department. We asserted in our Comments that this burden should fall on the ceding insurer. Consequently, we did not support IFP's proposal.

In the Preamble to the final-form regulation, the Department stated that it had given further consideration to IFP's recommendation but elected not to change its initial position on this issue. The Department asserts that existing laws and regulations provide sufficient alternatives for receiving credit for reinsurance. They emphasized that credit is allowed if an alien reinsurer:

1. Becomes licensed to transact business in Pennsylvania;
2. Becomes designated by the Insurance Commissioner as a qualified reinsurer; or
3. Provides collateral to cover its obligations.

The Department also pointed out that 31 Pa. Code § 161.8 provides the conditions under which partial credit for reinsurance with an alien reinsurer may be taken without full collateralization. In addition, the Department stressed the difficulty in making a determination that an alien jurisdiction's laws and standards are comparable to those in Pennsylvania, and in monitoring the status of the alien jurisdiction's laws and standards on an ongoing basis. The Department concluded that IFP's recommendation would unnecessarily increase the financial risk to domestic insurers.

We believe the decision to reject IFP's recommendation relating to alien reinsurers is appropriate. The Department has analyzed IFP's position and determined that it is not in the best interest of domestic insurers.

We have reviewed this regulation and find it to be in the public interest. The final-form regulation will benefit domestic ceding insurers by protecting their interests in reinsurance agreements with unlicensed, unqualified reinsurers.

Therefore, It Is Ordered That:

1. Regulation No. 11-135 from the Insurance Department, as submitted to the Commission on November 4, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
November 21, 1996

Municipal Police Officers' Education and Training Commission—Administration of the Training Program; Doc. No. 17-55

Order

On May 21, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Municipal Police Officers' Education and Training Commission (MPOETC). This rulemaking would amend 37 Pa. Code by adding a new Chapter 203 and by repealing Chapter 201. The authority for this regulation is section 5 of the Municipal Police Officers Education and Training Law, act of June 18, 1974 (act) (53 P. S. § 744(15)) which grants the MPOETC the authority to make rules and regulations as may be necessary to implement education and training programs for police officers. The proposed regulation was published in the June 15, 1996 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 25, 1996.

The purpose of this regulation is to implement mandatory recruit training for all police officers and to provide for certification of those individuals who successfully complete the training, who are employed by a political subdivision or certain colleges or are deputy sheriffs employed by the Allegheny County Sheriff's Office. The regulation provides that certification must be renewed every 2 years and mandates that an officer must complete at least 12 hours of in-service training yearly and maintain certification in first aid, CPR and weapons qualification. The regulation also sets physical, psychological and criminal standards for police officers. Those officers that do not meet the standards are subject to decertification.

The proposed Chapter 203 also establishes certification requirements for training schools, including minimum equipment and space standards, annual inspections by the MPOETC and procedures pertaining to the revocation of a school's certification. Schools are also required to comply with public safety standards established under the Fire and Panic Act.

The regulation establishes the basic police training course curriculum consisting of 16 prescribed areas of instruction including: Pennsylvania criminal law; patrol procedures and operations; and human relations skills. The rulemaking also includes a cheating policy which bars an individual observed cheating from further participation in required training. Requirements are also provided for the certification of basic and special police training instructors.

Section 749(a) of the act specifically establishes that the MPOETC "shall provide for reimbursement to each political subdivision of 100% of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their police officers while attending certified municipal police basic training schools." The regulation reiterates the requirement contained in the act.

The MPOETC reports that there are currently 21 schools certified to provide basic training across the State; five of those schools are run by the Pennsylvania State Police. Annually, there are approximately 1,000 to 1,500 new officers that participate in the 13-week basic training

course while there are 17,000 to 18,000 existing officers that participate in the in-service training.

Over 80% of the MPOETC's annual budget of \$80 million is utilized for grants and subsidies that pay for basic, mandatory in-service and nonmandatory in-service training. A 13-week (520 course hours) basic training course ranges in cost from \$2,000 to \$3,000 depending upon the location of the school providing the training.

The MPOETC notes that since the requirements of the act, enacted in 1988, are currently being met on a voluntary basis, no new costs are anticipated as a result of the promulgation of this rulemaking.

As noted previously, all officers must comply with mandatory in-service training, first aid, CPR and weapons qualifications annually, or they may be decertified. Therefore, some officers who were "grandfathered" for basic training purposes, will now have to comply with the mandatory in-service training for the first time.

The cost to municipalities will be for transportation of officers to in-service training schools and in maintaining first aid, CPR and firearms qualifications and costs associated with paying overtime or salaries to the officers attending the training.

The MPOETC has implemented nearly every suggestion contained in our Comments. There are only two minor issues where the MPOETC declined to adopt our suggestions; for both issues it provided a compromise.

The first issue relates to the request from the Department of Conservation and Natural Resources, Bureau of State Parks, for the inclusion of a specific provision which would permit the MPOETC to provide instructor training to law enforcement officers employed by the Bureau of State Parks. The MPOETC elected not to amend the final-form regulation primarily because there are a number of other agencies who have also requested instructor training. The MPOETC reports that its resources would not permit it to train a large number of instructors from outside agencies. However, the MPOETC notes that officers from these agencies are able to receive training under section 203.82(b).

The second issue relates to our recommendation to include the specific number of course hours required to complete the basic police training course. We made this recommendation because we believe that the number of hours is essential information that should be included in the regulation. However, the MPOETC declined to adopt the recommendation because the MPOETC provides the schools with the entire curriculum which may not be modified in any way. Additionally, the curriculum is periodically revised as a result of court decisions or through outside consultants hired to review the curriculum. However, to address our concern of ensuring public notification, the MPOETC agreed to amend the section by adding language indicating that it will publish notice in the *Pennsylvania Bulletin* and its own newsletter whenever the number of course hours changes.

We have reviewed this regulation and find it to be in the public interest. This final-form regulation establishes minimum training standards for the selection and continued employment of municipal police officers within the Commonwealth and reflects the provisions of the act amended in 1988.

Therefore, It Is Ordered That:

1. Regulation No. 17-55 from the Municipal Police Officers' Education and Training Commission, as submitted to the Commission on October 25, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson (abstaining); Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
November 21, 1996

Department of Agriculture—Deletion of "Grade AA" Regulatory Standards for Milk; Doc. No. 2-108

Order

On July 17, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking is proposing to delete the provisions of 7 Pa. Code Chapter 59 that allow milk processed in the Commonwealth to be sold in the Commonwealth as "Grade AA" milk. The amendments are proposed under the authority of the act of July 2, 1935 (Act) (31 P. S. §§ 645—660f) which authorizes the Department to regulate the production, processing, storage and packaging of milk to safeguard human health. The proposed regulation was published in the July 27, 1996 *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 22, 1996.

The National Council of Interstate Milk Shippers (NCIMS), of which Pennsylvania is a member, prohibits its members from developing super-grade designations for the quality of milk. NCIMS has determined that using the "Grade AA" standard violates the interstate agreement under which "Grade A" milk moves unimpeded in interstate commerce.

NCIMS is an organization created by the United States Food and Drug Administration Milk Safety Branch, state regulatory agencies and the Nation's dairy industry to standardize regulations to ensure the safety of the milk supply and to facilitate the interstate shipment of milk. All states are members of this organization. NCIMS developed a uniform set of standards (Grade A Pasteurized Milk Ordinance) which allows member states' milk to move in interstate commerce to other member states without those states imposing any further sanitation or testing requirements.

Under current regulations, milk processed within the Commonwealth may be designated Grade AA if it meets prescribed chemical, bacteriological and temperature standards. The Grade AA designation of milk is a voluntary standard that dairies may elect to meet. The distinguishing factor in the preparation of Grade A versus Grade AA milk is the prescribed limits of acceptable bacteria. Grade AA milk must have lower amounts of bacteria per milliliter than Grade A milk. The bacteria limits are not indicative of product safety but rather are reflective of the quality of the milk.

The Department revised its milk sanitation regulations in 1982 and planned to delete the provisions relating to Grade AA at that time. However, a committee of dairy processors requested the retention of Grade AA standards and agreed to refrain from seeking certification for the interstate shipment of their milk in exchange for the retention of those standards.

At the time, the Department believed retention of the Grade AA standard for certain milk processed and sold

only within this Commonwealth would not be violative of NCIMS standards and would not place milk processed by other NCIMS states at a competitive disadvantage. However, out-of-State dairy processors who process milk in compliance with NCIMS Grade A milk standards have complained that they are at a competitive disadvantage when marketing their milk in Pennsylvania. In fact, the larger Pennsylvania dairies have also complained about the competitive disadvantage they experience when marketing their Grade A milk against Grade AA milk.

On December 27, 1995, the NCIMS ruled that the Commonwealth's Grade AA standards violate the NCIMS's Grade A Pasteurized Milk Ordinance. NCIMS made clear its intention to designate the Commonwealth as a state that is not in compliance with the NCIMS Grade A Pasteurized Milk Ordinance if the Commonwealth does not promptly delete its Grade AA standards.

Specifically, Part II, Section 4 of NCIMS's Grade A Pasteurized Milk Ordinance states:

... The use of super grade designations shall not be permitted. Grade designations such as "Grade AA Pasteurized" ... give the consumer the impression that such a grade is significantly safer than Grade A. Such an implication is false, because the Ordinance requirements for Grade A pasteurized, ultrapasteurized or aseptically processed milk when properly enforced, will insure that this grade of milk will be as safe as milk can practicably be made.

Grade AA milk represents less than 5% of the Commonwealth's dairy output. The Department reports that there are five smaller dairies that process Grade AA milk (two in the Harrisburg area and three in the Pittsburgh area). In contrast, Grade A milk represents over 90% of the Commonwealth's dairy output. The Commonwealth is a chief exporter of dairy products, and the majority of the Commonwealth's dairy production is in compliance with NCIMS standards to facilitate this export industry.

If the NCIMS designates the Commonwealth as a state that is not in compliance with the Grade A Pasteurized Milk Ordinance, the immediate effect would be to allow member states to embargo Pennsylvania-processed milk or impose sanitation, testing or compositional requirements that would impede the interstate sale of Pennsylvania produced milk and milk products. As an example, the Department indicates that the state regulatory agency overseeing Maryland's dairy industry has indicated that it would require Pennsylvania dairy processors to be inspected by Maryland inspection personnel as a prerequisite to the importation of Pennsylvania-processed milk into Maryland.

The Department acknowledges that the deletion of Grade AA standards may impose some costs upon the Pennsylvania-based dairy processors that currently process milk meeting Grade AA requirements. Although the dairy processors would experience a decrease in testing costs, these processors might suffer some short-term financial loss of customers familiar with the Grade AA designations. It is not known whether these losses would be entirely offset by decreased testing costs.

Failing to delete the Grade AA standards would subject Pennsylvania-produced milk and milk products to embargoes or additional testing requirements of other NCIMS member states. The Department notes that the adverse fiscal impact on the Commonwealth's dairy industry would be immediate and dramatic, and would outweigh any adverse fiscal impact imposed by the promulgation of this regulation upon Grade AA dairy processors.

The regulatory amendment is necessary to keep Pennsylvania milk and milk products competitive in interstate commerce, and to prevent the imposition of embargoes or burdensome inspection or certification requirements upon Pennsylvania-processed milk and milk products by other states.

Representative Raymond Bunt, Jr., Chairperson, of the Agriculture and Rural Affairs Committee, submitted a letter dated September 13, 1996, indicating that the Committee members "recognize the fact that because of the substantial negative implications for the entire milk industry of the NCIMS ruling that Pennsylvania's Grade AA standards violate the Pasteurized Milk Ordinance, the Department has very little choice but to proceed with this proposal."

The final-form regulation contains no changes from the proposed regulation. We did not file any comments on the proposed regulation. Furthermore, we did not receive any negative recommendations on the final-form regulation from either the House or Senate Agriculture and Rural Affairs Committees.

Therefore:

The Commission will notify the Legislative Reference Bureau that Regulation No. 2-108 from the Department of Agriculture, as submitted to the Commission on October 22, 1996, was deemed approved under section 5(b.3) of the Regulatory Review Act (71 P. S. § 745.5(b.3)) on November 13, 1996.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
November 21, 1996

State Board of Chiropractic—Examination Fees; Doc. No. 16A-437

Order

On October 28, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Chiropractic (Board). This rulemaking would amend 49 Pa. Code § 5.6. The authority for this rulemaking is section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 1101(a) of the Chiropractic Practice Act (63 P. S. § 625.1101(a)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation increases the fee for the radiologic procedures examination from \$55 to \$75. The fee will become effective for examinations given after July 1, 1997. The first examinations after that date are scheduled for November 1997. The Board contracts with the American Chiropractic Registry of Radiologic Technologists (ACRRT) to prepare and administer this examination.

The fee increase is necessary due to an increase in the contract costs. This past May, approximately 115 candidates took the examination in Pennsylvania according to the Board. To obtain certification to perform radiologic procedures under the direct supervision of a chiropractor who is on the premises, candidates must pass the ACRRT certifying examination. This regulation will impose an additional cost of \$20 on future applicants for certification. The Board claims that there is no additional cost for the Commonwealth or local governments.

The House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee approved this final-form regulation on November 13, 1996.

We have reviewed this regulation and find it to be in the public interest. Section 812.1(b) of The Administrative Code of 1929 requires that the "applicants' fees cover the entire cost of the examination." This regulation is necessary to meet this statutory requirement. The Board asserts that all persons affected by this regulation have been or will be given actual notice of its intention to increase the fee before final rulemaking under section 204(2) of the Commonwealth Documents Law (45 P. S. § 1204(2)). We greatly appreciate the timeliness of the rulemaking adopting this fee increase. By implementing this regulation now, the Board is providing affected parties with practically a full year's notice of the fee increase. We commend the Board for this effort and encourage all the licensure boards and the Bureau of Professional and Occupational Affairs to implement future fee increases in a similar fashion to provide ample notice to all affected individuals and organizations.

Therefore, It Is Ordered That:

1. Regulation No. 16A-437 from the State Board of Chiropractic, as submitted to the Commission on October 28, 1996, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner; Irvin G. Zimmerman

Public meeting held
November 21, 1996

Insurance Department—No-Fault Motor Vehicle Insurance; Doc. No. 11-136

Order

On November 4, 1996, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Department). This rulemaking would amend 31 Pa. Code by deleting Chapter 66. The authority for this regulation is contained in sections 206, 506 and 1501 of The Administrative Code of 1929 (71 P. S. §§ 66, 186 and 411) and 75 Pa.C.S. Chapter 17 and § 6103. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This proposal deletes Chapter 66 from Title 31. Chapter 66 was promulgated under the Pennsylvania No-fault Motor Vehicle Insurance Act of 1974 (Act 176). Chapter 66 is obsolete because Act 11 of 1984, the Motor Vehicle Insurance Responsibility Law (MVIRL), became effective October 1, 1984. The Department promulgated regulations to implement the MVIRL as Chapter 67 of Title 31.

The Insurance Federation of Pennsylvania (IFP) commented that the assigned claims plan provided for in section 66.131, Assigned Claims Plan, and section 66.111(b) pertaining to application of motorcycle security, is still in existence and continues to have responsibilities.

We agree with the IFP's position that notice of obligations of the assigned claims plan established in Chapter 66 must be retained. Section 9 of the act of February 12, 1984 (P. L. 53, No. 12) states:

Savings provision—Notwithstanding the repeal of the act of July 19, 1974 (P. L. 489, No. 176), known as the Pennsylvania No-fault Motor Vehicle Insurance Act, the requirement to fund the payment of assigned claims under section 108 of that act remains unaffected.

On November 15, 1996, the Department submitted an amendment to its preamble and annex which inserts an historical note at sections 66.111 and 66.131 to state that requirement to fund the payment of assigned claims under section 108 of Act 176 remains unaffected.

We have reviewed this regulation and find it to be in the public interest. Obsolete provisions in Chapter 66 are replaced by Chapter 67 which contains requirements of the MVIRL. The repeal of provisions in Chapter 66 which are no longer applicable will remove out-of-date requirements, thereby facilitating ease of use and avoiding unnecessary confusion because only current requirements for motor vehicle insurance will be retained.

Therefore, It Is Ordered That:

1. Regulation No. 11-136 from the Insurance Department, as submitted to the Commission on November 4, 1996, and amended on November 15, 1996, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-2069. Filed for public inspection December 6, 1996, 9:00 a.m.]

INSURANCE DEPARTMENT

Nationwide Mutual Fire Insurance Company; Homeowners Insurance

On November 20, 1996, the Insurance Department received from Nationwide Mutual Fire Insurance Company a filing for a rate level and rules change for homeowners insurance.

The company requests an overall 8.9% increase, amounting to \$10,105,300 annually, to be effective April 25, 1997.

Unless formal administrative action is taken prior to January 19, 1997, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Larry Polin, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 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. 96-2071. Filed for public inspection December 6, 1996, 9:00 a.m.]

Meeting Schedule for 1997

Thursday, January 9	1 p.m.	Heritage Room A
Thursday, January 23	1 p.m.	Heritage Room A
Thursday, February 6	1 p.m.	Heritage Room A
Thursday, February 20	1 p.m.	Heritage Room A
Thursday, March 6	1 p.m.	Heritage Room A
Thursday, March 20	1 p.m.	Heritage Room A
Thursday, April 3	1 p.m.	Heritage Room A
Thursday, April 17	1 p.m.	Heritage Room A
Thursday, May 1	1 p.m.	Heritage Room A
Thursday, May 15	1 p.m.	Heritage Room A
Thursday, June 5	1 p.m.	Heritage Room A
Thursday, June 19	1 p.m.	Heritage Room A
Thursday, July 3	1 p.m.	Heritage Room A
Thursday, July 17	1 p.m.	Heritage Room A
Thursday, August 7	1 p.m.	Heritage Room A
Thursday, August 21	1 p.m.	Heritage Room A
Thursday, September 4	1 p.m.	Heritage Room A
Thursday, September 18	1 p.m.	Heritage Room A
Thursday, October 2	1 p.m.	Heritage Room A
Thursday, October 16	1 p.m.	Heritage Room A
Thursday, November 6	1 p.m.	Heritage Room A
Thursday, November 20	1 p.m.	Heritage Room A
Thursday, December 4	1 p.m.	Heritage Room A
Thursday, December 18	1 p.m.	Heritage Room A

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 96-2070. Filed for public inspection December 6, 1996, 9:00 a.m.]

Pennsylvania Blue Shield; BlueCard Program Language Endorsements to Basic Blue Shield Medical Surgical Agreements and Amendatory Rider to Basic Blue Shield Medical Surgical Contract Forms—Nos. 4922, 4923 and 4924; Filing No. 96170000

By filing no. 96170000, Pennsylvania Blue Shield proposes to amend its Subscription Agreements and Basic Medical Surgical Contracts to include BlueCard program language. The BlueCard program allows Pennsylvania Blue Shield subscribers to receive covered services from Participating Providers of Blue Cross and Blue Shield Plans when traveling in other states. An effective date of January 1, 1997 has been requested. This filing consists of five pages.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's office in Harrisburg. Please refer to Insurance Department File No. 9611200033001 when referencing this filing.

Interested parties are invited to submit written comments, suggestions or objections to Richard W. Stoner, Policy Examiner, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA

17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2072. Filed for public inspection December 6, 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 Tracy L. and Jay Mrozinski; file no. 96-121-06649; Nationwide Insurance Company; doc. no. P96-11-027; January 15, 1997, at 10 a.m.

Appeal of Kultar Singh Sandhu; file no. 96-308-72889; State Farm Mutual Auto Insurance Company; doc. no. PI96-11-032; February 20, 1997, 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 participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2073. Filed for public inspection December 6, 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 Donald B. and Florence L. Willard; file no. 96-183-05380; Donegal Mutual Insurance Company; doc. no. P96-10-060; March 4, 1997, at 9 a.m.;

Appeal of Derek Backa; file no. 96-308-72793; Royal Insurance Company; doc. no. PI96-11-025; March 5, 1997, at 9 a.m.;

Appeal of Mildred E. Koch; file no. 96-265-36587; Erie Insurance Group; doc. no. PH96-11-024; March 6, 1997, at 9 a.m.

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

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

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

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2074. Filed for public inspection December 6, 1996, 9:00 a.m.]

Timetable for Submission of Petitions to Intervene

The Court of Common Pleas of Allegheny County, Pennsylvania recently issued a decision transferring the two below listed cases to the Insurance Commissioner for determining the issue "whether the approved premiums for single automobile insurance policies issued by the . . . defendants wrongfully includes a charge for stacking coverage contrary to 75 Pa.C.S.A. § 1738."

By this notice, the Insurance Department establishes the following timetable for the submission of Petitions to Intervene for the following pending cases:

Appeal of Nancy J. DiBucci Stundon, Company: Erie Insurance Group, Docket No. MS96-11-022

Appeal of Carol Greiner, Company: Erie Insurance Exchange and Erie Insurance Company, Docket No. MS96-11-023

Interested persons must submit a Petition to Intervene, under 1 Pa. Code § 35.27 *et seq.* on or before December 6, 1996. If intervention is granted, a pre-hearing conference is scheduled for December 17, 1996, at 10 a.m. in the

Administrative Hearing Office, and a hearing is scheduled for the week of February 3 through February 7, 1997, beginning at 9 a.m. each day in the Administrative Hearing Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Interested persons are reminded of the need to serve all parties with any document which is filed with the Administrative Hearings Office. Copies of pertinent docket material relating to the referenced cases may be obtained from Karen De Como, Clerk at the above address, telephone (717) 783-2126.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 96-2075. Filed for public inspection December 6, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sale of Stock Without Hearing

A-130100F5000. Community Central Energy Corporation. Application of Community Central Energy Corporation for approval of the sale of its stock owned by T.F.N., Inc. to Eugene P. Barrett.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 23, 1996, under 52 Pa. Code.

Applicant: David H. Swisher, Esquire, Community Central Energy Corp., P. O. Box 400, Pittston, PA 18640.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2076. Filed for public inspection December 6, 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 December 30, 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-00113560. Norman Martin Connelly (84 Chipmunk Road, R. R. 1, PML 97, Bushkill, Pike County, PA 18324)—persons in paratransit service, between points in the township of Lehman, Pike County, and the townships of Middle Smithfield and Smithfield, Monroe County.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00113559. Touch of Class Transportation, Inc. (33 East Acres Drive, Yardville, NJ 08620), a corporation of the State of New Jersey—persons in limousine service between points in the counties of Bucks, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania and return; subject to the following condition: that no right, power or privilege is granted to transport from the city and county of Philadelphia to the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and vice versa; which is to be a transfer of all of the right authorized under the certificate issued at A-00109528, to MMT, Inc., t/d/b/a L'Tour Limousine Service, a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

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 December 23, 1996.

A-00113562	A. H. Reiff 7365 Wertzville Road, Carlisle, PA 17013
A-00113556	Steven R. Garrety 108 Blough Road, Hooversville, PA 15936
A-00113557	Jake E. Beiler, Jr. 116 Meadow Valley Road, Ephrata, PA 17522
A-00113558	Thompson Excavating, Inc. 1398 North Allegheny Street, Ber- lin, PA 15530
A-00113561	Freightway Corporation P. O. Box 6626, Toledo, OH 43612
A-00105266, F.2	Paul J. Kennedy, t/d/b/a Kennedy Brokerage 24688 U. S. Highway 322, Cochranon, PA 16314

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2077. Filed for public inspection December 6, 1996, 9:00 a.m.]

**Sewer Service
Without Hearing**

A-230123F0002. Greater Hazleton Community Area New Development Organization, Inc. Application of Greater Hazleton Community Area New Development Organization, Inc. for approval to offer, render, furnish or supply sanitary sewer service to a portion of Butler Township, Luzerne County, known as Can Do Corporate Center.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 23, 1996, under 52 Pa. Code (relating to public utilities).

Applicant: Peter J. Fagan, Esquire, Can Do, Inc., 18 Short Lane, P. O. Box 904, Conyngham, PA 18219.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2078. Filed for public inspection December 6, 1996, 9:00 a.m.]

**Water Service
Without Hearing**

A-210535F2001. Colony Water System, Ltd. Application of Colony Water System, Ltd., for approval of the abandonment or discontinuance of water service in a portion of Fairview Township, Erie County, PA, consisting of an area designated as the colony subdivision and servicing 39 water customers.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 23, 1996, under 52 Pa. Code (relating to public utilities).

Applicant: Thomas J. Buseck, Esquire, Colony Water System, Ltd., 456 West 6th Street, Erie, PA 16507.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2079. Filed for public inspection December 6, 1996, 9:00 a.m.]

**Water Service
Without Hearing**

A-211135F0002. Greater Hazleton Community Area New Development Organization, Inc. Application of Greater Hazleton Community Area New Development Organization, Inc. for approval to offer, render, furnish or supply water service to a portion of Butler Township, Luzerne County, known as Can Do Corporate Center.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before December 23, 1996, under 52 Pa. Code (relating to public utilities).

Applicant: Peter J. Fagan, Esquire, Can Do, Inc., 18 Short Lane, P. O. Box 904, Conyngham, PA 18219.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 96-2080. Filed for public inspection December 6, 1996, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for:

Construction of New Water Main for PA Turnpike Administration Building. Mandatory Pre-Bid Inspection: December 12, 1996 at 10 a.m., assembling at the Administration Building lobby, Rt. 283 and Eisenhower Blvd., Highspire, PA (Dauphin County). Open Date: December 23, 1996 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2081. Filed for public inspection December 6, 1996, 9:00 a.m.]

Request for Qualifications for Financial Advisor

The Turnpike Commission is seeking responses to its Request for Qualifications from firms interested in serving as a Financial Advisor to the Commission on various matters including, but not limited to, cash management, investments, bond issues, banking services and financial analyses.

The Request for Qualifications may be obtained from the:

Finance and Administration Office, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, Telephone (717) 939-9551, Extension 2430.

Responses are due by 2 p.m. on Friday, December 20, 1996.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 96-2082. Filed for public inspection December 6, 1996, 9:00 a.m.]