

# NOTICES

## COMMISSION ON CRIME AND DELINQUENCY

### Availability of Federal Challenge Grant Funds

The Pennsylvania Commission on Crime and Delinquency (PCCD) announces the availability of approximately \$1.159 million in Federal Office of Juvenile Justice and Delinquency Prevention Challenge Grant funds to establish a 24-bed secure care residential program for serious and habitual juvenile offenders to be located in Southeast Pennsylvania. These funds can be applied to facility renovations, furnishings and equipment, salaries and related start-up expenses subject to allowable cost limitations. Funds will be awarded on a match-free basis, with the exception of renovations involving construction. Federal regulations require a 50% match by the applicant for construction and prohibit the use of these funds for the purchase of land.

Funds will be awarded for a 12-month project period under a competitive review process according to the review criteria, requirements and conditions outlined in the official funding announcement.

This funding initiative is a joint venture involving PCCD and the Pennsylvania Department of Public Welfare/Office of Children, Youth and Families, the agency responsible for the provision of continuation funding.

Eligible applicants include private nonprofit established adolescent care providers experienced in the care and treatment of serious and habitual juvenile offenders. Agencies interested in applying must submit a letter of intent by close of business on Friday, January 17, 1997. Applicants will be required to attend an applicant's conference to be held in the Harrisburg area in late January or early February 1997. The submission deadline date for proposals is close of business on Friday, March 7, 1997, with the final funding awards expected to be made by April 30, 1997.

To request a copy of the official funding announcement which provides proposal submission requirements, prospective applicants should contact Ruth Williams at Extension 3084 at either (717) 787-8559 or toll-free (800) 692-7292.

JAMES THOMAS,  
*Executive Director*

[Pa.B. Doc. No. 96-2188. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF AGING

### Medical Exception Process; Generic Drug Substitution

#### *Background*

Act 134-96, the State Lottery Law, requires publication and dissemination of the medical exception process used by the Department of Aging for the Pharmaceutical Assistance Contract for the Elderly (PACE) and for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier (PACENET). Specifically, the legisla-

tion addresses the medical exception process with regard to generic substitution when an A-rated therapeutically equivalent medication is available. The law further requires that the Department of Aging distribute the medical exception process to providers and recipients in the Program.

#### *The Medical Exception Process*

Through the online claims processing system, the PACE/PACENET Program provides prospective therapeutic review of prescriptions before the pharmacist dispenses the medication to the cardholder. The review checks for potential drug interactions, duplicative therapies, over-utilization, under-utilization and other misutilization. The Department of Aging, of course, recognizes the possibility of exceptional circumstances in connection with the application of therapeutic criteria and reimbursement edits. A medical exception will be considered by the Program when the cardholder's physician indicates the diagnosis, medical rationale, anticipated therapeutic outcomes, the expected length of exception therapy, and the last trial at alternative therapy.

Act 134-96 requires a pharmacist to dispense the A-rated, therapeutically equivalent, generic drug to the cardholder if they have a prescription for a multisource brand product. If a cardholder seeks an exception to this mandate, a pharmacist may request a short term medical exception at the time of dispensing by calling 1 (800) 835-4080. The PACE Program may grant a 30-day medical exception if requested. Immediately following approval of the exception, the Program sends a follow-up letter to the cardholder's prescribing physician. This letter serves as notice that the Program granted a temporary medical exception to the mandatory substitution requirement. The letter seeks the therapeutic rationale for continuing the medical exception. The Program allows 30 days for the return of the written medical exception request from the prescriber. If the Program does not receive written documentation, the short term medical exception will expire. If the prescriber does respond to the letter and provides appropriate information, the Program may grant a longer medical exception period. The cardholder may continue to obtain the brand medication without paying the extra cost of a generic differential.

The Program may refer a request to a physician consultant or to a therapeutics committee for special review and consideration. The cardholder will receive a short term medical exception until completion of the review process.

If the Program denies a request for a medical exception to the mandatory generic requirement, the cardholder may opt to continue using the brand multisource product and, then, pay the generic differential. If this occurs, the pharmacist must collect the copay for the brand name product plus 70% of the average wholesale price of the brand name product from the cardholder.

Please direct questions regarding the implementation of the medical exception process to 1 (800) 835-4080 or in writing to Thomas M. Snedden, Director, Bureau of Pharmaceutical Assistance, Pennsylvania Department of Aging, 400 Market Street, 6th Floor, Harrisburg, PA 17101.

RICHARD BROWDIE,  
*Secretary*

[Pa.B. Doc. No. 96-2189. Filed for public inspection December 27, 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 December 17, 1996.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-12-96	Prime Newco, Inc. (to be renamed Prime Bancorp., Inc.), Philadelphia, to merge with First Sterling Bancorp, Inc., Devon, and so indirectly acquire First Sterling Bank, Devon	Philadelphia	Approved

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-96	Northwest Interim Savings Bank Warren Warren County	Warren	Approved

Subject institution will be utilized to merge Bridgeville Savings Bank, FSB, Bridgeville, with and into Northwest Savings Bank, Warren.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-9-96	Parkvale Savings Bank Monroeville Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: Crafton-Ingram Shopping Center Pittsburgh Allegheny County	Monroeville	Effective
12-9-96	Northside Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: 701 Liberty Avenue Pittsburgh Allegheny County	Pittsburgh	Effective
12-9-96	Pittsburgh Home Savings Bank Pittsburgh Allegheny County Purchase of assets/assumption of liabilities of one branch office of First Home Savings Bank, FSB, Pittsburgh, located at: 2905 West Liberty Avenue Pittsburgh Allegheny County	Pittsburgh	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-96	Northwest Savings Bank, Warren, and Bridgeville Savings Bank, F.S.B., Bridgeville surviving institution— Northwest Savings Bank, Warren	Warren	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-13-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	WalMart 1355 E. Lehman St. Lebanon Lebanon County	Opened
11-19-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Cressler's Grocery Store 1075 W. King St. Shippensburg Franklin County	Opened
12-2-96	Mifflin County Savings Bank Lewistown Mifflin County	Corner of Specht and Brown Sts. McClure Snyder County	Opened
12-2-96	Summit Bank Bethlehem Northampton County	Centerville Square 580 Centerville Rd. East Hempfield Twp. Lancaster County	Opened
12-10-96	Peoples Bank of Glen Rock Glen Rock York County	2701 Eastern Blvd. York Springettsbury Twp. York County	Filed
12-13-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Rossmoyne Business Center Ritter Road Mechanicsburg Cumberland County	Filed

**SAVINGS ASSOCIATIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-10-96	Keystone Savings and Loan Association, Philadelphia; Hometown Building and Loan Association, Philadelphia; and Wayne Junction Savings Association, Ambler surviving institution—Keystone Savings and Loan Association, Philadelphia	Philadelphia	Withdrawn

**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
12-12-96	William F. Campbell Building and Loan Association Philadelphia Philadelphia County	Certificate of Election for Voluntary Dissolution filed. Effective as of the opening of business December 13, 1996.

**CREDIT UNIONS****Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-12-96	Diamond Federal Credit Union Pottstown Montgomery County	100 Medical Drive Pottstown Montgomery County	Filed

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
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To:

Diamond Credit Union  
Pottstown  
Montgomery County

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

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-2190. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

**PA 0053554.** Industrial waste, **Earthgro, Inc.**, Newark Road, P. O. Box 863, Avondale, PA 19311.

This application is for renewal of an NPDES permit to discharge stormwater from a soil products bagging facility in New Garden Township, **Chester County**. This is an existing discharge to the west branch of Red Clay 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, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.0—9.0 standard units at all times		
Total Suspended Solids	monitor/report		
Fecal Coliforms	monitor/report		
Zinc	monitor/report		
Aluminum	monitor/report		
Copper	monitor/report		
Iron (Total)	monitor/report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Iron (Dissolved)	monitor/report		
4'4 DDT	monitor/report		
4'4 DDD	monitor/report		
4'4 DDE	monitor/report		

The EPA waiver is in effect.

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

**PA 0205451.** Sewage, **Lawrence G. Schwartz**, 110 North Lane, Sewickley, PA 15143.

This application is for renewal of an NPDES permit to discharge treated sewage from Schwartz Mobile Home Park Sewage Treatment Plant in Economy Borough, **Beaver County**.

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

Outfall 001: existing discharge, design flow of .0063 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	21			42
(11-1 to 4-30)	25			50
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	45,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		1.4		3.3
pH	6.0—9.0			

The EPA waiver is in effect.

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

**PA 0010533.** SIC: 0921, **Fish and Boat Commission**, 1225 Shiloh Road, State College, PA 16801-8495.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Spring Creek in Benner Township, **Centre County**.

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

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

Outfall 001—The proposed effluent limits, based on a design flow of 8.01 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
TSS	15.0	30.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus—Total Dissolved		
(3-1 to 10-31)	0.3	0.6
Dissolved Oxygen	monitor	
pH	6.0—9.0 s.u. at all times	

Outfall 002—The proposed effluent limits, based on a design flow of 1.21 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
TSS	15.0	30.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus—Total Dissolved (3-1 to 10-31)	0.3	0.6
Dissolved Oxygen	monitor	
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.

**PA 0039144.** SIC: 0921, **Fish and Boat Commission**, Oswayo FCS, R. R. 2, Box 84, Coudersport, PA 16915-9646.

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

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA/NY border located approximately 20 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 3.4992 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
TSS	10.0	20.0
NH <sub>3</sub> -N	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.

**PA 0115363.** SIC: 4952, **Buffalo Township Municipal Sewer Authority**, R. R. 2, Box 284-A, Lewisburg, PA 17837.

This proposed action is for issuance of an NPDES permit for an existing discharge of 0.04 mgd of treated sewage with expansion to 0.08 mgd to Buffalo Creek in Buffalo Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Shamokin Dam Municipal Authority located 3.7 river miles downstream.

Outfall 001:

The proposed effluent limits, until plant expansion, based on a design flow of 0.04 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
TRC	1.0		2.3
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

The proposed effluent limits, after plant expansion, based on a design flow of 0.08 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
TRC	1.0		2.3

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

Other Conditions: none

The EPA waiver is in effect.

**PA 0209431.** SIC: 4952, **William A. Marion**, 640 Berkshire Drive, State College, PA 16801.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage to unnamed tributary of Halfmoon Creek in Halfmoon Township, **Centre 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin on the Susquehanna River.

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

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

The EPA waiver is in effect.

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

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

**1596417.** Sewerage. **New Garden Township Sewer  
Authority**, R. D. 1, Post Office Box 139, Landenberg, PA  
19350. Construction of an influent pump station, a lagoon  
treatment plant and spray irrigation fields to serve the  
East End Wastewater Treatment Facilities located in New  
Garden Township, **Chester County**.

**0996424.** Sewerage. **Milford-Trumbauersville Area  
Sewer Authority**, Post Office Box 126, Spinnerstown, PA  
18968. Construction of a pumping station to serve  
Hillcrest Hunt located in Milford Township, **Bucks  
County**.

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

**A. 5696409.** Sewerage. **Shade-Central City Joint  
Authority**, 429 Sunshine Avenue, Central City, PA 15926.  
Application for the construction and operation of sewers  
and appurtenances and pump stations to serve the Bun-  
ker Hill Sewer Lines and Pump Station (T-792) located in  
the Township of Shade, **Somerset County**.

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

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*Southcentral Regional Office, Sanitarian Regional Man-  
ager, One Ararat Boulevard, Harrisburg, PA 17110, tele-  
phone (717) 657-4692.*

**A. 2896502.** Public water supply. **Whitetail Resorts,  
L. P.**, Montgomery Township, **Franklin County** (Steve  
Rice, President, Whitetail Resorts, L. P., 13805 Blairs  
Valley Road, Mercersburg, PA 17325), modification of an  
existing public water supply to include two new wells and  
changes to existing treatment including addition of a  
third manganese greensand filter. Upon completion, the  
water system is to be reclassified as a community system  
serving 250 residences (David C. Goodwin, William A.  
Brindle Associates, Inc., 220 Lincoln Way East,  
Chambersburg, PA 17201).

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

**A. 4396508.** Public water supply. **Reynolds Mobile  
Home Park**, 110 West 10th Street, Greenville, PA 16125.  
This proposal involves obtaining a permit for an existing  
water system in the Reynolds Home Park that is supplied  
water by the Reynolds Water Company in the Borough of  
Greenville, **Mercer County**.

**Permit No. 2596506.** Public water supply. **Erie City  
Water Authority**, 340 West Bayfront Parkway (Chestnut  
Street Plant), Erie, PA 16507. This permit covers the  
installation and operation of a chemical feed pump sys-  
tem for the injection of ortho-polyphosphate blend (corro-  
sion control treatment) in the City of Erie, **Erie County**.

*Type of Facility:* Community water supply.

*Consulting Engineer:* KLH Engineers, 5173 Campbells  
Run Rd., Pittsburgh, PA 15205.

*Permit to Construct Issued:* December 9, 1996.

**Permit No. 2596507.** Public water supply. **Erie City Water Authority**, 340 West Bayfront Parkway (Sommerheim Plant), Erie, PA 16507. This permit covers the installation and operation of a chemical feed pump system for the injection of ortho-polyphosphate blend (corrosion control treatment) in the City of Erie, **Erie County**.

*Type of Facility:* Community water supply.

*Consulting Engineer:* KLH Engineers, 5173 Campbells Run Rd., Pittsburgh, PA 15205.

*Permit to Construct Issued:* December 9, 1996.

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### 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, 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 Notice of Intent to Remediate:

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

**Buck Run Property Site**, including 19 Buck Run Road, 26 Buck Run Road, and the Buck Run Road Right-of-Way, South Heidelberg Township, **Berks County**. C. D. Schneck, Inc., 1200 Columbia Avenue, Sinking Spring, PA 17569, has submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Reading Eagle Times* on December 15, 1996.

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

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

**A. 603285. Martin Greenleaf Farm, Bio Gro Division** (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for modification to add additional acreage to a site in Colerian Township, **Lancaster County**. Application determined to be complete in the Regional Office December 9, 1996.

**A. 603285. Borkey Farms, Bio Gro Division** (180 Admiral Cochrane Drive, Annapolis, MD 21401). Application for modification to add additional acreage to a site in Upper Bern Township, **Berks County**. Application determined to be complete in the Regional Office December 9, 1996.

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

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

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

Permit: **46-301-268**  
Source: Hospital Waste Incinerator  
Company: **North Penn Hospital**  
Location: Hatfield  
County: **Montgomery**

*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: **64-310-004E**  
Source: Stone Crushing Plant w/Waterspray  
Company: **Milestone Materials Incorporated**  
Location: Lake Township  
County: **Wayne**

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### Notice of Intent to Issue

Title V Operating Permit  
Permit No. TV-22-05007

Dauphin County

The Department of Environmental Protection intends to issue a Title V Operating Permit to The Harrisburg Authority for the Harrisburg Materials, Energy, Recycling and Recovery facility located in Harrisburg, Dauphin County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional office may be scheduled by contacting Mary DiSanto at (717) 541-7937 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.



Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publications of this notice. Each comment must include the name, address and telephone number of the persons submitting the comments along with the reference number of the permit (TV-22-05007).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

Reasonably Available Control Technology  
Plan Approval No. 36-2013  
and  
Title V Operating Permit 36-05013  
Permit No. TV-36-05013  
Lancaster County

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan for the purpose of revising the State Implementation Plan (SIP) and also intends to issue a Title V Operating Permit to Lancaster County Solid Waste Management Authority for Lancaster County Resource Recovery Facility located in Conoy Township, Lancaster County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 36-2013 for the existing facility to comply with current regulations. The preliminary NO<sub>x</sub> RACT determination for the three combustion sources is Selective Non-Catalytic Reduction and Activated Carbon Adsorber.

The preliminary RACT determination, when finally approved, will be incorporated into a Plan Approval/Operating Permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on February 25, 1997 at Bainbridge Fire Hall, Second and Market Streets, Bainbridge, PA 17562 from 3 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment on RACT Plan Approval No. 36-2013 or Title V Permit No. 36-05013 are requested to contact Monsoor Rashid at (717) 657-6328 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Persons with a disability who wish to attend the hearing scheduled for February 25, 1997 at Bainbridge Fire Hall and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Susan Frank directly at (717) 541-7969 through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**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.**

*Regional Office: 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: **40-302-127G**  
Source: 12.6MMBTU N American Boil 1A-1618  
Received: November 27, 1996  
Company: **Intermetro Industries Corporation**  
Location: City of Wilkes-Barre  
County: **Luzerne**

**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—23 and 86.31—34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum,

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

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

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

#### *Coal Applications Received*

**03930103. General Mining, Inc.** (R. D. 2, Box 194, Avonmore, PA 15618). Application received for transfer of permit from Thomas J. Smith, Inc., for an existing surface mining operation located in Plumcreek Township, **Armstrong County**, and Washington Township, **Indiana County**, affecting 73 acres. Receiving streams Dutch Run, an unnamed tributary to Dutch Run to Plum Creek to Crooked Creek to Allegheny River. Application received November 20, 1996.

**03940113. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received for transfer of permit from ALT, Inc., for an existing surface mining operation located in Washington Township, **Armstrong County**, affecting 68.7 acres. Receiving streams unnamed tributary "A" to Huling Run, Huling Run to Allegheny River. Application received November 21, 1996.

**30960102. Taylortown Mining, Inc.** (P. O. Box 298, Point Marion, PA 15474). Permit application received for commencement, operation and reclamation of a bituminous surface mine located in Dunkard Township, **Greene County**, affecting 63.0 acres. Receiving streams unnamed tributary to Dunkard Creek, Dunkard Creek to the Monongahela River. Application received November 26, 1996.

**02960902. ACV Power Corporation** (P. O. Box 402, Emlenton, PA 16373). Application received for commencement, operation and reclamation of an incidental coal extraction operation located in West Deer Township, **Allegheny County**, affecting 14.0 acres. Receiving streams two unnamed tributaries to Bull Creek. Application received November 14, 1996.

**04960101. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Application received for commencement, operation and reclamation of a bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 224.0 acres. Receiving streams unnamed tributaries to Brush Run to North Fork Little

Beaver Creek to Little Beaver Creek to the Ohio River. A social and economic justification is included. Application received November 26, 1996.

**03930106. Dutch Run Coal, Inc.** (A02-366, Shelocta, PA 15774). Revision received for a change in land use from forestland to pastureland/land occasionally cut for hay on an existing bituminous surface mine located in Burrell Township, **Armstrong County**. Revision received: December 5, 1996.

**03910108R. Stitt Coal Co., Inc.** (R. R. 1, Box 197A, Ford City, PA 16226). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Kittanning Township, **Armstrong County**. Receiving streams Garretts Run watershed. Renewal application received: December 11, 1996.

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

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a U. S. Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306, 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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**Application filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), 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.**

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

**E15-454. Encroachment. Citizens Home Utilities Water Co.,** 4 Wellington Blvd., Wyomissing, PA 19610. To amend permit E15-454 for the following work: To remove an existing intake structure and to construct a concrete intake structure in the Schuylkill River and along the southern bank of the Schuylkill River. This work is located in the Royersford Water Treatment Plant property (Phoenixville, PA Quadrangle N: 12.25 inches; W: 10.0 inches) in East Vincent Township, **Chester County**.

**E46-757. Encroachment. Maple Village,** 2815 Byberry Road, Hatboro, PA 19040. To construct and maintain a stormwater management facility associated with Maple Village Subdivision Development which will impact a 0.14 acre body of water (POW) and 145 L. F. of unnamed tributary to Pennypack Creek (WWF). The site is located on the northwest corner of Byberry and Orangeman's

Roads (Hatboro, PA Quadrangle N: 8.00 inches; W: 12.90 inches) in Upper Moreland Township, **Montgomery County**.

*DEP Central Office, Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D30-046.** Dam. **Cyprus Emerald Resources Corporation**, 145 Elm Drive, Waynesburg, PA 15370. To construct, operate and maintain a slurry impoundment impacting 7,136 linear feet of perennial (5,003 feet) and intermittent (2,133 feet) tributaries to Smith Creek (WWF). The proposed project site is located approximately 1,500 feet west of the intersection of Township Road T-521 and State Route 218 (Waynesburg, PA Quadrangle N: 1.45 inches; W: 11.05 inches) in Franklin Township, **Greene County**.

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

**E06-485.** Encroachment. **Charles and Theresa Ziegler**, 1279 Powder Mill Hollow Road, Boyertown, PA 19512. To place fill in 0.3 acre of wetlands adjacent to Ironstone Creek at a point along the north side of South Reading Avenue approximately 300 feet west of the intersection of South Reading Avenue and Mill Street (Boyertown, PA Quadrangle N: 13.8 inches; W: 3.5 inches) in Colebrookdale Township, **Berks County**.

**E07-275.** Encroachment. **New Enterprise Stone & Lime Co., Inc.**, P. O. Box 77, Church Street, New Enterprise, PA 16664. To construct and maintain a single span concrete foot bridge having a span of about 40 feet and an underclearance of about 4.0 feet across Halter Creek to provide access from a proposed parking area to existing office and maintenance buildings located about 500 feet east of SR 0036 about 1.0 mile north of Roaring Springs Boro (Roaring Springs, PA Quadrangle N: 17.3 inches; W: 4.0 inches) in Taylor Township, **Blair County**.

**E22-356.** Encroachment. **City of Harrisburg**, City Government Center, 10 North Second St., Harrisburg, PA 17101. To construct and maintain a 100 foot by 78 foot-6 inch building on City Island along the Susquehanna River at a point approximately 300 feet upstream of the Walnut Street Bridge (Harrisburg West, PA Quadrangle N: 0.8 inch; W: 1.8 inches) in the City of Harrisburg, **Dauphin County**.

**E34-085.** Encroachment. **Dept. of Transportation**, Engineering District 2-0, George Khoury, 1924-30 Daisy Street, Clearfield, PA 16830. To replace an existing structure with a 25 foot x 7 foot-6 inch pre-cast box culvert in the channel of Lick Run at a point at SR 3020 (Blairs Mills, PA Quadrangle N: 18.85 inches; W: 3.35 inches) in Lack Township, **Juniata County**.

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

**E45-314.** Encroachment. **Eldred Township Supervisors**, P. O. Box 600, Kunkletown, PA 18058. To maintain a road crossing of Borger Creek (CWF, MF), consisting of an open-bottom corrugated metal culvert having a span of 19.0 feet and an underclearance of approximately 5.1 feet. Removal of the previously-existing flood damaged structure and construction of the existing structure was authorized by Emergency Permit No. EP4596409. The project is located on Township Road T-354 (known locally as 57 Road), approximately 250 feet upstream of the Carbon/

Monroe county line (Palmerton, PA Quadrangle N: 19.6 inches; W: 0.2 inch) in Eldred Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E66-109.** Encroachment. **Kane Properties, Inc.**, P. O. Box 931, Scranton, PA 18501-0931. To place fill in approximately 0.21 acre of PEM wetlands for the purpose of constructing a loading dock area associated with the proposed warehouse addition to the existing freight facility. The project is located on the east side of S. R. 0006, just north of the intersection of S. R. 0006 and Township Road T397 (Mile Road) (Tunkhannock, PA Quadrangle N: 11.5 inches; W: 12.3 inches) in Tunkhannock Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

**E66-110.** Encroachment. **Pennsylvania Electric Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001. To construct and maintain an aerial crossing of the Susquehanna River (WWF) by a 34.5 KV electric distribution line to provide electrical service to Wyoming Sand and Stone Company. The project is located approximately 0.15 mile upstream from the mouth of Meshoppen Creek (Meshoppen, PA Quadrangle N: 20.9 inches; W: 7.5 inches) in Mehoopany Township and Meshoppen Borough, **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.*

**E14-299.** Encroachment. **State College Borough Water Auth.**, c/o Max G. Gill, 1201 West Branch Rd., State College, PA 16801. To construct and maintain a stream enclosure to carry a rough grade road across an unnamed tributary to Buffalo Run that provides access strictly for the operation and maintenance of a municipal water supply line. The proposed stream enclosure shall be constructed with two corrugated metal culvert pipes that have a diameter of 6.0 feet and a length of 235.0 feet. The project is located along southern right-of-way of SR 0322 approximately 1.9 miles south of the intersection of Scotia Range Road and SR 0322 (Julian, PA Quadrangle N: 9.5 inches; W: 12.5 inches) in Patton Township, **Centre County**. Estimated stream disturbance is 268.0 feet with no wetland impact; stream classification is High Quality-Cold Water Fishery.

**E41-395.** Encroachment. **Daniel Dutton**, 2826 Oakland Drive, Condo 4, Billings, MT 59102. To reconstruct and maintain the superstructure and abutments of an existing bridge, placing riprap at the wingwalls as necessary on a private road over Mill Creek immediately off SR 864, 0.6 mile east of SR 087 (Montoursville North, PA Quadrangle N: 5.25 inches; W: 2.88 inches) in Upper Fairfield Township, **Lycoming County**.

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

**E30-174.** Encroachment. **Greene County Commissioners**, 93 E. High St., Waynesburg, PA 15370. To remove existing structure known as Bridge No. 25 (TR 555) and to construct and maintain a 121.75-foot normal clear span with an underclearance of 13.9 feet over South Fork of Ten Mile Creek (WWF) located approximately 2,000 feet south of SR 188 (Mather, PA Quadrangle N: 7.35 inches; W: 15.5 inches) in Morgan and Jefferson Townships, **Greene County**.

**E32-381.** Encroachment. **Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a pre-

cast reinforced concrete box culvert having a single span of 15.0 feet with an underclearance of 3.5 feet and a length of 36 feet in south branch Cush Creek (CWF). The culvert invert is to be depressed 1.0 foot. The bridge is located on SR 1034, 100 feet west of its intersection with SR 1033 (Rochester Mills, PA Quadrangle N: 8.1 inches; W: 1.8 inches) in Montgomery Township, **Indiana County**.

**E32-382.** Encroachment. **Dept. of Transportation**, P. O. Box 429, Indiana, PA 15701. To remove existing structure and to construct and maintain a 44-long, twin-cell box culvert 14.0' x 9.0' with a 1-foot depressed invert in Cush Creek (CWF) for the purpose of realigning SR 0286; and to place and maintain fill in 0.098 acre of wetlands (EM) with proposed stabilization of abandoned mine spoil in lieu of wetland replacement. The project is located approximately 1.0 mile north of Arcadia (Burnside, PA Quadrangle N: 7.4 inches; W: 14.2 inches) in Montgomery Township, **Indiana County**.

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**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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*Northwest Regional Office, Regional Program Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**WA 10-921A.** Subsidiary Water Allocation. **Center Township Water Department**, 419 Sunset Drive, Butler, PA 16001. Applicant submitted revision to original request for the continued right to purchase bulk water from PA American Water Company—Butler District. This revised proposal is to increase the projected amount from 255,135 gpd to 320,880 gpd. Original application published at 26 Pa.B. 3945 (August 17, 1996).

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## ACTIONS

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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.

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

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### *Permits Issued*

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

**NPDES Permit No. PA0056979.** Sewerage. **Jonathan Kimmel**, 46 Tanguy Road, Glen Mills, PA 19342 is authorized to discharge from a facility located in Thornbury Township, **Delaware County** into an unnamed tributary of Chester Creek.

**NPDES Permit No. PA0026662.** Amendment No. 1. Sewerage. **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Zone 3: 001-017 and 020-037 and Schuylkill River: 038.

**NPDES Permit No. PA0026671.** Amendment No. 1. Sewerage. **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Zone 4: 001, Schuylkill River: 002-040 and 073-077; Cobbs Creek: 041-072.

**NPDES Permit No. PA0026689.** Amendment No. 1. Sewerage. **City of Philadelphia Water Department**, ARA Tower at Reading Center, 1101 Market Street, Philadelphia, PA 19107-2994 is authorized to discharge from a facility located in the City of Philadelphia, **Philadelphia County** into the Delaware River Zone 3: 001-022 and 058; Pennypack Creek: 023-027; Tacony Creek: 028-041 and 059-060; Frankford Creek: 042-057.

**NPDES Permit No. PA0052515.** Industrial waste. **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002-4476 is authorized to discharge from a facility located in Whitmarsh Township, **Montgomery County** into Wissahickon Creek.

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

**Permit No. NPDES PAG044915.** Sewerage. **R. George and Julia M. Kritzer**, R. R. 1 Box 82-1, Woodland, PA 16881. Permit application has been approved for single residence sewage treatment plant, to be located at Bradford Township, **Clearfield County**.

**Permit No. NPDES PAG044916.** Sewerage. **Al Hamilton**, P. O. Box 157, Manheim, PA 17454. Permit application has been approved for single residence sewage treatment plant to be located at Bradford Township, **Clearfield County**.

**Permit No. NPDES PA0114961.** Sewerage. **Hughesville-Wolf Township Joint Sewer Authority**, R. R. 3 Box 167, Hughesville, PA 17737. Renewal Application has been approved for the discharge of sewage to Muncy Creek, located at Wolf Township, **Lycoming County**.

**Permit No. NPDES PAG044918.** Sewerage. **Bradley Jones**, P. O. Box 212, Woodland, PA 16881. Applicant has been approved for a single residence sewage treatment system located in Bradford Township, **Clearfield County**.

**Permit No. NPDES PA0101290.** Sewerage. **Sandy Township Board of Supervisors**, P. O. Box 267,

Dubois, PA 15801. Renewal application has been approved for discharge from facility located at Sandy Township, **Clearfield County**.

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

**NPDES Permit No. PA0090964. CQ, Inc.**, R. R. 2, Box 2113, Homer City, PA 15748 is authorized to discharge from a facility located at Center Township, **Indiana County** to a named tributary of Cherry Run.

**NPDES Permit No. PA0095851.** Amendment No. 1. Sewage. **Donald and Marie Shaffer**, Roof Garden Court, R. D. 7, Box 55, Route 281 North, Somerset, PA 15501 is authorized to discharge from a facility located at Roof Garden Mobile Home Court STP, Somerset Township, **Somerset County**.

**NPDES Permit No. PA0096717.** Sewage. **Penn Cambria School District**, 201 6th Street, Cresson, PA 16630 is authorized to discharge from a facility located at

Penn Cambria Primary STP, Lilly Borough, **Cambria County** to Bear Rock Run.

**NPDES Permit No. PA0111597.** Sewage. **Westmont Hilltop Recreation Commission**, 1000 Edgehill Drive, Johnstown, PA 15905 is authorized to discharge from a facility located at Westmont Hilltop Recreation Commission STP, Upper Yoder Township, **Cambria County** to unnamed tributary to Allwine Creek.

**NPDES Permit No. PA0205087.** Sewage. **Rockwood Real Estate**, R. D. 2, Box 208, Rockwood, PA 15557 is authorized to discharge from a facility located at Scottyland Camping Resort STP, Middle Creek Township, **Somerset County** to Lost Creek.

**NPDES Permit No. PA0217450.** Sewage. **Dennis F. Creighton**, R. D. 2, Box 478, New Alexandria, PA 15670 is authorized to discharge from a facility located at Dennis F. Creighton Plan Sewage Treatment Plant, Fennelstown Road, Salem Township, **Westmoreland County** to an unnamed tributary of Whitethorn Creek.

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

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

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>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10-5312	American Stores Properties, Inc. P. O. Box 30658 Salt Lake City, Utah 84130-0658	City of Philadelphia Philadelphia County	Pauls Run

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS 10S046	S.I.D.E. Corporation P. O. Box 1050 Blakeslee, PA 18610	Monroe Co. Tobyhanna Twp.	Goose Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-J035	County of Delaware Government Center Building Media, PA 19063	Concord Township Delaware County	West Branch Chester County

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

**PAS-10-H054.** Individual NPDES. **North Middleton Township Board of Supervisors**, 211 North Middleton Road, Carlisle, PA 17013. To implement an

Erosion and Sedimentation Control Plan for the Township's Municipal Campus on 30.85 acres in North Middleton Township, **Cumberland County**. The project is located along the right bank of the Conodoguinet Creek downstream of PA 34 bridge (Carlisle, PA Quadrangle N: 20.7 inches; W: 7 inches). Drainage will be the Conodoguinet Creek.

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

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*Permits Issued*

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

**Permit No. 1596203.** Industrial waste. **To-Jo Mushrooms, Inc.** (974 Penn Green Road, Avondale, PA 19311). Construction and operation of the industrial wastewater treatment plant located in New Garden Township, **Chester County** to serve To-Jo Mushrooms.

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

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

*Location:* **Trexler Park Multi-family, a.k.a. West Ridge** located on the south side of Springhouse Road, City of Allentown, **Lehigh County**.

*Project Description:* This project proposes a townhouse and apartment development on a 60.0 acre tract. The 196 townhouses and 114 apartments will be built in several phases. The project will be served by an extension of the City of Allentown Sanitary Sewer System, connecting at an existing manhole at Springhouse Road and Benner Road. Sanitary sewer service will be by gravity in 8" diameter main sewer lines with 6" diameter house laterals to the property line. The proposed 75,400 gpd of sanitary flows will be conveyed and treated by City of Allentown Municipal facilities. Public water will be provided to the project by the City of Allentown.

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

*Location:* **Bulltown/Remaley Road Sewer Extension Project.** The sewer lines will be extended along Bulltown and Remaley Roads. Municipality of Murrysville, **Westmoreland County**.

*Project Description:* Approval of a revision to the Official Sewage Plan of Municipality of Murrysville, Westmoreland County. Project involves the installation of approximately 25,000 lineal feet of 8-inch and 10-inch diameter PVC sanitary sewer pipe, precast concrete manholes and appurtenances. This sewer project will provide service to 132 existing residences located along Bulltown and Remaley Roads. The sewage is to be conveyed and treated at the Franklin Township Municipal Sanitary Authority's Meadowbrook Road Water Pollution Control Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Location:* **Samel C. Davis** single resident sewage treatment plant. East side of F. R. 0819 across from the Jacobs Creek Methodist Church, south of the Borough of Scottsdale, in East Huntingdon Township, **Westmoreland County**.

*Project Description:* Approval of a revision to the official Sewage Facilities Plan of East Huntingdon Township, Westmoreland County. Project involves the construction of a single resident sewage treatment plant to serve a proposed dwelling located along F. R. 0819. Treated effluent is to be discharged to Jacobs Creek.

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**Plan revision approval granted November 26, 1996, under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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

*Location:* **Gary Discavage Single Residence Experimental Sewage Treatment Plant.** One mile east of Route 22 along T-463.

*Project Description:* Approval of a revision to the Official Plan of Catherine Township, Blair County. Project involves construction of a small flow experimental treatment facility to serve an existing house and cottage located 1 mile east of Route 22 along T-463. Treated effluent is to be discharged to the existing soil via trenches. Any required Water Quality Permits must be obtained in the name of the property owner.

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

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

**Permit No. 603447. U. S. Army Corps of Engineers Raystown, U. S. Army Corps of Engineers (R. R. 1, Box 222, Hesston, PA 16647).** Application for operation of an agricultural utilization of sewage sludge in Hopewell Township, **Huntingdon County**. Permit issued in the Regional Office December 10, 1996.

*Override Justification:*

Hopewell Township has opposed the issuance of an agricultural utilization of sewage sludge permit to the U. S. Army Corps of Engineers at the Lake Raystown site in Hopewell Township, Huntingdon County. The Township maintains there are other sites, outside Hopewell Township, that would be suitable for the land application of sewage sludge.

As the Municipal Waste Regulations do not prescribe how an applicant selects a site location, other than through technical siting criteria, and as it has been determined that all technical and administrative requirements of the regulations have been satisfied by the applicant, the Department has issued a permit for the Lake Raystown site.

**Permit No. 602497. Reuben Weaver Farm, Ephrata Borough Authority** (114 East Main Street, Ephrata, PA 17522). Application for modification of an agricultural utilization of sewage sludge site in Ephrata and West Cocalico Townships, **Lancaster County**. Permit issued in the Regional Office December 11, 1996.

**Permit No. 400556. Bridgeview, Inc.** (R. R. 1, Box 364, Morgantown, PA 19543). Application for modification for the addition of a Chem-Clav processing unit to a site in Robeson Township, **Berks County**. Permit issued in the Regional Office December 11, 1996.

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

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

**A. 301259. Post Precision Casting, Post Precision Castings, Inc.** (P. O. Box 4, Strausstown, PA 19559). Application for construction and Operation of a Class III residual waste landfill site Upper Tulpehocken Township, **Berks County**. Application withdrawn from the Regional Office December 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. 101649** (originally 301106). Permit Modification. **Phoenix Resources Inc. Construction/Demolition Facility, Phoenix Resources, Inc.** (P. O. Box 38, Blossburg, PA 16912). Modification to residual waste landfill to convert to a construction/demolition landfill located in Duncan Township, **Tioga County**. Permit issued in the regional office on December 12, 1996.

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

**Permit No. 603444. Community Sewage, Inc.**, operated by Ronald L. Lasher, R. D. 1, Box 248, Fort Run Road, Ford City, PA. Operation of a municipal waste processing facility in Manor Township, **Armstrong County**. Permit issued in the Regional Office on December 4, 1996.

**Permit No. 100620. BFI-Imperial Landfill, Browning-Ferris Industries of Pennsylvania, Inc.** P. O. Box 47, Route 980 and Boggs Road, Imperial, PA 15126. Operation of a municipal waste landfill in Findlay Township, **Allegheny County**. Permit modification issued in the Regional Office on December 5, 1996.

**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: **64-310-004E**

Source: Stone Crushing Plant w/Waterspray

Issued: November 22, 1996

Company: **Milestone Materials Incorporated**

Location: Lake Township

County: **Wayne**

**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*

**11960201. Smith Energy, Inc.** (1075 Chestnut Street, Nanty Glo, PA 15943), commencement, operation and restoration of a bituminous strip mine (coal refuse reprocessing) in Nanty Glo Borough, **Cambria County**, affecting 7.4 acres, receiving stream Pergrin Run, application received August 8, 1996, permit issued December 10, 1996.

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

**65960105. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Permit issued for commencement, operation, and restoration of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 165.6 acres. Receiving streams unnamed tributary to Stony Run and Stony Run. Application received March 5, 1996. Permit issued: November 25, 1996.

**03950112. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation, and restoration of a bituminous surface mine located in Madison Township, **Armstrong County**, affecting 55.0 acres. Receiving streams unnamed tributaries to Mahoning Creek. Application received June 6, 1996. Permit issued: December 4, 1996.

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

**17920114. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine permit from James I. Cowfer Contracting, Inc., affecting 61.7 acres in Decatur Township, **Clearfield County**. Receiving streams an unnamed tributary of Little Beaver Run to Little Beaver Run, Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek; Moshannon Creek to west branch Susquehanna River, and north branch Morgan Run to Upper Morgan Run; Upper Morgan Run to Clearfield Creek; Clearfield Creek to west branch Susquehanna River, application received July 12, 1996.

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

**32841302. Greenwich Collieries Division of Pennsylvania Mines Corporation** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Greenwich North no. 1 and south no. 2 bituminous deep mine in Green Township, **Indiana County** for reclamation only, no additional discharge. Permit issued December 11, 1996.

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

*Large Industrial Mineral Permits Issued*

**4775SM1. John H. Bradshaw** (R. D. 2, Box 111A, Tioga, PA 16946), transfer of an existing Large Industrial Mineral (Sand and Gravel) permit from Gordon C. Martin Construction, Lawrence Township, **Tioga County** affecting 42 acres, receiving streams: unnamed tributary to

Tioga River to Chemung River to Susquehanna River, application received December 6, 1995, permit issued December 3, 1996.

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

*Small Industrial Mineral Authorizations Granted*

**59960804. Copley Sand and Gravel** (R. D. 1, Box 139, Covington, PA 16917), commencement, operation and restoration of a Small Industrial Mineral (Gravel) Permit in Delmar Township, **Tioga County** affecting 1 acre, application received March 26, 1996, authorization granted December 10, 1996.

**53960809. Fessenden Construction Company, Inc.** (P. O. Box 271, Roulette, PA 16746), commencement, operation and restoration of a Small Industrial Mineral (Rock Quarry) Permit in Roulette Township, **Potter County** affecting 2 acres, application received November 1, 1996, authorization granted December 10, 1996.

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

*Coal Applications Returned*

**04900102R. Kerry Coal Company** (P. O. Box 19, Portersville, PA 16051). Renewal application returned for continued reclamation of a bituminous surface mine located in Darlington Township, **Beaver County**. Receiving streams Dilworth Run/Coalbank Run watersheds. Renewal application received: October 30, 1995. Renewal application returned: November 25, 1996.

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 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.

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**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).

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*Permits Issued and Actions on 401 Certifications:*

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

**E23-348. Encroachment. Kimberly-Clark Tissue Company**, Front and Avenue of the States, Chester, PA 19013. To construct and maintain an approximately 515-foot long, steel sheet pile structure and to reconstruct and maintain a 24-inch steel pipe stormwater outlet structure within the Kimberly-Clark Tissue Company property at the upriver confluence of the Delaware River (WWF-MF) and Chester Creek (WWF-MF). This steel sheet pile structure is a rehabilitative measure for an existing deteriorated bulkhead of a low deck pier. The site is situated 1,100 feet south of the intersection of Second Street and the Avenue of the States (Bridgeport, NJ-PA USGS Quadrangle N: 16.80 inches; W: 15.25 inches) in the City of Chester, **Delaware County**.

**E51-153. Encroachment. Schuylkill Yankee Realty**, 61st and West Passyunk Avenue, Philadelphia, PA 19153. To operate and maintain an existing dock, four piling clusters and a transfer barge pier in and along the western bank of the 100-year floodplain of the Schuylkill River (WWF) on Schuylkill Yankee Realty property (a.k.a. Yankee Point Terminal). The site is located approximately 3,000 feet south of the Passyunk Avenue Bridge, at 61st Street and West Passyunk Avenue (Philadelphia, PA-NJ Quadrangle N: 7:00 inches; W: 12.00 inches) in the City and **County of Philadelphia**. 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.*

**E40-453. Encroachment. MapleMoor, Inc.**, 147 Hayfield Road, Shavertown, PA 18708-9748. To excavate in 0.84 acre of wetlands for the purpose of increasing the storage capacity of an existing irrigation pond serving the Huntsville Golf Course. The project is located on the east side of T-587, approximately 2,000 feet southwest of the intersection of T-587 and T-795 (Harveys Lake, PA Quadrangle N: 9.7 inches; W: 1.9 inches) in Lehman Township, **Luzerne County**. The permittee is required to provide 0.87 acre of replacement wetlands.

**E58-212. Encroachment. Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To place fill in 0.27 acre of wetlands, to remove the existing superstructure and to construct and maintain a prestressed concrete spread box beam bridge having a span of 76 feet and an underclearance of approximately 15 feet across Trowbridge Creek along the southbound lanes of Interstate 81. The bridge will also be widened by 14 feet to accommodate an acceleration lane for a proposed welcome center to be constructed in the 100-year floodplain of Trowbridge Creek. This project is located on the north side of Trowbridge Creek between S. R. 0081 and S. R. 0011 (Great Bend, PA Quadrangle N: 19.8 inches; W: 16.9 inches) in Great Bend Township, **Susquehanna County**. The permittee is required to provide 0.33 acre of replacement wetlands.

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

**E41-388. Encroachment. Jersey Shore Borough**, 232 Smith St., Jersey Shore, PA 17740. To construct and maintain approximately 731 cubic yards of fill in a manmade gully adjacent to the existing garage and office



building of the Jersey Shore Borough Sewage treatment plant in the floodway fringe of the west branch of the Susquehanna River. The project is located at the north end of Pennsylvania Ave. (Jersey Shore, PA Quadrangle N: 14.9 inches; W: 0.6 inch) in Jersey Shore Borough, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects."

**E59-327.** Encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To install and maintain streambed paving, partial jacketing on abutments, and a new deck slab on an existing bridge across Bailey Creek. The project is located on SR 1013 about 300 feet north of SR 1011 (Millerton, PA Quadrangle N: 4.5 inches; W: 14.8 inches) in Rutland Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E06-482.** Encroachment. **Parker R. Biery**, P. O. Box 68, 1 Kukenbucher Road, Long Pond, PA 18334. To construct and maintain two golf cart bridges across an unnamed tributary to Mill Creek for the purpose of developing a 9-hole golf course and a 3-lot residential subdivision located on the west side of Walnut Road (T-742) about 1,500 feet north of its intersection with Hex Highway (SR 4028) (Auburn, PA Quadrangle N: 7.4 inches; W: 3.8 inches) in Tilden Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-483.** Encroachment. **Neill J. Dekker**, Berks County, 1713 Lehigh Street, Allentown, PA 18103. To construct a temporary detour bridge across the channel of Maiden Creek at a point approximately 100 feet upstream of Route 143 (Hamburg, PA Quadrangle N: 4.5 inches; W: 0.1 inch) in Perry and Greenwich Townships, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-248.** Encroachment. **North Middleton Township**, 211 North Middleton Road, Carlisle, PA 17013. To place fill material in 0.81 acre of wetland in order to construct the North Middleton Township Municipal Campus located along the right bank of Conodoguinet Creek downstream of PA 34 bridge (Carlisle, PA Quadrangle N: 20.5 inches; W: 7.5 inches) in North Middleton Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-255.** Encroachment. **Department of Conservation and Natural Resources**, Bureau of Forestry District 1, ATTN: Kenneth Swartz, District Forester, Cumberland County, 10099 Lincoln Way East, Fayetteville, PA 17222-9609. To realign approximately 64 feet of the channel of Reservoir Hollow located on the left side of Milesburn Road about 2.8 miles south of Cleversburg Village (Caledonia Park, PA Quadrangle N: 22.2 inches; W: 11.67 inches) in Southampton Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-610.** Encroachment. **Gary L. Grossman**, 12 Fuhrman Road, Marietta, PA 17547. To construct and maintain two boulder retaining walls (total length of 220 L. F.)

and place backfill material within the floodway of a tributary to the Conestoga River, to provide vehicular access from Blanche Place to the rear of six townhouses at Emerald Valley (Lancaster, PA Quadrangle N: 3.7 inches; W: 9 inches) in the City of Lancaster, **Lancaster County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E50-180.** Encroachment. **Juniata Township Supervisors**, Robert Gabel, Perry County, R. D. 3 Box 65AA, Newport, PA 17074. To remove an existing twin culvert and to construct and maintain a reinforced concrete box culvert having a span of 7.0 feet and a rise of 4.0 feet in an unnamed tributary to Buffalo Creek for roadway maintenance purposes located on Frog Hollow Road (T-376) about 0.2 mile south of its intersection with SR 0849 (Ickesburg, PA Quadrangle N: 14.45 inches; W: 1.55 inches) in Juniata Township, **Perry County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-572.** Encroachment. **Daniel Petre and Ester C. Petre**, Rt. 3 Box 3501, Seven Valleys, PA 17360. To place fill measuring approximately 190 feet by 10 feet by 3 feet deep in the floodway of a tributary to Codorus Creek to build a new dairy barn located on the south side of Wolfs Church Road (West York, PA Quadrangle N: 13.6 inches; W: 8.1 inches) in West Manchester Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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**Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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*Southeast Regional Office, Bureau of Water Supply and Community Health, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

*Permit Issued*

**WA-23-275B.** Water allocation. **City of Chester, Delaware County**. The right to sell 6.0 million gallons per day, based on a 30-day average, from Chester Water Authority to Artesian Water Company.

*Type of Facility:* Water supply.

*Consulting Engineer:* Robert W. Naef, Chester Water Authority, P. O. Box 467, Chester, PA 19016.

*Permit Issued:* December 6, 1996.

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

**Permit No. 0996515.** Public water supply. **Warwick Township Water and Sewer Authority**, Thomas Courduff, 2242 York Road, Jamison, PA 18929. For the construction of the Windrush Storage Tank and Booster Pump Station in Warwick Township, **Bucks County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* Carroll Engineering Corporation, 949 Easton Road, Suite 100, Warrington, PA 18976.

*Permit to Construct Issued:* December 5, 1996.

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**SPECIAL NOTICES**


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**Registered and Certified Emission  
Reduction Credits**

The following emission reduction credits (ERCs) have been approved, registered and certified by the Department of Environmental Protection (Department), Commonwealth of Pennsylvania. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department has established a computerized ERC registry system, under 25 Pa. Code § 127.209, to provide for the registration, certification and tracking of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. Following certification of the ERCs, they may be used for either of the following purposes:

(1) To satisfy new source review (NSR) emission offset ratio requirements;

(2) To “net-out” of NSR at ERC-generating facilities;

(3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or U. S. Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. A copy of this notice is also posted on the DEP World Wide Web Site at <http://www.dep.state.pa.us> (choose Environmental Subjects/Air Quality/Permit Information/ERC Registry files).

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Lord Corporation Source: Two coal fired boilers Source Location: Erie Facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	NOx	30.5	12/20/2004	Trading
Lord Corporation Source: Vapor degreaser (ID # 117) Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	VOCs	8.5	08/08/2004	Trading
Lord Corporation Source: Vapor degreaser (ID # 122) Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	VOCs	14.9	06/30/2005	Trading
Julian B. Slevin Co. Inc. Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Ronald W. Lockhart Telephone Number: (610) 388-0337	VOCs	85.22	12/20/2005	Trading
Graphic Controls Corporation Recipient: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson Telephone Number: (412) 471-3939	VOCs	106.0	5/15/2002	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	39.6	3/31/2002	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	132.0		Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment status: Severe Contact Person: Robert Wallace Telephone Number: (215) 632-2300	VOCs	538.0		Trading

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### Status Report for Emission Reduction Credit (ERC) Registry Applications

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The following Emission Reduction Credit (ERC) Registry Applications and requests for ERCs have been received by the Bureau of Air Quality, Department of Environmental Protection (Department), Commonwealth of Pennsylvania. In addition to ERC Registry Applications submitted directly to the Department, ERC Registry Applications reviewed and approved initially by the Allegheny County Health Department (Allegheny County), and Philadelphia Department of Public Health, Air Management Services (Philadelphia County) are also submitted to the Department for review and approval to verify compliance with applicable ERC requirements in 25 Pa. Code §§ 127.206—127.208 prior to registration of the ERCs in the Statewide ERC Registry system.

The ERC Registry Applications, requesting ERCs primarily for VOCs and NO<sub>x</sub>, are currently under review by the Department unless otherwise indicated in the "Status of ERC Registry Application" column. For New Source Review (NSR) purposes, the entire Commonwealth is considered nonattainment for ozone because of the Commonwealth's inclusion in the Ozone Transport Region (OTR). Southeastern Pennsylvania (Bucks, Chester, Delaware, Montgomery and Philadelphia counties) is classified as a "severe" ozone nonattainment area and the remainder of the Commonwealth is considered a "moderate" ozone nonattainment area. VOC and NO<sub>x</sub> credits generated in a moderate ozone nonattainment area can not be traded to a facility located in a severe ozone nonattainment area. However, VOC or NO<sub>x</sub> credits generated in a severe ozone nonattainment area may be traded to a facility located in a moderate ozone nonattainment area which is either within 200 kilometers or 2 days upwind of the ERC-generating facility.

#### Allegheny County Health Department, Allegheny County

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Graphic Controls Corporation Recipient: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson Telephone Number: (412) 471-3939	VOCs	106.0	ERCs approved and certified on 11/14/1996	Trading
Graphic Controls Corporation Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NO <sub>x</sub>	5.0	Technical review completed	Trading
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	39.6	ERCs approved and certified on 11/14/96	Trading
Charles Bluestone Company Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NO <sub>x</sub> VOCs	1.75 44.7	Technical review completed	Trading
Green Valley Dry Cleaners Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	55.8	Currently under review	Trading

## NOTICES

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
O. Hommel Company Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx VOCs	22.0 8.0	Currently under review	Trading
United States Steel Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx VOCs SOx PM	263.1 85.5 78.2 70.2	Currently under review	Trading
Smith-Steelite Ozone nonattainment status: Moderate Contact Person: Wm. K. Shadle Telephone Number: (412) 299-8167	VOCs	7.32	Technical review completed	Trading

**Department of Public Health, Air Management Services, Philadelphia County**

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Sun Refining Co. Ozone nonattainment status: Severe Contact Person: D. E. Tormey Telephone Number: (215) 339-7167	VOCs	41.8	Pending Federal enforceability	Trading
Sun Refining Co. Ozone nonattainment status: Severe Contact Person: D. E. Tormey Telephone Number: (215) 339-7167	VOCs	22.0	Pending Federal enforceability	Trading
Crown Cork & Seal Co. Inc. Ozone nonattainment status: Severe Contact Person: Michael A. Antry Telephone Number: (215) 698-5308	VOCs	171.8	Pending Federal enforceability	Trading
U. S. Naval Hospital Ozone nonattainment status: Severe Contact Person: Mark Donato Telephone Number: (215) 897-1809	NOx	30.5	ERCs approved and certified on June 10, 1996	Trading
Anzon, Inc. Ozone nonattainment status: Severe Contact Person: William J. Duffin Telephone Number: (215) 427-3000	NOx VOCs SOx	9.1 0.18 13.1	Currently under review	Trading
Rohm & Haas Ozone nonattainment status: Severe Contact Person: Trena H. Attipoe Telephone Number: (215) 537-4000	VOCs	33.6	Technical review completed	Trading
Kurz Hastings Inc. Ozone nonattainment status: Severe Contact Person: Robert Wallace Telephone Number: (215) 632-2300	VOCs	538.0	ERCs approved and certified on 11/15/96	Trading and Internal use
Allied Signal Inc. Ozone nonattainment status: Severe Contact Person: J. S. Bresland Telephone Number: (215) 533-3000	VOCs	1,385.0	Currently under review	Internal use and trading
Progress Lighting Inc. Ozone nonattainment status: Severe Contact Person: John A. Miller Telephone Number: (215) 289-1200	VOCs	31.5	Pending Federal enforceability	Trading

**Department of Environmental Protection  
Bureau of Air Quality, Region 1: Southeast**

(Bucks, Chester, Delaware and Montgomery Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth Telephone Number: (612) 778-6014	VOCs	641.95	Currently under review	Trading
Fasson Div. of Avery Dennison Corp. Source Location: Quakertown Ozone nonattainment status: Severe Contact Person: Roy R. Getz Telephone Number: (215) 538-6271	VOCs	360.00	Technical review completed	Trading
Fasson Div. of Avery Dennison Corp. Source Location: Quakertown Ozone nonattainment status: Severe Contact Person: Roy R. Getz Telephone Number: (215) 538-6271	VOCs	43.17	Currently under review	Trading
Rohm and Haas DVI Source Location: Bristol Ozone nonattainment status: Severe Contact Person: Robert J. O'Larnic Telephone Number: (215) 785-8219	VOCs	38.46	Currently under review	Trading
United States Steel Group Source Location: Fairless County: Bucks Ozone nonattainment status: Severe Contact Person: Roy Weiskircher Telephone Number: (412) 433-5914	NOx VOCs	1,420.0 18.1	ERCs approved and certified on June 10, 1996	Trading
Quebecor Printing Atglen, Inc. Source Location: Atglen County: Chester Ozone nonattainment status: Severe Contact Person: Diane E. Potts Telephone Number: (610) 593-5173	VOCs	270.00	Currently under review	Internal Use
Wyeth-Ayerst Laboratories, Inc. Source Location: Radnor County: Chester Ozone nonattainment status: Severe Contact Person: W. Fink Telephone Number: (610) 341-2635	NOx	10.75	Currently under review	Trading
Wyeth-Ayerst Laboratories, Inc. Source Location: West Chester County: Chester Ozone nonattainment status: Severe Contact Person: Glenn Miller Telephone Number: (610) 344-2557	NOx	7.80	Currently under review	Trading
Bayway Refining Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Carl Hess Telephone Number: (908) 523-6318	VOCs NOx	144.24 4.2	Currently under review	Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Robert G. Rucker Telephone Number: (609) 584-3271	VOCs NOx	194.6 9.7	Currently under review	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Sun Refining and Marketing Company Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Heather Chelpaty Telephone Number: (610) 859-1175	NOx VOCs	215.58 63.75	Pending EPA's approval of RACT	Internal Use/ Trading
Brown Printing Company Source Location: East Greenville County: Montgomery Ozone nonattainment status: Severe Contact Person: William Booth Telephone Number: (215) 679-4451	VOCs	18.74	Technical review completed	Trading
Merck & Co., Inc. Source Location: West Point County: Montgomery Ozone nonattainment status: Severe Contact Person: Stacey L. Weaver Telephone Number: (215) 653-7712	NOx VOCs	0.21 0.02	Currently under review	Internal Use
Martin Marietta Astro Space Source Location: King of Prussia County: Montgomery Ozone nonattainment status: Severe Contact Person: Eileen Wisser Telephone Number: (215) 354-1085	NOx	6.78	Currently under review	Trading
SUPERPAC, INC. Source Location: Southampton County: Bucks Ozone nonattainment status: Severe Contact Person: Robert Stull Telephone Number: (215) 322-1010	VOCs	26.91	Currently under review	Trading
Jefferson Smurfit Corporation Source Location: Upper Providence Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Joseph Timcik Telephone Number: (610) 935-4000	VOCs	30.1	Pending EPA's approval of RACT	Internal Use
Julian B. Slevin Co. Inc. Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Ronald W. Lockhart Telephone Number: (610) 388-0337	VOCs	85.2	ERCs approved and certified on 12/09/96	Trading
Occidental Chemical Corp., Vinyls Division Source Location: Lower Pottsgrove Township County: Montgomery Ozone nonattainment status: Severe Contact Person: Bradley A. Okoniewski Telephone Number: (610) 327-6505	NOx SOx	232.5 557.3	Pending EPA's approval of RACT	Internal Use
BG Packaging Source Location: Oaks Plant County: Montgomery Ozone nonattainment status: Severe Contact Person: Gerald R. Lawrence Telephone Number: (610) 666-1608	VOCs	10.5	Currently under review	Trading
Klearfold, Inc. Source Location: Valley Road County: Bucks Ozone nonattainment status: Severe Contact Person: Mike Rosica Telephone Number: (215) 343-9300	VOCs	4.01	Currently under review	Internal Use

**Region 2: Northeast Region**

(Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
American National Can Co. Source Location: Lehigh Valley County: Lehigh Ozone nonattainment status: Moderate Contact Person: Rohinton Rivetna Telephone Number: (312) 399-3392	VOCs	166.7	ERCs approved and certified on 3/30/96	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone nonattainment status: Moderate Contact Person: Terry Dengler Telephone Number: (610) 261-3424	NOx VOCs	298.1 3.7	Technical review completed	Internal Use
ESSROC Materials, Inc. Source Location: Nazareth Plant III County: Northampton Ozone nonattainment status: Moderate Contact Person: F. L. Streitman Telephone Number: (610) 759-4210	NOx VOCs	585.0 2.9	Technical review completed	Internal Use
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone nonattainment status: Moderate Contact Person: T. E. Kreichelt Telephone Number: (610) 694-7450	VOCs	507.0	Pending EPA's approval of RACT	Trading

**Region 3: Southcentral Region**

(Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx VOCs	867.0 3.0	Pending EPA's approval of RACT	Trading
Bethlehem Steel Corporation Source Location: Steelton Plant County: Dauphin Ozone nonattainment status: Moderate Contact Person: James R. Hernjak Telephone Number: (717) 986-2454	NOx VOCs	26.47 2.91	Currently under review	Trading
DMi Furniture, Inc. Source Location: Gettysburg County: Adams Ozone nonattainment status: Moderate Contact Person: John Rothgerber Telephone Number: (812) 367-1020	VOCs	85.2	Pending EPA's approval of RACT	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne Telephone Number: (717) 765-0746	VOCs	20.0	Pending EPA's approval of RACT	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Armstrong World Industries, Inc. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: Martha Loeffler Telephone Number: (717) 396-3608	VOCs	248.0	Currently under review	Internal Use
Garden State Tanning, Inc. Source Location: Fleetwood County: Berks Ozone nonattainment status: Moderate Contact Person: Chris R. Ehret Telephone Number: (610) 944-7601	VOCs	555.2	Currently under review	Internal use and trading
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact Person: William E. Knight Telephone Number: (717) 355-4903	NOx VOCs	3.515 77.9	Currently under review	Trading
R. R. Donnelley & Sons Co. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	132.0	ERCs approved and certified on 9/16/96	Internal Use
R. R. Donnelley & Sons Co. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	15.0	Pending EPA's approval of RACT	Internal Use
Standard Steel, Division of Freedom Forge Source Location: Burnham County: Mifflin Ozone nonattainment status: Moderate Contact Person: Blair Echard Telephone Number: (717) 248-4911	NOx VOCs	66.06 0.52	Currently under review	Trading
C-P Converters, Inc. Source Location: York County: York Ozone nonattainment status: Moderate Contact Person: Mark Paules Telephone Number: (717) 764-1193	NOx	33.9	Currently under review	Trading
REXAM DSI Source Location: DSI-Reading Plant County: Berks Ozone nonattainment status: Moderate Contact Person: LeRoy H. Hinkle Telephone Number: (610) 916-4248	NOx VOCs SOx	9.42 158.8 51.05	Currently under review	Trading
Quakermaid Facility Division of Schrock Cabinet Co. Source Location: Leesport Ozone nonattainment status: Moderate Contact Person: Douglas McWilliams Telephone Number: (216) 479-8500	VOCs	104.9	Currently under review	Trading
The Glidden Company Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: Bruce F. Maco Telephone Number: (610) 376-8320	VOCs	35.04	Currently under review	Trading



<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: D. David Hancock, Jr. Telephone Number: (215) 777-7811	VOCs	17.96	Currently under review	Trading
Hershey Foods Corporation Source Location: East Plant County: Dauphin Ozone nonattainment status: Moderate Contact Person: Charles Stoner Telephone Number: (717) 534-4692	NOx	258.0	Currently under review	Trading

**Region 4: Northcentral Region**

(Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Merck & Co. Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	VOCs	16.6	Emission reductions approved for netting purpose	Internal Use
American Home Foods, Incorporated Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West Telephone Number: (717) 742-6639	NOx VOCs PM-10 SOx	94.15 12.88 36.79 228.29	Technical review completed	Internal use and trading
Merck & Co., Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	VOCs	3.4	ERCs approved and certified	Internal Use
Merck & Co., Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	NOx VOCs	319.1 11.7	Emission reductions approved for netting purpose	Internal Use
Merck & Co., Inc. Source Location: Riverside Borough County: Northumberland Ozone nonattainment status: Moderate	NOx VOCs	0.1 0.3	Currently under review	Internal Use
CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone nonattainment status: Moderate	VOCs NOx	0.55 39.28	Currently under review	Internal use and trading
E. I. DuPont de Nemours & Co., Inc. Source Location: N. Towanda Township County: Bradford Ozone nonattainment status: Moderate	VOCs	11.5	Currently under review	Internal use and trading
Masonite Corporation Source Location: Wysox Township County: Bradford Ozone nonattainment status: Moderate	VOCs	32.6	Currently under review	Internal use and trading
Brodart, Inc. Source Location: City of Williamsport County: Lycoming Ozone nonattainment status: Moderate	VOCs	15.6	Currently under review	Internal use and trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Ozone nonattainment status: Moderate Contact Person: Lee Chesney Telephone Number: (717) 275-1400	VOCs	29.28	Currently under review	Internal use and trading

**Region 5: Southwest Region**

Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
PPG Industries Source Location: Ford City County: Armstrong Ozone nonattainment status: Moderate Contact Person: Jerome Osheka Telephone Number: (412) 434-4149	NOx VOCs	13.0 9.0	Currently under review	Trading
Arco Chemical Source Location: Beaver Valley County: Beaver Ozone nonattainment status: Moderate Contact Person: Joseph McCay Telephone Number: (412) 773-2470	NOx VOCs	54.0 40.0	Technical review completed	Trading
Armstrong World Industries Source Location: Beaver Falls County: Beaver Ozone nonattainment status: Moderate Contact Person: Wayne Pease Telephone Number: (412) 843-5700	VOCs	6.0	Technical review completed	Internal Use
Bethlehem Steel Corp. Source Location: Ebensburg County: Cambria Ozone nonattainment status: Moderate Contact Person: David R. Layman Telephone Number: (814) 533-7113	NOx VOCs	163.3 0.8	Currently under review	Trading
Commercial Stone Company, Inc. Source Location: Connellsville County: Fayette Ozone nonattainment status: Moderate Contact Person: Joseph Pfohl Telephone Number: (412) 626-0080	NOx SOx	1.0 8.0	Technical review completed	Trading
Penelec Source Location: Homer City County: Indiana Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx	54.0	Pending EPA's approval of RACT	Trading
Corning Inc. Source Location: Charleroi Plant County: Washington Ozone nonattainment status: Moderate Contact Person: Joe Kane Telephone Number: (607) 974-6568	NOx	500.0	Pending EPA's approval of RACT	Trading
Standard Steel Source Location: Latrobe County: Westmoreland Ozone nonattainment status: Moderate Contact Person: Blair Echard Telephone Number: (717) 248-4911	NOx VOCs	14.0 0.04	Technical review completed	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Allegheny Ludlum Corp. Source Location: Vandergrift Plant County: Westmoreland Ozone nonattainment status: Moderate Contact Person: John Tishok Telephone Number: (412) 226-5030	NOx	9.2	Technical review completed	Trading
General Glass Industrial Corp. Source Location: Westmoreland County: Westmoreland Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx	518.0	ERCs approved and certified on July 1, 1996. These ERCs purchased by Sony Corp. on 9/20/96	Trading
Mace Security International, Inc. Source Location: Federal Laboratories County: Indiana Ozone nonattainment status: Moderate Contact Person: Richard Galt Telephone Number: (802) 447-1503	VOCs	33.5	Technical review completed	Trading
The Peoples Natural Gas Company Source Location: Laurel Ridge Station County: Cambria Ozone nonattainment status: Moderate Contact Person: Bill Runyan Telephone Number: (412) 471-5100	NOx VOCs CO	13.0 4.0 13.0	Pending EPA's approval of RACT	Internal Use

#### Region 6: Northwest Region

(Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties)

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
General Electric Company Source Location: Lawrence Park County: Erie Ozone nonattainment status: Moderate Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	76.0	Currently under review	Trading
Penelec Source Location: Front St. Station County: Erie Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx VOCs	2160.0 8.4	Pending EPA's approval of RACT	Trading
National Fuel Gas Supply Corp. Source Location: Knox Station County: Jefferson Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	145.7	ERCs approved and certified on 3/30/96	Internal Use
Penn Power Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Dale W. Corfman	NOx VOCs	882.0 2.39	Pending EPA's approval of RACT	Trading
Rockwell International Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Harry Klodowski Telephone Number: (412) 281-7997	NOx VOCs	61.5 13.1	Technical review completed	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Caparo Steel Source Location: Mercer County County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	868.6 1.84	Pending EPA's approval of RACT	Trading
Sharon Steel Source Location: Mercer County County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	469.6 215.7	Pending EPA's approval of RACT	Trading
Pennzoil Source Location: Rouseville Refinery County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson Telephone Number: (814) 678-4649	NOx	131.6	Pending EPA's approval of RACT	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson County Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	122.8 5.8	Currently under review	Internal Use
Witco Corporation Source Location: Petrolia Facility County: Butler Ozone nonattainment status: Moderate Contact Person: R. G. Fleegeer Telephone Number: (412) 756-2210	VOCs	52.3	Currently under review	Internal Use
INDSPEC Chemical Corp. Source Location: Petrolia County: Butler Ozone nonattainment status: Moderate Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx	231.4	Currently under review	Trading
Hammermill Papers Source Location: Erie Mill County: Erie Ozone nonattainment status: Moderate Contact Person: Gary Morrow Telephone Number: (814) 870-6782	VOCs	21.3	Currently under review	Trading
Lord Corporation Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	NOx VOCs SOx PM-10	30.5 23.4 223.9 37.3	ERCs approved and certified on 11/12/96	Trading
Lord Corporation Source Location: Cambridge Springs County: Crawford Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	VOCs	30.4	Currently under review	Trading
National Fuel Gas Supply Corp. Source Location: Roystone Station County: Warren Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	103.3	ERCs approved and certified on 3/30/96	Internal Use

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Werzalit Source Location: Bradford County: McKean Ozone nonattainment status: Moderate Contact Person: Harry Klodowski Telephone Number: (412) 281-7997	VOCs	41.0	Currently under review	Trading
Advanced Monobloc Source Location: Hermitage County: Mercer Ozone nonattainment status: Moderate Contact Person: Bill Danielson Telephone Number: (412) 981-4420	VOCs	7.02	Currently under review	Trading
W. R. Grace & Co. Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Brian O'Connell	VOCs	36.33	Currently under review	Trading

[Pa.B. Doc. No. 96-2191. Filed for public inspection December 27, 1996, 9:00 a.m.]

### **Water Quality Toxics Management Strategy (Great Lakes Water Quality Guidance (GLI)); Public Hearing and Proposed Amendments to Statement of Policy**

The Department of Environmental Protection is holding a public hearing and soliciting public comments on proposed amendments to Chapter 16 (relating to water quality toxics management strategy—statement of policy) to implement the Federal Great Lakes Water Quality Guidance (GLI).

The public hearing will be held on Wednesday, February 12, 1997, at Erie City Hall, Council Chambers, First Floor, 626 State Street, Erie, Pennsylvania at 10 a.m.

Pennsylvania's water quality standards, which are set forth in part in 25 Pa. Code Chapter 93, implement the provisions of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act, 33 U.S.C.A. § 1313. Water quality standards consist of the designated uses of the surface waters of the Commonwealth and the specific numeric and narrative criteria necessary to achieve and maintain those uses. Chapter 16 is a water quality policy for regulating toxic pollutants in wastewater discharges. It sets forth the guidelines for development of criteria for toxic substances, and lists the water quality criteria and the analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a support policy document in the Department's toxic substances regulation at section 93.8a.

The GLI requirements, promulgated at 40 CFR Part 132 on March 23, 1995 (60 *Fed. Reg.* 15366), provide for consistent protection for fish and shellfish in all waters of the Great Lakes System and for the people and wildlife who consume them. The GLI focuses on long lasting-pollutants called bioaccumulative chemicals of concern (BCCs) that accumulate in the food web of large lakes. The major elements of the GLI are water quality criteria to protect human health, aquatic life and wildlife, methodologies for criteria development, procedures for developing effluent limits for point sources, and antidegradation policies and procedures. States are required to adopt

water quality standards, antidegradation policies and implementation procedures "as protective as" the GLI.

Pennsylvania's strategy for complying with the GLI has two major objectives. The first objective is, wherever possible, to provide Statewide consistency, so that unequal requirements are not focused on specific regions of the Commonwealth. The second objective is to provide special protection to the unique resource known as the Great Lakes System in Pennsylvania. To meet these objectives, the Department proposes applying scientifically sound methodologies, from both current practice and as identified in the GLI, Statewide. Exceptions to Statewide procedures are made when the unique character of the Great Lakes System demands special consideration. For example, BCCs pose a particular threat to the Great Lakes because of the long retention of pollutants in the Lakes, which contrasts with the ability of streams to flush out those pollutants via their flow. For this reason, application of procedures for BCCs is different for the Great Lakes than in other waters of the State.

The Department held a public meeting in Erie on the requirements of the GLI on September 5, 1995. In February 1996, Pennsylvania's proposed strategy was made available on the World Wide Web for public comment. Two meetings were also held on June 5, 1996, one with an ad hoc Great Lakes Technical Committee and the second with the general public, to discuss the proposed strategy. In addition, the Department has met on several occasions with the Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC) to discuss the GLI strategy, and has sent representatives to participate in meetings with the Council of Great Lakes Governors Working Group and Technical Subcommittee, which provides a forum for the states to discuss how each is addressing the GLI requirements.

The Department proposes to incorporate many of the GLI requirements into Chapter 16. These amendments will be supplemented with proposed regulatory changes that will be considered by the Environmental Quality Board early in 1997.

*Summary of Amendments*

<i>Section</i>	<i>Description of Amendments</i>
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## Statewide:

16.22

*Criteria Development (Aquatic life):* In general, the current aquatic life criteria development procedures and water quality criteria are not proposed to be changed either Statewide or for the Great Lakes System. The major differences between the Great Lakes procedures and current Pennsylvania procedures, which are the same as established National procedures, are (1) the use of a refined database and (2) no longer using the residue-based values as criteria continuous concentrations (chronic criteria).

The Department proposes to not use the refined data. EPA has determined that only data specifically approved by EPA may be used for GLI criteria development; and, for the 12 GLI aquatic life criteria, EPA approved a refined database. If no GLI criteria have been developed, there is no refined databank for a chemical at this time. Therefore, criteria developed in the near future would rely on the same dataset that supports the Statewide and National criteria, and the GLI criteria would be the same as the current criteria. Data changes in GLI criteria development are not specific to Great Lakes species; that means the data evaluation would be equally applicable on a National basis. Adopting the GLI criteria for the Great Lakes System would mean using different criteria from the rest of the State with no special protection of the Great Lakes resource. Adopting the GLI criteria Statewide would result in criteria different from National criteria used in neighboring states. The Department believes that if EPA endorses other data than that which supports the National criteria, EPA should amend the National criteria and procedures, and the Department will then evaluate them for Statewide applicability. For most chemicals with GLI criteria, the changes from the National criteria are minor except for nickel, which has GLI criteria about ten times more stringent than the National criteria.

Likewise, in order to foster Statewide consistency, the Department proposes to not eliminate use of the residue-based criteria. Unlike most GLI procedures, which are more stringent than National procedures, the elimination of this procedure results in a less stringent chronic criterion for mercury, which is a BCC. If EPA believes that this procedure is correct, it should be made part of the National procedures, at which time the Department will evaluate it for Statewide applicability.

Subsection (4) is updated to reference the use of the current EPA procedures for whole effluent toxicity testing (WETT) at 40 CFR Part 136.

16.23

*Sources of Information:* The Great Lakes Clearinghouse, which is being planned by EPA to house toxicity data and criteria for toxic substances, is added as a data source to be used in the future for criteria development.

16.32

*Threshold level toxic effects:* As with aquatic criteria, the Department proposes to generally retain the current procedures and criteria for human health Statewide. The major differences between the current procedures and the GLI procedures are (1) a change from consumption of 6.5 to 15 grams of fish per day; (2) adding an additional modifying factor to account for relative source contribution (RSC provides a reserve to account for other sources of a chemical, while current procedures assume the only source of exposure is water); and (3) use of bioaccumulation factors (see next paragraph). The Department believes EPA should evaluate these procedures for National applicability, and adopt them if it is warranted. The Department would then evaluate them for adoption on a Statewide basis.

A few changes, described below, are proposed to incorporate the most recent scientific understanding on certain issues. Subsection (b) adds the use of bioaccumulation factors (BAF), which are values that include exposure through ingestion of water and food, in criteria development. The use of BAFs is a change from current procedures which use bioconcentration factors (BCFs) (exposure through ingestion of water only). BCFs are not specifically discussed in the current statement of policy. Use of BAFs may result in more stringent criteria, especially for BCCs, depending on the data available to determine the BAFs. Subsection (d) is updated to add the Great Lakes Clearinghouse.

16.33

*Nonthreshold effects (cancer):* The current procedures for criteria development generally result in more stringent criteria than the GLI criteria because the GLI allows for a one in 100,000 cancer risk level, while the Pennsylvania regulation at § 93.8a (relating to toxic substances) sets a one in 1,000,000 cancer risk level Statewide. This level of protection is not proposed to be amended either for the Great Lakes System or Statewide. Subsection (j) adds the use of bioaccumulation factors in criteria development for carcinogens.

16.51

*Table:* The discussion preceding the table is amended to include reference to the new Great Lakes System section.

## Great Lakes specific:

NEW 16.61

*Water Quality Criteria for the Great Lakes System:* This section is added to comply with Federal GLI (40 CFR Part 132). It includes subsections on aquatic life and human health criteria and values, and wildlife criteria.

*Section**Description of Amendments*

Subsection (a) discusses general provisions including the Federal requirement for protection of the Great Lakes System; bioaccumulative chemicals of concern, and the unique character of the Great Lakes System.

Subsection (b) discusses water quality criteria and methodologies for their development for the Great Lakes System. Paragraph (1) states that aquatic life criteria are developed using the same methods as Statewide criteria and adds a new provision for development of protective values (called Tier II values) in the absence of sufficient data to develop criteria. Paragraph (2) for development of human health criteria and values is similar to (1). For human health criteria in the Great Lakes System, the GLI procedures for BAFs are adopted by reference. The GLI procedures for BAFs are more encompassing than the ones used Statewide. The GLI includes a hierarchy of four methods for determination of BAFs, while Statewide procedures are limited to field measured BAFs or, if those data are not available, the BAF is set equal to the current BCF. This difference in procedures may result in a few criteria more stringent in the Great Lakes than Statewide. The human health criteria for BCCs that have been developed to this time are included in a table in this subsection.

Paragraph (3) addresses wildlife criteria for BCCs in the Great Lakes System only. The subsection references the GLI and lists the four criteria that have been determined to this time.

Paragraph (4) is specific to the Great Lakes System for assessing the additivity of chlorinated dioxins and furans. It references the GLI procedure.

## Statewide:

## Appendix A Table 1

*Water Quality Criteria for Toxic Substances:* The table is amended to add the numeric criteria for WETT: 1 toxic unit—chronic (TUc) as the criterion continuous concentration and 0.3 toxic unit—acute (TUa) as the criterion maximum concentration.

*Contact Persons*

For further information or a copy of the proposed amendments to the statement of policy contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Protection, P. O. Box 8465, Harrisburg, PA 17105-8465 (express mail: Rachel Carson State Office Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101-2301), (717) 787-7637. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users). The proposal is available electronically through the DEP Web site (<http://www//dep.state.pa.us>).

Persons wishing to present testimony at the public hearing are requested to contact Kelly Burch, Chief, Office of Great Lakes, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6816, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf.

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

Comments, suggestions or objections regarding the proposed statement of policy should be sent to Edward R. Brezina or may be submitted electronically at [RegComments@A1.dep.state.pa.us](mailto:RegComments@A1.dep.state.pa.us). A subject heading of the proposal and return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Comments must be received by February 13, 1997 (within 45 days of publication in the *Pennsylvania*

*nia Bulletin*). Comments submitted by facsimile will not be accepted.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-2192. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Wetlands Protection Advisory Committee; Cancellation of Meeting

The Wetlands Protection Advisory Committee meeting scheduled for January 7, 1997, has been cancelled. The next meeting is scheduled for March 4, 1997, in the 1st Floor Meeting Room of the Rachel Carson State Office Building.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-2193. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Division of Special Health Care Needs; Eligibility Criteria

The Department of Health hereby provides notice of intent to apply the following eligibility criteria to the Department's programs set forth below, effective January 1, 1997:

#### *Disease or Condition*

Coverage is provided for the following conditions:

For children up to 21 years of age: chronic respiratory failure, cardiac, orthopedic, cleft palate/plastic surgery, hearing and speech;

For both children and adults: cystic fibrosis, hemophilia, spina bifida and end-stage renal disease.

A written physician's verification of the diagnosis of disease or condition is required.

#### *Income*

Applicants must have an annual income of 0% to 300% of the Federal poverty guidelines as published by the Department of Health and Human Services in the Federal Register and any revisions thereto (to the extent services are not covered by Medical Assistance). A sliding fee scale will be applied to applicants with an annual income of 185% to 300% of the Federal poverty guidelines as published by the Department of Health and Human Services in the Federal Register and any revisions thereto and in compliance with the requirements of the Maternal and Child Health Services Block Grant of Title V of the Social Security Act, 42 U.S.C.A. § 701 *et seq.* Applicants must submit their most recent Federal 1040 tax return to verify annual income. If no Federal 1040 tax return was filed, other supporting documentation of annual income is required.

#### *Resources*

Verification of other health care resources, including other third party benefits such as Medical Assistance and Insurance, is required.

#### *Age*

Children up to 21 years of age with chronic respiratory disease, cardiac, orthopedic, cleft palate/plastic surgery, hearing and speech conditions are eligible for services.

Children and adults of all ages with cystic fibrosis, hemophilia, spina bifida and end-stage renal disease are eligible for services.

#### *Residency*

Applicants must be United States citizens or legal aliens (admitted under the Immigration Return and Control Act of 1986 [IRCA] or who qualify for refugee/asylum status) and Pennsylvania residents for at least 90 consecutive days. Applicants who have not lived in Pennsylvania for 90 consecutive days will be considered residents for purposes of the Department if they can establish an intent to maintain a permanent home in Pennsylvania for the indefinite future. The following documentation must be submitted with the application and updated annually as necessary: birth certificate; naturalization papers or INS documents; dated identification with Pennsylvania address and/or other verification, for example, public utility records and receipts, rent receipts, motor vehicle records, local tax records, or completed and signed Federal or State income tax return with preprinted name and address.

#### *Length of Eligibility*

Eligibility is for a period of 1 year and will be re-evaluated annually.

Questions regarding this notice should be directed to C. Gail Stock, Director, Division of Special Health Care Needs, Department of Health, Bureau of Maternal and Child Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-5436. Persons with a disability may submit questions to C. Gail Stock in alternative formats, such as audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille),

should contact C. Gail Stock so that she may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-2194. Filed for public inspection December 27, 1996, 9:00 a.m.]

### **Proposed Changes to Immunization Requirements for Attendance at School**

The Department of Health (Department) hereby gives notice of its intent to revise its regulations pertaining to the immunization of children for attendance at school. Under the Hepatitis B Prevention Act (35 P. S. §§ 630.1—630.3), the Department shall cause hepatitis B to be placed on the list of diseases that require immunization for entry into school after August 1, 1997, consistent with the recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention of the United States Department of Health and Human Services (ACIP). As part of its regulatory initiative, Department intends to also amend other school regulations, including requirements for measles, diphtheria and tetanus immunization to conform to current recommendations of the ACIP, the American Academy of Pediatrics (AAP) and the American Academy of Family Physicians (AAFP).

The Department intends to adopt changes to the school immunization regulations at 28 Pa. Code Chapter 23 (relating to school health), Subchapter C (relating to immunization requirements) so that they will provide as follows:

1. The following are required as a condition of entry into school for the first time, at the kindergarten or first grade level, at any public, private or parochial school, including special education and home education programs:

a. *Hepatitis B vaccine*: three properly-spaced doses;

b. *Diphtheria vaccine/tetanus toxoid (Department recommends any of the following combined vaccines: DTP, DTaP, DT or Td)*: four or more properly-spaced doses, with one dose administered on or after the fourth birthday;

c. *Measles (rubeola) vaccine (Department recommends the combined MMRII vaccine)*: two properly-spaced doses, with the first dose administered at 12 months of age or older, or proof of immunity.

2. At the beginning of the 2000/2001 school year, the following is required for attendance at school at all grade levels:

a. *Measles (rubeola) vaccine (Department recommends the combined MMRII vaccine)*: two properly-spaced doses, with the first dose administered at 12 months of age or older, or proof of immunity.

3. Information previously recorded and stored on the paper "Certificate of Immunization" (green and white card) may be recorded and maintained in a computer data base.

The Department expects to submit final-form regulations to the Independent Regulatory Review Commission and the designated standing committees when the General Assembly reconvenes in January 1997. In order to comply with the statute's mandated effective date for



hepatitis B immunization, the Department intends to proceed with final rulemaking, omitting proposed rulemaking.

For additional information or if you wish to provide comments to the Department prior to its development of final-form regulations, write to the Immunization Program at the following address: Department of Health, Room 1006, P. O. Box 90, Harrisburg, PA 17108. 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. 96-2195. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Income Restrictions for Admission to a Pennsylvania State Veterans' Home

Effective immediately, the allowable income for a single domiciliary care applicant is \$23,088 per year plus \$1,344 per year per dependent, the maximum income paid to a 100% disabled veteran by the United States Department of Veterans Affairs. An income below \$23,088 will demonstrate the applicant may be incapable of self-support and demonstrate a financial need. An amount above \$23,088 may qualify an applicant for admission on his or her ability to pay full per diem rate.

JAMES MACVAY,  
*Adjutant General*

[Pa.B. Doc. No. 96-2196. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Interest Rate Notice

Under the provisions of section 806 of the act of April 9, 1929 (P. L. 343, No. 176), known as the Fiscal Code, the Secretary of Revenue announces that, for the year commencing January 1, 1997, all unpaid taxes which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 9% per annum. This rate will remain constant until December 31, 1997. Under the provisions of section 6621(a)(2) of the Internal Revenue Code, this rate has been established by the Secretary of the Treasury of the United States, to be effective January 1, 1997. This rate will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

Although the Tax Reform Act of 1986 amended Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Pennsylvania law. The Fiscal Code, as herein cited, requires that the interest

rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-2197. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Zero Emission Vehicles Notice

In accordance with 61 Pa. Code § 60.14(b)(3) (relating to zero emission vehicles), the Secretary of Revenue, under the provisions of section 204(47) and (48) of the Tax Reform Code of 1971 (72 P. S. § 7204(47) and (48)), announces that the following comparable vehicle amounts will be used from January 1, 1997 through December 31, 1997, and codified at 61 Pa. Code § 60.14(d)(4):

(i) Passenger car	\$20,196
(ii) Passenger truck	\$15,921
(iii) Passenger van	\$18,972

These comparable vehicle amounts shall remain in effect until the Department of Revenue publishes a replacement listing of amounts.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-2198. Filed for public inspection December 27, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Administrative Docket Filing Fee Schedule

The Department of Transportation, Office of Chief Counsel, by this notice, hereby establishes, consistent with the provisions of 67 Pa. Code § 491.5 (relating to filing fees), the Administrative Docket Filing Fee Schedule for use in calendar year 1997, or until the next annual list is published.

The Administrative Docket Filing Fee Schedule prescribes the filing fee, not otherwise provided by statute or regulation, for all requests for a hearing in appeal of Department action under 2 Pa.C.S. §§ 501—508 and §§ 701—704 (relating to Administrative Agency Law). Among the matters that are subject to these hearings are revocation or denial of driveway permits, outdoor advertising permits, public and private airport licenses and overweight or oversize truck hauling permits and credit toward suspension of operating privilege.

Under 67 Pa. Code § 491.5, the Department has reviewed the schedule of filing fees and has determined that amendment of the existing fees is not necessary at this time. The Department will continue to review and revise this schedule of filing fees as necessitated by the increasing costs of adjudication.

Comment, questions or suggestions may be directed to Helen F. Topolski, Administrative Docket Clerk, Office of Chief Counsel, Pennsylvania Department of Transporta-

tion, 9th Floor, Forum Place, Harrisburg, PA 17101-1900, (717) 772-8397.

BRADLEY L. MALLORY, Secretary

ADMINISTRATIVE DOCKET FILING FEE SCHEDULE

1. Basic filing fee ..... \$100.00

Includes proceedings regarding the following matters:

- (a) Application for credit toward suspension of operating privilege.
(b) Minimum use driveway permits (25 vehicles, or less, per day).
(c) Occupational limited license privilege denial.
(d) School bus/hazardous walking routes.
(e) Probationary license denial.
(f) Miscellaneous matters (including Petition to Intervene).

2. Level II filing fee ..... \$150.00

Includes proceedings regarding the following matters:

- (a) Low volume driveway permits (25 to 750 vehicles per day).
(b) Municipal reimbursement matters.
(c) Overweight or oversize truck hauling permits.
(d) Private airport permits.

3. Level III filing fee ..... \$250.00

Includes proceedings regarding the following matters:

- (a) Medium volume driveway permits (750 to 1500 vehicles per day).
(b) Highway beautification/outdoor advertising matters.

4. Level IV filing fee ..... \$500.00

Includes proceedings regarding the following matters:

- (a) High volume driveway permits (>1500 vehicles per day).
(b) Public airport permits.

[Pa.B. Doc. No. 96-2199. Filed for public inspection December 27, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by The Lakemont Partnership, who seeks to lease highway right-of-way located at the intersection of Logan Boulevard and S. R. I-99, associated with highway 1061-E06. The intended uses of the property are hospitality and tourist information area. Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Engineer-

ing District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 96-2200. Filed for public inspection December 27, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by Randy E. Dick, who seeks to lease highway right-of-way located at R. D. 1, Route 22, Huntingdon, PA, associated with highway L. R. 55-5E. The intended use of the property is parking. Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 96-2201. Filed for public inspection December 27, 1996, 9:00 a.m.]

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4 and section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)), an application has been made to the Department of Transportation by McDonald's Corporation, who seeks to lease highway right-of-way located near the intersection of Haynes Street and Napoleon Street, in the City of Johnstown, PA, associated with highway L. R. 11011, Section 2. The intended use of the property is parking. Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY, Secretary

[Pa.B. Doc. No. 96-2202. Filed for public inspection December 27, 1996, 9:00 a.m.]

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar):

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(3) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214.

(7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Inc., 715 Bright Street, Decatur, IL 62522.

(11) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, KY 42303.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, Pa. 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pa. 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Pa. 17701.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, Pa. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pa. 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Pa. 17701.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and § 3368(c)(3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices. The Department issues an approved speed-timing device certificate for the device, as required by section 105.72. The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy which was issued within 60 days of the citation and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

The Department of Transportation, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police:

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, Pa. 15235 (Appointed: 04/06/73, Station R5).

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, Pa. 19446 (Appointed: 09/19/96, Station R9).

Thomas Associates R. & E., Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 08/08/86, Station R7).

Westinghouse Electric Corporation, 1002 McKee Road, Oakdale, Allegheny County, Pa. 15071 (Appointed: 09/12/85, Station R8).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404 (Appointed: 01/14/75, Station R3).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, Pa. 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, Pa. 16823 (Appointed: 02/10/69, Station S22).

Billy, The Speedometer Man, 4800 North Marvine Street, Philadelphia, Philadelphia County, Pa. 19141 (Appointed: 06/20/73, Station S52).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, Pa. 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, Pa. 16501 (Appointed: 03/25/93, Station S39).

Ciulli Motors, Incorporated, 520 Clairton Boulevard, Pittsburgh, Allegheny County, Pa. 15236 (Appointed: 09/13/78, Station S13).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, Pa. 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, Pa. 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, Pa. 19145 (Appointed: 08/25/78, Station S85).

Hertz Penske Truck Leasing, Incorporated, 255 Penske Plaza, Reading, Berks County, Pa. 19603 (Appointed: 07/03/74, Station S76).

Highway Safety Traffic Surveillance, 1395 McLaughlin Run Road, Upper St. Clair, Allegheny County, Pa. 15241—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Hoffman Ford Sales, Incorporated, 5200 Jonestown Road, Harrisburg, Dauphin County, Pa. 17112 (Appointed: 06/23/81, Station S5).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, Pa. 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, Pa. 17272 (Appointed: 02/23/53, Station S106).

Joe's Carburetor & Ignition Service, 868 Providence Road, Scranton, Lackawanna County, Pa. 18508 (Appointed: 08/16/57, Station S89).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, Pa. 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, Pa. 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, Pa. 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, Pa. 15202 (Appointed: 11/02/78, Station S69).

C. S. Powl & Son Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, Pa. 17601 (Appointed: 09/07/78, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

Reading Mack Distributors, Incorporated, 4226 Pottsville Pike, Reading, Berks County, Pa. 19605 (Appointed: 05/15/79, Station S48).

Reading Speedometer Service Company, 200-210 Warren Street, Reading, Berks County, Pa. 19601 (Appointed: 09/22/78, Station S47).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, Pa. 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, Pa. 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, Pa. 18360 (Appointed: 07/24/89, Station S105).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station EL20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units. (Appointed: 04/07/93, Station EL3).

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, Pa. 15235 (Appointed: 08/28/86, Station EL17).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EL12).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Allegheny County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, Pa. 19446 (Appointed: 09/19/96, Station EL8). Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units. (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming Co., Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, Pa. 18707 (Appointed: 11/27/79, Station EL6).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, Pa. 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, Pa. 15065 (Appointed: 09/27/77, Station W9).

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 04/04/96, Station W2).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, Pa. 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa. 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Greene Jewelers, Route 819, Armbrust, Westmoreland County, Pa. 15616 (Appointed: 06/23/78, Station W41).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station W3).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, Pa. 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, Pa. 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, Pa. 19061 (Appointed: 07/28/77, Station W7).

Marella's Jewelry, 416 North Springfield Road, Clifton Heights, Delaware County, Pa. 19018 (Appointed: 08/10/79, Station W42).

Molnars Jewelry, 972 Pennsylvania Avenue, Tyrone, Blair County, Pa. 16686 (Appointed: 06/30/87, Station W57).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, Pa. 17013 (Appointed: 09/21/87, Station W59).

William H. Nagle, Incorporated, 617 Penn Avenue, West Reading, Berks County, Pa. 19611 (Appointed: 11/02/77, Station W25).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, Pa. 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, Pa. 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration, 132 Fawn Valley Road, McMurray, Allegheny County, Pa. 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, Pa. 16630 (Appointed: 05/18/78, Station W40).

C. A. Shire Jeweler, 456 River Avenue, Williamsport, Lycoming County, Pa. 17701 (Appointed: 07/20/77, Station W4).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming Co., Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, Pa. 17837 (Appointed: 10/06/77, Station W22).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

Zimmel Jewelers, 1521 Bethlehem Pike, Flourtown, Montgomery County, Pa. 19031 (Appointed: 04/17/80, Station W35).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points:

Cowden Enterprises, 733 Diamond Street, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units. (Appointed: 04/04/96, Station EM20).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, Pa 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, Pa. 15017—Also authorized to use mobile units. (Appointed: 05/03/94, Station EM10).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, Pa. 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration, 132 Fawn Valley Road, McMurray, Allegheny County, Pa. 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, Pa. 19446 (Appointed: 09/09/96, Station EM7).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, Pa. 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, Pa. 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, Pa. 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountaintop, Luzerne County, Pa. 18707 (Appointed: 10/06/80, Station EM3).

YIS, Incorporated, 1049 North Hartley Street, York, York County, Pa. 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Mary Sheriff, Manager, Inspection Station Processing, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-2203. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located in the City of Pittsburgh, Allegheny County.

The following is a list of the properties available for sale by the Department.

1. Parcel 94—The parcel contains approximately 14,213 square feet of unimproved land situated on the north side of Pittsburgh running adjacent to Ramp T and Ridge Avenue in the Twenty-second Ward of the City of Pittsburgh.

2. Parcel 82—The parcel contains approximately 31,086 square feet of unimproved land situated on the north side of Pittsburgh adjacent to Ramp T and Galveston Avenue in the Twenty-second Ward of the City of Pittsburgh.

3. Parcel 100—The parcel contains approximately 13,793 square feet of unimproved land situated along East General Robinson Street and the corner of River Avenue Connector (S. R. 0028 Eastbound) in the Twenty-third Ward of the City of Pittsburgh.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Henry M. Nutbrown, P.E., District Engineer, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-2204. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located at Ridge Avenue and Fairground Road, Huntingdon, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L.

Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-2205. Filed for public inspection December 27, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### West Penn Power Company v. DEP; Doc. No. 96-123-C

The Department of Environmental Protection (Department) and West Penn Power Company (West Penn) have agreed to a settlement of the above matter.

West Penn Power Company appealed issuance of NPDES Permit No. PA0091740 authorizing discharge of wastewater from Outfall 001 to Riddle Run and Outfall 002 to Tawney Run, waters of the Commonwealth. Outfall 001 conveys wastewater from a newly constructed wetland treating leachate from a closed ash disposal site.

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

1. The Department will amend the NPDES Permit. The amendment provides that West Penn Power will submit 3 years worth of influent/effluent sampling information with a calculation of the coefficient of variations to the Department to allow it to evaluate West Penn Power's request for reduced monitoring frequencies at Outfall 001.

2. The agreement also includes a provision whereby West Penn Power will investigate several unpermitted discharges and will provide a plan and schedule for their elimination or treatment.

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;

John Munsch, Esquire, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601-1689;

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. 96-2206. Filed for public inspection December 27, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Reliance Direct Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on December 17, 1996 and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. Section 1 *et seq.* Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2660.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2207. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Federal Insurance Company; Vigilant Insurance Company; Pacific Indemnity Company; Great Northern Insurance Company; Homeowners Insurance Program

On December 11, 1996, the Insurance Department received from Federal Insurance Company, Vigilant Insurance Company, Pacific Indemnity Company and Great Northern Insurance Company a filing for a rate level and rules changes for homeowners insurance.

The companies request an overall +0.9% increase, amounting to \$296,101 annually, and request to propose an effective date upon notification of approval.

Unless formal administrative action is taken prior to February 9, 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. 96-2208. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Medical Professional Liability Catastrophe Loss Fund; Surcharge Filing

The Medical Professional Liability Catastrophe Loss Fund has filed a 75% surcharge under the Health Care Services Malpractice Act (40 P.S. §§ 1301.101—1301.1006), commonly known as Act 111, as amended by Act 135 of 1996. The surcharge would be based on the prevailing primary premium for each health care provider. The prevailing primary premium would be determined using the schedule of approved Joint Underwriting Association (JUA) occurrence rates. The surcharge applies to any new policies effective on or after January 1, 1997.

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.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-2209. Filed for public inspection December 27, 1996, 9:00 a.m.]

### Pennland Insurance Company; Huron Insurance Company; Private Passenger Auto Insurance Program

On December 12, 1996, the Insurance Department received from Pennland Insurance Company and Huron Insurance Company a filing for a rate level and rules change for private passenger auto insurance.

The companies request an overall 5.1% increase, amounting to \$3,548,036 annually, to be effective March 1, 1997 for new business and April 1, 1997 for renewals.

Unless formal administrative action is taken prior to March 12, 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 Jin Liu, 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. 96-2210. Filed for public inspection December 27, 1996, 9:00 a.m.]

**Pennsylvania Compensation Rating Bureau; Coal Mine Compensation Rating Bureau Workers' Compensation Loss Cost Filings**

The Insurance Department has received from the Pennsylvania Compensation Rating Bureau a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 30(5) of Act 57 which amends the Pennsylvania Workers' Compensation Act. The Bureau requests an overall 21.44% decrease. The independent actuary's indications are for an overall 25.4% decrease.

The Coal Mine Compensation Rating Bureau submitted a filing requesting an overall 14.8% decrease. The independent actuary's indications for coal mine business are for an overall 21.8% decrease.

Copies of the filings 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 Ramona Lee, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 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. 96-2211. Filed for public inspection December 27, 1996, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

[OFFICIAL OPINION NO. 96-1]

**Department of Public Welfare; Enforceability of Durational Residency and Citizenship Requirement of Act 1996-35**

December 9, 1996

Honorable Feather O. Houstoun  
Secretary  
Department of Public Welfare  
Room 333, Health and Welfare Building  
Harrisburg, PA 17105

Dear Secretary Houstoun:

You have requested my opinion regarding the enforceability of the durational residency and citizenship requirements of Act 1996-35 ("Act 35"), which amended various provisions of the Public Welfare Code governing eligibility for cash and medical assistance under the Commonwealth's General Assistance program.

Section 11 of Act 35 amends Section 432.4 of the Public Welfare Code, 62 P. S. § 432.4, to enlarge from sixty days to twelve months the period of time that an applicant for cash assistance must be a Pennsylvania resident before becoming eligible for benefits. Section 15 of Act 35 amends Section 442.1 of the Code, 62 P. S. § 442.1, to add a requirement that an applicant for medical assistance must be a Pennsylvania resident for ninety days before

becoming eligible for benefits. Section 14.1 of Act 35 amends the Code to add Section 432.22, 62 P. S. § 432.22, which disqualifies for cash or medical assistance an applicant who is not a citizen of the United States.

In providing legal advice to the head of a Commonwealth agency, the Attorney General is required by Section 204(a)(3) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(3), "to uphold and defend the constitutionality of all statutes so as to prevent their suspension or abrogation in the absence of a controlling decision by a court of competent jurisdiction." Since each of the foregoing provisions of Act 35 implicates a decision of the United States Supreme Court relevant to its constitutionality, it is incumbent upon me to determine whether the Supreme Court decision is "controlling" so as to compel the advice that the provision to which it relates is unenforceable.

As a threshold matter, it must be emphasized that the concept of a "controlling decision by a court of competent jurisdiction" is not susceptible to precise definition. Clearly, it cannot be construed so narrowly as to require a decision by a court of last resort holding unconstitutional the very provision on which the Attorney General's advice is sought, since that construction would render the Attorney General's advice a meaningless gesture. On the other hand, the decision said to be "controlling" must be more than merely predictive of the constitutionality of the statutory provision on which the Attorney General's advice is sought; it must adjudicate the constitutionality of a statutory provision materially indistinguishable from the statutory provision on which the advice is sought, and it must be rendered by a court that has jurisdiction over the entirety of Pennsylvania.

### I. RESIDENCY

In *Shapiro v. Thompson*, 394 U. S. 618 (1969), the United States Supreme Court held that a state statute that requires a minimum one-year residence in the state as a condition of eligibility for public assistance violates the Equal Protection Clause of the United States Constitution. Among the state statutes specifically invalidated in *Shapiro* was then Section 432(6) of the Public Welfare Code, which required a minimum one-year residence in Pennsylvania as a condition of eligibility for cash general assistance or Aid to Families with Dependent Children.

In relation to Section 11 of Act 35, *Shapiro* presents a clear example of a "controlling decision by a court of competent jurisdiction," since it invalidated a materially identical provision of the same statute, pertaining to the same government program. That the appellees in *Shapiro* were all applicants for federally-assisted rather than wholly state-funded cash assistance is of no consequence, since the Supreme Court has held that "whether or not a welfare program is federally funded is irrelevant to the applicability of the *Shapiro* analysis." *Memorial Hospital v. Maricopa County*, 415 U. S. 250, 261 (1974) (citations omitted). The *Shapiro* decision, therefore, renders Section 11 unenforceable.

In *Memorial Hospital v. Maricopa County, id.*, the United States Supreme Court held that a state statute that requires a minimum one-year residence in the state as a condition of eligibility for medical assistance violates the Equal Protection Clause of the United States Constitution. Specifically invalidated in *Memorial Hospital* was an Arizona statute that required one-year residence in a county as a condition of eligibility for county-funded medical assistance.

On its face, the Arizona statute invalidated in *Memorial Hospital* exhibited two features that distinguish it from



Section 15 of Act 35: first, its residency requirement applied to county rather than state residence; second, its residency requirement was one year rather than ninety days. Notwithstanding such differences, the *Memorial Hospital* decision may be “controlling” with respect to the constitutionality of Section 15. The key question is whether the differences are material, that is, whether either of them presents a basis on which to conclude that there is a reasonable possibility that the Supreme Court would uphold Section 15.

The decision in *Memorial Hospital* relied heavily upon the Court’s analysis in *Shapiro v. Thompson*. In *Shapiro*, the Court observed that, because the right to travel interstate—more precisely described as the right to migrate from one state to another—is a fundamental right protected by the Constitution, “any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is unconstitutional.” *Shapiro*, 394 U. S. at 634. The Court found that differentiating between old and new indigent residents penalized the latter for the exercise of a constitutional right by denying them aid upon which they may depend for the basic necessities of life. The Court then examined, and found impermissible or insufficiently compelling, each of the governmental interests advanced in support of the classification.

Rejected by the Court as impermissible, because they served only to deter the exercise of the constitutional right to travel interstate, were the state objectives of preserving the fiscal integrity of public assistance programs by discouraging the immigration of indigents or by discouraging those who would enter the state solely to obtain larger benefits, and favoring old residents over new based on the contribution to the community that old residents may have made through the past payment of taxes. Rejected by the Court as insufficiently compelling were the administrative objectives of facilitating the planning of the welfare budget, providing an objective test of residency, minimizing the opportunity for fraudulently obtaining benefits from more than one jurisdiction, and encouraging early entry of new residents into the labor force.

In *Memorial Hospital*, the Court first noted that the applicability of the Arizona statute to county residency rather than state residency did not distinguish that case from *Shapiro*, since the Arizona residency requirement operated not merely upon intrastate migration, but upon interstate migration as well. For the same reason, it is immaterial to the determination of whether the *Memorial Hospital* decision is “controlling” with respect to the constitutionality of Section 15 of Act 35 that Section 15 imposes a state rather than a county residency requirement upon eligibility for medical assistance.

The Court in *Memorial Hospital* next proceeded to emphasize that a durational residency requirement must be justified by a compelling state interest only if the residency requirement operates to penalize the exercise of the constitutional right to interstate migration. Acknowledging that *Shapiro* did not specify the level of impact on interstate migration that would constitute a penalty, the Court nevertheless concluded that “it is at least clear that medical care is as much ‘a basic necessity of life’ to an indigent as welfare assistance.” *Memorial Hospital*, 415 U. S. at 259. Thus, the Arizona residency requirement penalized the right to interstate migration and could survive constitutional challenge only if shown to be necessary to promote a compelling state interest.

As in *Shapiro*, the Court in *Memorial Hospital* rejected as impermissible or as insufficiently compelling each of the proffered state interests. Rejected as impermissible were the state objectives of preserving the fiscal integrity of its free medical care program by discouraging the immigration of indigent persons generally or indigent persons who would enter the county solely to partake of its medical facilities, and favoring long-time residents because of their contribution to the community through the past payment of taxes. Rejected as insufficiently compelling were the state objectives of facilitating determination of residency, preventing fraud, and assuring budget predictability.

From the *Shapiro* and *Memorial Hospital* decisions, it is apparent that the determination of whether the *Memorial Hospital* decision controls the constitutionality of Section 15 of Act 35 rests squarely upon the determination of whether the ninety-day residency requirement of Section 15 “penalizes” the exercise of the right to interstate migration. If the ninety-day residency requirement does not rise to the level of a penalty, then strict scrutiny is avoided and the state interests proffered in support of the requirement need only be rational.

While it is exceedingly rare for the Office of Attorney General to refer to pending litigation in rendering an official opinion, the decision of the District Court on the plaintiffs’ motion for preliminary injunction in *Warrick v. Snider*, No. 94-1634 (W.D. Pa. filed June 30, 1995), underscores the importance of the “penalty” inquiry, while shedding considerable light upon the determination of whether the ninety-day residency requirement for medical assistance in Section 15 rises to the level of a penalty. In *Warrick*, a class of indigent Pennsylvania residents challenges the sixty-day residency requirement for cash general assistance, which was enacted by Section 6 of Act 1994-49 (“Act 49”). They contend that the sixty-day residency requirement operates to penalize the exercise of their fundamental right to travel interstate, and cannot withstand strict scrutiny.

In denying the plaintiffs’ motion for preliminary injunction, the District Court distinguished *Shapiro* on the ground that the statutory provisions there at issue worked to deny to new residents all benefits necessary for basic sustenance and health, for an entire year, while Act 49 denies only cash assistance, for a period of only sixty days, allowing qualified new residents access to food stamps, emergency housing, medical assistance, job training, and job placement assistance. Because Act 49 provides new residents the means of obtaining what is necessary for their basic sustenance and health, and because a waiting period of two months is substantially less burdensome than a waiting period of an entire year, the District Court concluded that Act 49’s durational residency requirement does not operate as a penalty on the right to interstate migration, and therefore need only be rationally related to a legitimate government purpose to survive constitutional challenge.

Holding that Act 49’s sixty-day residency requirement is rationally related to the Commonwealth’s legitimate governmental interest in encouraging employment, self-respect, and self-dependency, the District Court reasoned that “a social welfare structure which provides the things necessary for basic sustenance and health, and at the same time providing job training and assistance while limiting temporarily cash benefits is rationally related to the legitimate goal of encouraging welfare recipients to seek employment so as to support themselves.” Slip op. at 19.

Ironically, if I were to conclude in this Opinion that *Memorial Hospital* is not “controlling” with respect to the constitutionality of Section 15 of Act 35, the plaintiff class in *Warrick* would become ineligible for medical assistance, and a major underpinning of the District Court’s decision in *Warrick* would be removed. It is my judgment, however, that *Memorial Hospital* is indeed “controlling” and that Section 15, therefore, is unenforceable.

Unlike the sixty-day residency requirement for cash assistance upheld by the court in *Warrick*, the ninety-day residency requirement for medical assistance in Act 35 is not part of a statutory scheme that provides to new residents “the things necessary for basic sustenance and health.” Whereas the availability of medical assistance served to mitigate the impact of denying cash assistance to new residents under Act 49, the unavailability of cash assistance serves to compound the impact of denying medical assistance to new residents under Act 35.

Since Act 35, in contrast to Act 49, does not afford indigent new residents the means of providing for their basic sustenance and health, I conclude that the ninety-day residency requirement for medical assistance in Act 35 indeed operates to penalize the exercise of the right to interstate migration. Although admittedly less burdensome than the one-year requirement struck down in *Memorial Hospital*, it nevertheless denies medical assistance to indigent new residents while providing them no other assistance with which to meet their medical needs. I am unable, moreover, to identify any state interest served by this differential treatment of old and new residents that is any more compelling than the state interests rejected by the Supreme Court in *Shapiro* and *Memorial Hospital*.

In a series of decisions since *Shapiro* and *Memorial Hospital*, the United States Supreme Court applied rational basis analysis to invalidate state statutes that afforded preferential treatment to state residents based upon when residency was established. See *Zobel v. Williams*, 457 U. S. 55 (1982) (mineral income distributed to state residents according to years of residency); *Hooper v. Bernalillo County Assessor*, 472 U. S. 612 (1985) (property tax exemption afforded to Vietnam veterans who were state residents before May 8, 1976); *Attorney General of New York v. Soto-Lopez*, 476 U. S. 898 (1986) (civil service preference afforded to veterans who were state residents at the time they entered military service). In *Zobel* and *Hooper*, the majority of justices held that the classification of residents based upon when they first established residency served no legitimate state interest. In *Soto-Lopez*, a plurality of justices applied strict scrutiny, while the concurring justices needed to form a majority followed *Zobel* and *Hooper* to hold again that the classification of residents based upon when residency was established is irrational.

Although these more recent decisions employed rational basis review, they cannot be said to signal a change of approach by the Supreme Court that would undermine my conclusion that the *Shapiro* and *Memorial Hospital* decisions are “controlling” with respect to the constitutionality of the durational residency requirements in Act 35. The statutes invalidated in the more recent decisions involved neither durational residency requirements nor welfare benefits; and they created classifications that, unlike those involved in *Shapiro* and *Memorial Hospital*, were permanent and would never equalize. It is always possible that the Supreme Court will depart from its prior decisions, but until it does so we are bound by them.

## II. CITIZENSHIP

In *Graham v. Richardson*, 403 U. S. 365 (1971), the United States Supreme Court held that a state statute that requires United States citizenship as a condition of eligibility for public assistance violates the Equal Protection Clause of the United States Constitution. Among the state statutes invalidated specifically in *Graham* was then Section 432(2) of the Public Welfare Code, which required citizenship as a condition of eligibility for the Commonwealth’s General Assistance program.

In relation to Section 14.1 of Act 35, *Graham* presents another clear example of a “controlling decision by a court of competent jurisdiction.” Like *Shapiro*, *Graham* invalidated a materially identical provision of the same statute, pertaining to the same government program. Also like *Shapiro*, *Graham* employed strict scrutiny analysis, albeit for the different reason that classifications based on alienage, like those based on nationality or race, are inherently suspect. The *Graham* decision, therefore, renders Section 14.1 unenforceable.

In the Personal Responsibility and Work Opportunity Act of 1996, Congress enacted sweeping changes in federal welfare law, including provisions that affect the eligibility of aliens not only for federal and federally-assisted welfare benefits, but also for wholly state-funded welfare benefits. Section 411 of the federal act provides that, with certain exceptions, an alien not lawfully admitted into the United States “is not eligible for any State or local public benefits. . . .” Section 412 provides that, with certain exceptions, “a State is authorized to determine the eligibility for any State public benefits” of an alien lawfully residing in the United States.

*Graham v. Richardson* did not address the constitutionality of a state’s denial of welfare benefits to an alien not lawfully admitted into the United States, and Section 432(3) of the Public Welfare Code, 62 P. S. § 432(3), already provides that an alien must be “lawfully admitted” to be eligible for general assistance. *Graham*, however, specifically invalidated Arizona and Pennsylvania statutes that respectively denied federally-assisted and wholly state-funded welfare benefits to lawfully admitted resident aliens, and it did so in the face of Arizona’s argument that the Social Security Act authorized Arizona’s denial of benefits.

Questioning whether Congress indeed intended to authorize states to deny federally-assisted welfare benefits to lawfully admitted resident aliens, the Court in *Graham* stated that:

Although the Federal Government admittedly has broad constitutional power to determine what aliens shall be admitted to the United States, the period they may remain, and the terms and conditions of their naturalization, Congress does not have the power to authorize the individual States to violate the Equal Protection Clause. *Shapiro v. Thompson*, [supra, 394 U. S. at 641]. Under Art. I, § 8, cl. 4, of the Constitution, Congress’ power is to ‘establish a uniform Rule of Naturalization.’ A congressional enactment construed so as to permit state legislatures to adopt divergent laws on the subject of citizenship requirements for federally supported welfare programs would appear to contravene this explicit constitutional requirement of uniformity.

*Id.* at 382 (footnote omitted). Applying the principle that statutes should be construed whenever possible so as to uphold their constitutionality, the Court ruled that the Social Security Act did not authorize Arizona’s citizenship requirement.

In *Mathews v. Diaz*, 426 U. S. 67 (1976), the Supreme Court rejected a due process challenge to a provision of the Social Security Act that conditioned an alien's eligibility for federal medicare benefits on admission for permanent residence and continuous residence in the United States for a period of five years. Noting that the provision discriminated not against aliens as a class, but rather among subclasses of aliens, and that the responsibility for regulating the status of aliens in the United States has been committed to the political branches of the federal government, the Court concluded that "[t]he reasons that preclude judicial review of political questions also dictate a narrow standard of review of decisions made by the Congress or the President in the area of immigration and naturalization." *Id.* at 81-82 (footnote omitted).

The Court in *Mathews* drew a sharp distinction between its decision in that case and its decision in *Graham*. The equal protection analysis relevant to the state law classifications at issue in *Graham*, the Court observed, "involves significantly different considerations because it concerns the relationship between aliens and the State rather than between aliens and the Federal Government." *Id.* at 84-85. As the Court explained:

Insofar as state welfare policy is concerned, there is little, if any, basis for treating persons who are citizens of another State differently from persons who are citizens of another country. Both groups are noncitizens as far as the State's interests in administering its welfare programs are concerned. Thus, a division by a State of the category of persons who are not citizens of that State into subcategories of United States citizens and aliens has no apparent justification, whereas, a comparable classification by the Federal Government is a routine and normally legitimate part of its business. Furthermore, whereas the Constitution inhibits every State's power to restrict travel across its own borders, Congress is explicitly empowered to exercise that type of control over travel across the borders of the United States.

*Id.* at 85 (footnotes omitted).

*Mathews*, therefore, does nothing to disturb the rule of *Graham* that state laws that discriminate against aliens in the provision of welfare benefits are unconstitutional unless narrowly tailored to achieve a compelling government interest. *Mathews*, however, did not address the question implicated by Section 412 of the recent federal welfare act of whether a state law that establishes classifications of eligibility for welfare benefits based on alienage is similarly subject to strict scrutiny if the state law is authorized by an act of Congress.

In *Plyler v. Doe*, 457 U. S. 202 (1982), the Supreme Court applied rational basis analysis to sustain an equal protection challenge to a Texas statute that withheld from local school districts state funds for the education of children not lawfully admitted into the United States and that authorized the school districts to deny such children enrollment. In a footnote discussing the Court's rejection of a claim that "illegal aliens" are a "suspect class," the Court stated the following:

With respect to the actions of the Federal Government, alienage classifications may be intimately related to the conduct of foreign policy, to the federal prerogative to control access to the United States, and to the plenary federal power to determine who has sufficiently manifested his allegiance to become a citizen of the Nation. No State may independently exercise a like power. But if the Federal Government

has by uniform rule prescribed what it believes to be appropriate standards for the treatment of an alien subclass, the States may, of course, follow the federal direction. See *DeCanas v. Bica*, [424 U. S. 351 (1976)].

*Id.* at 219 n.19.

In *DeCanas v. Bica*, the Court upheld a California statute that prohibited employers from knowingly hiring illegal aliens if doing so would adversely affect lawful resident workers. The challenge was based not on the Equal Protection Clause, but rather on claims that the statute violated the Supremacy Clause and interfered with Congressional power to regulate immigration and naturalization. Although *Plyler* involved an equal protection challenge, the Court's citation to *DeCanas* suggests that the Court's statement that a state may follow federal direction in its treatment of an alien subclass is concerned not with the extent to which a state may legislate with respect to aliens without violating the Equal Protection Clause, but rather with the extent to which a state may legislate with respect to illegal aliens without violating the Supremacy Clause or interfering with Congressional power over immigration and naturalization. See *Barannikova v. Town of Greenwich*, 643 A.2d 251 (Conn. Sup. Ct. 1994) (similarly interpreting the *Plyler* footnote).

Even assuming that the Court's statement in *Plyler* is concerned with the equal protection analysis of a state law classification based on alienage, the statement, by its terms, is relevant only if the state law classification is authorized by a "uniform" federal rule - a circumstance that would appear not to prevail in the relationship between Section 14.1 of Act 35 and Section 412 of the recent federal welfare act. Rather than prescribing a "uniform" rule, Section 412 allows each individual state to determine the eligibility of its resident aliens for state welfare benefits, which leads inevitably back to the Court's statement in *Graham* that "[a] congressional enactment construed so as to permit state legislatures to adopt divergent laws on the subject of citizenship requirements for federally supported welfare programs would appear to contravene th[e] explicit constitutional requirement of uniformity." *Graham, supra*, 403 U. S. at 382.

Admittedly, the constitutionality of Section 412 has yet to be tested, and the Court in *Graham* did not hold the Social Security Act provision there at issue unconstitutional, but rather construed it not to authorize divergent state laws concerning citizenship requirements for federally supported welfare programs. The possibility that a court could hold Section 412 to be a "uniform" rule, however, is hardly a sufficient basis on which to conclude that *Graham* no longer controls the constitutionality of a state statute, such as Act 35, that requires citizenship as a condition of eligibility for a wholly state-funded welfare program. On the contrary, *Graham* held specifically that the Fourteenth Amendment prohibits Pennsylvania from requiring citizenship as a condition of eligibility for its General Assistance program, and we are bound by that decision unless and until the Supreme Court, directly or implicitly, holds otherwise.

### III. CONCLUSION

In summary, it is my opinion, and you are so advised, that controlling decisions of the United States Supreme Court render Sections 11, 14.1, and 15 of Act 1996-35 unenforceable. You are further advised that you should administer the Public Welfare Code, as amended by Act 35, as if the unenforceable durational residency and citizenship requirements of Act 35 were not enacted.

In particular, you should continue to enforce the sixty-day residency requirement for cash assistance enacted by

Act 49, since it is clear that the General Assembly did not intend to repeal that requirement unless it could substitute the one-year residency requirement of Act 35. See *Mazurek v. Farmers' Mutual Fire Ins. Co.*, 320 Pa. 33 (1935) (legislative intent controls the effect of an unconstitutional enactment upon the pre-existing statute).

You should also continue to enforce Section 432(3) of the Public Welfare Code, which denies general assistance to illegal aliens. That provision was neither repealed nor significantly amended by Act 35; it is fully consistent with Section 411 of the recent federal welfare act, and its constitutionality is not in question.

Finally, you are advised that, in accordance with Section 204(a)(1) of the Commonwealth Attorneys Act, 71 P. S. § 732-204(a)(1), you are required to follow the advice set forth in this Opinion and shall not in any way be liable for doing so.

THOMAS W. CORBETT, JR.,  
*Attorney General*

[Pa.B. Doc. No. 96-2212. Filed for public inspection December 27, 1996, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date the adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on December 12, 1996, that the salaries covered by that law shall be increased by 2.9% effective January 1, 1997. The following chart sets out the agency head position, the salary prior to the adjustment, the percentage amount of the adjustment, and the new salary:

#### COLA ADJUSTMENT FOR ELECTED AND APPOINTED OFFICIALS RECEIVING SALARIES CONTAINED IN ACT 1995-51

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING NOVEMBER 1996

<i>POSITION</i>	<i>SALARY PRIOR TO 01/01/97</i>	<i>COLA ADJUSTMENT</i>	<i>SALARY EFFECTIVE 01/01/97</i>
Governor	\$125,000	2.9%	\$128,625
Lieutenant Governor	\$105,000	2.9%	\$108,045
State Treasurer	\$104,000	2.9%	\$107,016
Auditor General	\$104,000	2.9%	\$107,016
Attorney General	\$104,000	2.9%	\$107,016
Large Agency Head	\$100,000	2.9%	\$102,900
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor & Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$95,000	2.9%	\$97,755
Secretary of Aging			
Secretary of Commerce & Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation & Natural Resources			
Small Agency Head	\$90,000	2.9%	\$92,610
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairman	\$50,800	2.9%	\$52,273
Member	\$48,800	2.9%	\$50,215
Civil Service Commission			
Chairman	\$40,625	2.9%	\$41,803

POSITION	SALARY PRIOR TO 01/01/97	COLA ADJUSTMENT	SALARY EFFECTIVE 01/01/97
Member State Tax Equalization Board	\$40,625	2.9%	\$41,803
Chairman	\$17,500	2.9%	\$18,008
Member Milk Marketing Board	\$16,250	2.9%	\$16,721
Chairman	\$16,250	2.9%	\$16,721
Member	\$15,625	2.9%	\$16,078
Securities Commission Chairman	\$16,250	2.9%	\$16,721
Member	\$15,000	2.9%	\$15,435
Athletic Commission Chairman	\$13,125	2.9%	\$13,506
Member	\$12,500	2.9%	\$12,863
Board of Pardons Member	\$11,500	2.9%	\$11,834
Board of Claims Chairman	\$84,800	2.9%	\$87,259
Member	\$80,800	2.9%	\$83,143
Public Utility Commission Chairman	\$97,500	2.9%	\$100,328
Member	\$95,000	2.9%	\$97,755
Environmental Hearing Board* Chairman	\$97,500	2.9%	\$100,328
Member	\$95,000	2.9%	\$97,755

\*The Environmental Hearing Board is not contained in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

ROBERT BITTENBENDER,  
*Secretary*

[Pa.B. Doc. No. 96-2213. Filed for public inspection December 27, 1996, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Meeting Dates for 1997

In accordance with the Sunshine Act of 1986 (P. L. 388, No. 84), the Pennsylvania Council on Aging has established the following meeting dates for the calendar year 1997.

- Wednesday ..... January 8, 1997
- Wednesday ..... March 5, 1997
- Wednesday ..... May 7, 1997
- Wednesday ..... July 2, 1997
- Wednesday ..... October 8, 1997
- Wednesday ..... November 5, 1997

All meetings of the Pennsylvania Council on Aging will be held in the Sixth Floor Conference Room, 400 Market Street, Harrisburg, PA. Meetings are from 9 a.m. to 1 p.m.

VELMA E. CARTER-DRYER,  
*Executive Director*

[Pa.B. Doc. No. 96-2214. Filed for public inspection December 27, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service Without Hearing

**A-120650F0004. PFG Gas, Inc.** Application of PFG Gas, Inc., for approval to begin to offer, render, furnish or supply gas service to the public in additional territory in Walker Township, Huntingdon County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 13, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* John H. Isom, Kevin L. Welsh, PFG Gas, Inc., One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-2215. Filed for public inspection December 27, 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 January 21, 1997, 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-00113555. EZ Transport, Inc.** (6600 Hall Road, Columbus, OH 43119), a corporation of the State of Ohio—persons in paratransit service between points in the county of Erie, and from points in said county to points in Pennsylvania and return.

**A-00113597. John Russell Fanning, Jr.** (58 Fairview Avenue, Williamsport, Lycoming County, PA 17701)—persons in paratransit service between points in the city of Williamsport, Lycoming County, and within an airline distance of 10 statute miles of the limits of the city of Williamsport, and from points in the said territory to points in Pennsylvania and return.

**A-00113606. S & D Limousine Service, Inc.** (12 Southwood Court, Glendora, NJ 08029), a corporation of the State of New Jersey—persons in limousine service between points in the city and county of Philadelphia, and points within an airline distance of 10 statute miles of the limits of said city and county, and from points in said area to points in Pennsylvania and return. *Attorney:* Conrad J. Benedetto, 239A McClellan Street, Philadelphia, PA 19148.

**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 January 13, 1997.

- A-00113067, F. 2 Randall J. Smith, t/d/b/a Smith Refrigeration  
R. D. 2, Box 145, Columbia Crossroads, PA 16914
- A-00113596 Crea Excavating, Inc.  
1315 Pleasant Hills Road, Wexford, PA 15090; John A. Pillar, Esquire Pillar, Mulroy & Ferber, 1106 Frick Building, Pittsburgh, PA 15219
- A-00113610 Paul D. Peachey  
417 School House Road, Belleville, PA 17004
- A-00113611 William J. Martin  
795 Wollups Hill Road, Stevens, PA 17578

- A-00113612 Michael C. Dalton, t/d/b/a Dalton Delivery Service  
2260 Industrial Drive, Bethlehem, PA 18017
- A-00113613 Central Transportation & Delivery, Inc.  
2415 Campus Drive, Suite 101, Irvine, PA 92715
- A-00113598 Acme Transportation, Inc.  
13927 CR4, Bristol, IN 46507
- A-00113599 Randall A. Yoder  
1360 Saylor Street, Johnstown, PA 15905
- A-00113601 Lloyd D. Halteman, t/d/b/a L. G. Weaver Trucking  
841B Kutztown Road, Myerstown, PA 17067
- A-00113608 Marvin H. Sensenig, t/d/b/a Marbec Trucking  
P. O. Box 87, Dry Run, PA 17220
- A-00113600 Eugene J. Manchas, t/d/b/a Manchas Trucking  
136 Easy Street, Uniontown, PA 15401
- A-00113602 Paul Matthew Beddoe, t/d/b/a Beddoe Trucking  
402 Lenni Road, P. O. Box 8, Lenni, PA 19052
- A-00113603 Sherred Appliance Service, Inc.  
2206 Brownsville Road, Pittsburgh, PA 15210
- A-00113604 Stony's Trucking Company  
P. O. Box 3809, 945 Boardman-Canfield Road, Youngstown, OH 44513
- A-00113608 Robert R. Stremick, t/d/b/a Robert R. Stremick Trucking  
318 Valley Street, Brockton, PA 17925

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-2216. Filed for public inspection December 27, 1996, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-211870F2000. William J. McCormick t/d/b/a McCormick Water Company.** Application of William J. McCormick t/d/b/a McCormick Water Company, for approval of the abandonment of water service rights in the Village of Gibson and surrounding portions of Fallowfield Township, Washington County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before January 13, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* John McCormick Petrisek, Esquire, McCormick Water Company, 998 Main Street, Bentleyville, PA 15314.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-2217. Filed for public inspection December 27, 1996, 9:00 a.m.]

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## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 97-004-RL84.** Bituminous overlay, ID-2, SRL-E between M. P. 306.38 and M. P. 312.35 on the PA Turnpike System in Chester Co., PA.

*Bid Opening Date:* January 30, 1997, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-2218. Filed for public inspection December 27, 1996, 9:00 a.m.]

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