

NOTICES

COMMISSION ON CRIME AND DELINQUENCY

Statewide Community Corrections Conference

The Pennsylvania Commission on Crime and Delinquency (PCCD) and the Pennsylvania Commission on Sentencing (PCS) are co-sponsoring a Statewide Community Corrections Conference on May 19, 20 and 21, 1997, at the Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA. The conference will focus on areas of interest to criminal justice executives/administrators and program line staff.

Vendors from the criminal justice field are invited to participate in this Statewide conference and share their technology and equipment with the various county representatives.

For additional information, contact Helene Polanichka, Community Corrections Specialist, Commission on Crime and Delinquency, extension 3082, at either (717) 787-8559 or toll-free in Pennsylvania at (800) 692-7292.

JAMES THOMAS,
Executive Director

[Pa.B. Doc. No. 97-358. Filed for public inspection March 7, 1997, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Apple Marketing Program; Referendum Order

Referendum On Continuation Of The Pennsylvania Apple Marketing Program

I. The Pennsylvania Apple Marketing Program (Program) was initially established in 1987 under the provisions of the Agricultural Commodities Marketing Act of 1968 (act) (3 P. S. §§ 1001—1012). The Program has been continued by referendums conducted in 1992. The act and the Program require that the Secretary of Agriculture call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still desire the Program.

II. *Referendum Period:* The referendum period shall be April 11, 1997, until 4 p.m. on April 25, 1997. Completed ballots shall be mailed or hand-delivered to the Office of the Secretary of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 25, 1997. Ballots that are mailed must be postmarked no later than April 25, 1997, and received no later than April 28, 1997.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than April 11, 1997, to all affected producers whose names appear on the list of Pennsylvania apple producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is February 1, 1997. All producers with 500 or more apple trees of all ages, as of February 1, 1997, maintained for the purpose of producing or growing apples for sale are entitled to vote.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m., Wednesday, April 30, 1997, in the State Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than 7 calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective from and after the first day of March, 1997.

CHARLES C. BROSIUS,
Secretary

[Pa.B. Doc. No. 97-359. Filed for public inspection March 7, 1997, 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 February 25, 1997.

NOTICES

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-21-97	Harris Interim Savings Bank I Harrisburg Dauphin County	Harrisburg	Filed
	Interim savings bank being formed in connection with the "two-tier" reorganization of Harris Financial, MHC, Harrisburg.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-21-97	Northwest Savings Bank, Warren, and Bridgeville Savings Bank, F.S.B., Bridgeville surviving institution—Northwest Savings Bank, Warren	Warren	Effective
	<i>Branch Acquired Via Merger:</i> 431 Washington Avenue Bridgeville Allegheny County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-97	Sun Bank Selinsgrove Snyder County	96 Duke Street Northumberland Northumberland County	Opened
2-20-97	Dauphin Deposit Bank And Trust Company Harrisburg Dauphin County	WalMart Routes 83 and 851 Shrewsbury York County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-97	Reeves Bank Beaver Falls Beaver County	<i>To:</i> 747 Corporation St. Beaver Beaver County <i>From:</i> 605 Third Street Beaver Beaver County	Effective

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-21-97	Jefferson Bank Haverford Montgomery County	<i>Into:</i> Old York Road and Washington Lane Jenkintown Montgomery County <i>From:</i> 616 Old York Road Jenkintown Montgomery County	Approved
2-21-97	Jefferson Bank Haverford Montgomery County	<i>Into:</i> 401 City Line Ave. Bala Cynwyd Montgomery County <i>From:</i> 100 Presidential Blvd. North Bala Cynwyd Montgomery County	Approved

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-24-97	Diamond Federal Credit Union Pottstown Montgomery County	1600 Medical Dr. Pottstown Montgomery County	Approved
	<i>To:</i>		
	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. 97-360. Filed for public inspection March 7, 1997, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan: Notice of 1996 Annual Performance Report Availability

The Department of Community and Economic Development makes available for public review the 1996 Annual Performance Report (APR) for the Commonwealth of Pennsylvania's Consolidated Plan. The 1996 APR reports on activities which were outlined in the Consolidated Plan for Federal fiscal years 1995 through 1999 as well as the Action Plan for 1996. The report describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in Federal fiscal year 1996. This report will be submitted to the U. S. Department of Housing and Urban Development by March 31, 1997.

Copies of the draft Annual Performance Report are available for public comment now through March 24, 1997 at the locations listed below. The final APR will be made available again at these same locations, following approval by HUD.

County Commissioners—A copy will be sent to the Chairperson of each County Board of Commissioners.

The Tri-County Branch of the Pennsylvania Association of the Blind (on audio cassette):

Patricia Summers, Coordinator
Harrisburg, Area Radio Reading Service
1800 N. Second Street
Harrisburg, PA 17102
(717) 238-2531

Pennsylvania Department of Community and Economic Development Regional Offices:

Southwest Regional Office
413 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northeast Regional Office
201 Samters Building
101 Penn Avenue
Scranton, PA 18503
(717) 963-4571

Northwest Regional Office
Third Floor, Rothrock Building
121 West 10th Street
Erie, PA 16501
(814) 871-4241

Southeast Regional Office
908 State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2256

Northcentral and Southcentral Regional Offices
576 Forum Building
Harrisburg, PA 17120
(717) 787-2412

Pennsylvania's 28 District Libraries:

B. F. Jones Memorial Library, Aliquippa
Allentown Public Library, Allentown
Altoona Area Public Library, Altoona
Centre County Library, Bellefonte
Bethlehem Area Public Library, Bethlehem
Conococheague District Library, Chambersburg
Clarion District Library, Clarion
Bucks County Free Library, Doylestown
Easton Area Public Library, Easton
Erie County Library, Erie
Dauphin County Library, Harrisburg
Cambria County Library, Johnstown
Lancaster County Library, Lancaster
Delaware County Library, Brookhaven
Monessen Public Library, Monessen
New Castle Public Library, New Castle
Montgomery County—Norristown Public Library,
Norristown
Free Library of Philadelphia, Philadelphia
Carnegie Library of Pittsburgh, Pittsburgh
Pottsville Free Public Library, Pottsville
Reading Public Library, Reading
Scranton Public Library, Scranton
Warren Public Library, Warren
Citizens Library, Washington

Chester County Library, Exton
 Osterhout Free Library, Wilkes-Barre
 James V. Brown Library, Williamsport
 Martin Memorial Library, York

Submit written comments on the Annual Performance Report to Ed Geiger, Executive Policy Specialist, Policy Office, Department of Community and Economic Development, 471 Forum Building, Harrisburg, PA 17120, (717) 787-4088. Written comments must be received by March 24, 1997.

Anyone with a hearing disability who wishes to review

the Annual Performance Report should notify the Department and accommodations can be made. Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

THOMAS B. HAGEN,
Secretary

[Pa.B. Doc. No. 97-361. Filed for public inspection March 7, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0042731. Industrial waste, SIC: 4953. **Warren County Solid Waste Authority**, Warren County Courthouse, Warren, PA 16365.

This application is for renewal of an NPDES permit, to discharge treated industrial waste to the Allegheny River in Pleasant Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and Emlenton Water Company located at Emlenton, approximately 90 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of .008 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	75	150	188
NH ₃ -N	20		50
Total Suspended Solids	50	100	150
Total Iron	3.5	7.0	8.8
Manganese	1.0	2.0	2.5
Oil and Grease	15		30
Aluminum	0.275	0.55	0.69
Copper	0.009	.018	0.023
7P 4,4'-DDT	0.0015		0.018
Fecal Coliforms (5-1 to 9-30)	200/100 ml		
(10-1 to 4-30)	2,000/100 ml		
Total Residual Chlorine	.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0005746. Industrial waste, SIC: 3229, **Corning Consumer Products Company**, 100 Eighth Street, Charleroi, PA 15022.

This application is for renewal of an NPDES permit to discharge treated process water, cooling water, untreated non-contact cooling water and stormwater from the Charleroi Plant in Charleroi Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Pennsylvania Water Company, located at Aldrich Station, below the discharge point.

Outfall 001: existing discharge, design flow of 1.3 mgd (formerly Outfall No. 004).

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS	43	86	25	50	
Temperature (°F)					110
Oil and Grease	17	34	10	20	
pH	6.0—9.0				

Outfall 101: new discharge to 001.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
TSS			31	60	
Chromium (T)			1.71	2.77	
pH	6.0—9.0				

Outfalls 002 and 003: existing discharge, design flow of N/A mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
discharge consists of stormwater runoff only					

The EPA waiver is in effect.

PA 0217557. Industrial waste, SIC: 9999, **Delta Chemicals Site Response Action Group**, P. O. Box 2009, Pittsburgh, PA 15230-2009.

This application is for issuance of an NPDES permit to discharge treated groundwater from seeps at Delta Chemicals Site, North Buffalo Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Buffalo Creek, classified as a high quality TSF fishery with existing and/or potential uses for aquatic life, water supply and

recreation. The first existing/proposed downstream potable water supply (PWS) is Clearview Water Supply, located on the Allegheny River, approximately 21.4 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.022 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	monitor and report				
TSS			30		60
Carbon Tetrachloride			0.001		0.0025
Chloroform			0.001		0.0025
1,1-Dichloroethane			0.001		0.0025
1,2-Dichloroethylene			monitor and report		
1,1,1-Trichloroethane			0.001		0.0025
1,1,2-Trichloroethane			monitor and report		
Trichloroethylene			0.0013		0.0033
Tetrachloroethylene			0.01		0.025
1,1,2,2-Tetrachloroethylene			monitor and report		
Dissolved Iron					7.0
pH	6.0—9.0				

The EPA waiver is in effect.

PA 0028801. Sewage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108-9482.

This application is for renewal of an NPDES permit to discharge treated sewage from the Montour Run Water Pollution Control Plant in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River Back Channel, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the ARCO Chemical Company, BV Plant, on the Ohio River.

Outfall 001: existing discharge, design flow of 6.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliforms				
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration		0.5		1.6
pH	6.0—9.0			

The EPA waiver is not in effect.

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

PA 0062341. Sewerage, **Fawn Lake Forest Water Company**, P. O. Box D, Waymart, PA 18472.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Teedyuskung Creek in Lackawaxen Township, **Pike County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is the Stroudsburg/E. Stroudsburg water intake located on the Delaware River.

The proposed effluent limits for Outfall 001 based on a design flow of .15 mgd are:

Parameter	Monthly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	15.0	30.0
Total Suspended Solids	30.0	60.0

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Dissolved Oxygen	a minimum of 7.0 mg/l at all times	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
First month through the 36th Month	monitor and report	
37th Month through Expiration Date	.20	.46
NO ₂ +NO ₃ as "N"	14.0	28.0

The EPA waiver is in effect.

PA 0020940. Sewerage, Tri-Boro Municipal Authority, 216 E. Main Street, Susquehanna, PA 18847.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the north branch of the Susquehanna River in the Borough of Susquehanna Depot, **Susquehanna County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pennsylvania/New York State Border located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.50 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

Point sources 002 and 003 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant, and are permitted to discharge only for such reason. There are, at this time, no specific effluent limitations on these discharges.

The EPA waiver is in effect.

PA 0020940. Sewerage, Tunkhannock Borough Municipal Authority, P. O. Box B, Tunkhannock, PA 18657.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Tunkhannock Creek in Tunkhannock Township, **Wyoming County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .30 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine	1.0		2.0

Point sources 002 and 003 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant, and are permitted to discharge only for such reason. There are, at this time, no specific effluent limitations on these discharges.

The EPA waiver is in effect.

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

PA 0057029. Industrial waste, **Hewlett-Packard Company**, 2850 Centerville Road, Wilmington, DE 19808.

This application is for issuance of an NPDES permit to discharge treated groundwater from Hewlett-Packard groundwater remediation system consisting of air stripper and carbon units and located at Avondale Division, Route 41 and Starr Road in New Garden Township, **Chester County**. This is a new discharge to unnamed tributary to Egypt Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.144 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chloroform	.006	.012	.015
1,1-Dichloroethylene	.00015	.0003	.00037
1,2-Cis Dichloroethylene	monitor only	monitor only	monitor only
1,2-Trans Dichloroethylene	.8	1.6	2.0
Tetrachloroethylene	.002	.004	.005
Trichloroethylene	.008	.016	.020
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

Public Hearing

The Department of Environmental Protection will hold a public hearing to receive testimony and comments on the P. H. Glatfelter Company application for the renewal of an existing NPDES permit, which entails an industrial wastewater discharge, a noncontact cooling water discharge and stormwater discharges into the Codorus Creek.

The hearing will be held on Wednesday, April 9, 1997 at the North Codorus Township Fire Hall in Spring Grove beginning at 7 p.m.

Any person intending to testify at the hearings should contact Susan Frank, DEP Community Relations Coordinator at (717) 541-7969 on or before April 2, 1997. Persons unable to attend the hearing may submit written testimony before April 21, 1997 to Susan Frank at One Ararat Boulevard, Harrisburg, PA 17110.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 540-5018 between the hours of 8 a.m. and 4 p.m., Monday through Friday.

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

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

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

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

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

WQM Permit No. 4397403. Sewage. **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This project is for the proposed construction of a small duplex pump station in the City of Hermitage, **Mercer County**.

WQM Permit No. 1097404. Sewage. **Ehrman Farms, L. P.**, 1700 North Highland Road, Pittsburgh, PA 15241. This project is for the proposed construction of a force

main and pump station to serve 186 lots at the Ehrman Farms residential development in Cranberry Township, **Butler County**.

WQM Permit No. 4397401. Sewage, **Gerald C. Fleet**, SRSTP, 1066 Jackson Center—Polk Rd., Stoneboro, PA 16153. This project is for the construction of a single residence sewage treatment plant in Worth Township, **Mercer County**.

WQM Permit No. 4397402. Sewage, **Alan and Carol Kumrow**, SRSTP, R. D. 1, Stateline Rd., West Middlesex, PA 16159. This project is for the construction of a single residence sewage treatment plant in Shenango Township, **Mercer County**.

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

A. 56217-T1. Amendment No. 1. Industrial waste, **Consolidated Rail Corporation**, 2001 Market Street, P. O. Box 41415, Philadelphia, PA 19101-1415. Application for the construction and operation of a separation system (steel basin) for stormwater runoff at the Cresson Engine House located in Cresson Borough, **Cambria County**.

A. 466S18. Amendment No. 1. Sewerage, **West Mifflin Sanitary Sewer Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2902. Application for the construction of the Kenmore Pump Station for the purpose of eliminating the Kenmore Sewage Treatment Plant located in the Borough of West Mifflin, **Allegheny County**.

A. 0497401. Sewerage, **The Alta Group, Inc.**, 195 Hartzell School Road, Fombell, PA 16123-9518. Application for the construction and operation of Sewage Treatment Plant and Outfall and Headwall located in the Township of Marion, **Beaver County** to serve the Alta Group, Inc. Office/Service Bldg. Sewage Treatment Plant.

A. 0497402. Sewerage, **Rochester Borough**, 300 West Park Drive, Rochester, PA 15074. Application for the construction and operation of sanitary sewer extensions and a pump station located in the Borough of Rochester, **Beaver County** to serve the Rochester Sewer Line and East Bank Lane Pump Station.

A. 6596201. Amendment No. 1. Sewerage, **American Video Glass Company**, 777 Technology Drive, Mt. Pleasant, PA 15666-2715. Application for the construction of a wastewater treatment facility for a proposed television picture tube manufacturing facility located in the Township of East Huntingdon, **Westmoreland County** to serve the American Video Glass Company.

SAFE DRINKING WATER

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

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

A. 0997504. Public water supply, **Village II Community Association**, Samuel Cinamon, P. O. Box 461, New Hope, PA 18938. This proposal involves the permitting of an existing water supply system in New Hope Borough, **Bucks County**.

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

A. 6386502-A1. **Franklin Manor Utilities, Ltd.**, 37 Highland Avenue, Washington, PA 15301. Modification of

existing public water system to add Aqua-Mag with new chemical feed equipment for corrosion control and to sequester iron and manganese serving South Franklin Township, **Washington County**.

A. 0481502-A2. **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009. Modification of existing permitted system for fluoride addition; addition of existing water storage tank serving Beaver Borough, **Beaver County**.

A. 0285502-A2. **Borough of Cheswick**, 220 South Atlantic Avenue, P. O. Box 235, Cheswick, PA 15024. Installation of a water well, replace the existing chlorine room and equipment, install a booster pump and a water system interconnection with the Harmar Township Municipal Authority, Cheswick Borough, **Allegheny County**.

Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka; (717) 787-9037.

A. 9996447. **Minnehaha Water Company**, 1906 East 40th Street, Cleveland, OH 44103; Michael Wright, President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand names: Minnehaha Spring Water, Star Tech Deionized Water, Hunting Valley Pure Water and Spring Rock Spring Water.

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

A. 2297501. Public water supply, **Cedar Manor Mobile Home Park**, Londonderry Township, **Dauphin County**, (Frank T. Perano, Owner, Cedar Manor MHP, Box 278, King of Prussia, PA 19406), installation of pb/cu corrosion control equipment using Aqua-Mag, (Alex A. McIntyre, Alex A. McIntyre Consulting Engineer, 1297 Wheatland Avenue, Lancaster, PA 17111).

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

5297501. Public water supply, **Tafton Water Company** (Wilson Hill Development), P. O. Box 149, Hawley, PA 18428. This proposal involves the addition of a 20,000 gallon storage tank, duplex booster pumps, and three hydropneumatic tanks to the facilities at wellhouse no. 1. It is located in Palmyra Township, **Pike County**.

Engineer: Fred C. Schoenagel, R. R. 3, Box 15, Greentown, PA 18426.

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

A. 4297502. Public water supply, **Aiken Water Company, Inc.**, Box 208, Gifford, PA 16732-0208. This proposal involves the construction of well no. 3. This well will replace the existing no. 1 well. Well no. 1 will go to emergency status only. Well no. 3 is located in Lafayette Township, **McKean County**.

Public Meeting

The Department of Environmental Protection will hold a public meeting to discuss the Arthur W. Davis Farm permit application for a Drinking Water Sediment Storage Impoundment in Carroll Township, **Perry County**. The Department will explain the permitting process and the status of the permit application.

The meeting will be held on Thursday, April 10, 1997, at the Shermansdale Ambulance Building on Richwine Road beginning at 7 p.m.

Both DEP staff and the applicant will give presentations at the meeting. After the presentations, the Department will solicit questions from the community. Further details about the meeting procedures will be outlined at the beginning of the meeting.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 540-5018 between the hours of 8 a.m. and 4 p.m., Monday through Friday.

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

LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

Under Act 2, 1995

Preamble 1

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 Notices of Intent to Remediate:

Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-5217.

Constantine Pontiac, City of Pittsburgh, **Allegheny County**. Artspace Projects, Inc., dba Artists & Cities,

4551 Forbes Avenue, 3rd Floor, Pittsburgh, PA 15213 has submitted a Notice of Intent to Remediate soil contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard.

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

Hostrander Residence, East Norriton Township, **Montgomery County**. Christopher S. Jaccarino, P. G., Lehigh Valley Environmental, Inc., 970 Vine St., Macungie, PA 18062, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

Under Act 2, 1995

Preamble 2

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

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

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

tion concerning this acknowledgment is required in an alternative form, contact Steve Curcio at (814) 332-6816. 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.

Northwest Regional Office: John Fruehstorfer, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6648.

Hanley Brick Yard Site, Hanley Drive, Lewis Run Borough, **McKean County**, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with PHCs. The applicant proposes to remediate the site to meet the Site specific standard.

New Castle Commerce Park Extension, Parcel 1 and 3 and McClure Johnston Lot 1A, New Castle, City of, **Lawrence County**, has submitted a Notice of Intent to Remediate soil and groundwater. The site has been found to be contaminated with lead, heavy metals and PAHs. The applicant proposes to remediate the site to meet special industrial standards.

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

Coca Cola Bottling Company, Folcroft Borough, **Delaware County**. Dean Jeffery Telego, Risk Management Technologies, Corp., 110 N. Royal St., Suite 301, Alexandria, VA 22314, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on February 12, 1997.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a General Permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit Application No. WMGR052. Duquesne Light Co., 411 Seventh Avenue, Pittsburgh, PA 15230-1930. An application to beneficial use of LPC material (flue gas desulfurization sludge) as construction material, for abandoned mine reclamation, and for mine sealing and subsidence control.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the

Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

Proposed General Permits No. PAG-7, PAG-8 and PAG-9 For Beneficial Use of Sewage Sludge By Land Application; Extension of Comment Period

The Department of Environmental Protection has received comments and requests from several commentators to extend the comment period for the three proposed general permits for the beneficial use of sewage sludge which were published at 27 Pa.B. 482 (January 25, 1997).

The Department, by this notice, is extending the comment period until the close of business on March 28, 1997. There will be no further extension to the comment period on these general permits.

Persons wishing to comment on the proposed general permits are invited to obtain a copy of the proposed general permits from and submit a written statement to Department of Environmental Protection, Bureau of Water Quality Protection, Division of Wastewater Management, Rachel Carson State Office Building, P. O. Box 8774—11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184; E-mail address: VU.CUONG@A1.DEP.STATE.PA.US World Wide Web Address: HTTP://WWW.DEP.STATE.PA.US.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications received 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.

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

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Cantoni Farm, R. D. 1, Box 262, Morgan, PA 15322. Biosolids land application for agricultural utilization in Morgan Township, **Greene County** was received in the Regional Office on February 18, 1997.

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Lilly Farm, 1 mile south of Taylortown. Biosolids land application for agricultural utilization in Dunkard Township, **Greene County** was received in the Regional Office on February 18, 1997.

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Mathews Farm, 1 mile south of Taylortown. Biosolids land application for agricultural utilization in Dunkard Township, **Greene County** was received in the Regional Office on February 18, 1997.

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Brunazzi Farm, Morey Road, Deemston, PA 15333. Biosolids land application for agricultural utilization in Dunkard Township, **Greene County** was received in the Regional Office on February 18, 1997.

A. 603440. Wheelabrator Water Technologies, Inc., P. O. Box 266, Somerset, PA 15501. Fitzwater Farm, 3 Leonard Road, Deemston, PA 15332. Biosolids land application for agricultural utilization in Dunkard Township, **Greene County** was received in the Regional Office on February 18, 1997.

**AIR POLLUTION
OPERATING PERMITS**

**Construct, modify or activate air contaminant
sources**

25 Pa. Code § 129.1

**Applications under the Air Pollution Control Act
(35 P. S. §§ 4001—4015) and regulations to con-
struct, modify or reactivate air contaminant
sources.**

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

47-310-002B. Construction of two stone crushers and associated air cleaning device (a water spray dust suppression system) by **Royer's Lime Quarries** (R. R. 2, Box 420, Milton, PA 17847) in Limestone Township, **Montour County**. One of the two crushers is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

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

67-309-015E. Replacement of two fabric filters on an existing limestone crushing and screening plant by the **J. E. Baker Company** (320 North Baker Road, York, PA 17405) in West Manchester Township, **York County**.

67-310-018I. Modification of an existing Whiting plant by **Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) in West Manchester Township, **York County**. The source is subject to Subpart 000, Standards of Performance for New Stationary Sources.

*Southeast Regional Office: Bureau of Air Quality Con-
trol, Lee Park, Suite 6010, 555 North Lane, Consho-
hocken, PA 19428.*

46-313-117D. On January 13, 1997, an application was received from **Merck & Company, Inc.** (WP 20-208, 770 Summeytown Pike, West Point, PA 19486) for the installation of a catalytic oxidizer to be located in Upper Gwynedd Township, **Montgomery County**.

23-302-133GP. On January 29, 1997, an application was received from **PQ Corporation** (1201 W. Front Street, Chester, PA 19013) for the construction of a small combustion unit to be located in City of Chester, **Delaware County**.

46-313-091A. On January 31, 1997, an application was received from **Rhone-Poulenc Rorer Pharmaceuticals** (500 Arcola Road, Collegeville, PA 19426) for the modification of a process development laboratory to be located in Upper Providence Township, **Montgomery County**.

**Operating Permit applications received under the
Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*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: **13-399-005**
Source: Steel Descale/ Fabric Filter
Company: **Horsehead Resource Development Co.**
Location: Palmerton Borough
County: **Carbon**

Permit: **39-313-039**
Source: TME Porcupine Dryer w/Condenser
Company: **Mallinckrodt Chemical Inc.**
Location: South Whitehall Township
County: **Lehigh**

Permit: **48-306-010**
Source: Units 3 & 4 Natural Gas Firing
Company: **Penna Power & Light Company**
Location: Lower Mt. Bethel Township
County: **Northampton**

Permit: **48-322-002A**
Source: Landfill Gas Extraction/Incinerat
Company: **City of Bethlehem (Landfill) PWD**
Location: Lower Saucon Township
County: **Northampton**

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

06-302-171. The Department intends to issue an Air Quality Operating Permit to **Premium Beverage Packers** (1090 Spring Street, Wyomissing, PA 19610) for two boilers controlled by low-NOx burners in Muhlenberg Township, **Berks County**. The sources are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-310-021A. The Department intends to issue an Air Quality Operating Permit to **International Mill Service, Inc.** (P. O. Box 14713, Reading, PA 19612) for a steel slag processing plant controlled by wet suppression in Muhlenberg Township, **Berks County**.

06-319-099D. The Department intends to issue an Air Quality Operating Permit to **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) for a lead/acid battery manufacturing operation controlled by a wet scrubber and fabric collector in Laureldale/ Muhlenberg Township, **Berks County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

21-302-113. The Department intends to issue an Air Quality Operating Permit to **Masland Industries** (P. O. Box 40, Carlisle, PA 17013) for the no. 5 boiler and low NOx burners of no. 4 boiler, both natural gas or no. 2 oil-fired. The no. 5 boiler is subject to 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units in Carlisle Borough, **Cumberland County**.

67-2012. The Department intends to issue a NOx RACT Air Quality Operating Permit to **Transcontinental Gas Pipe Line Corporation** (P. O. Box 369, Delta, PA 17314) for two engines with low emission combustion control and three engines with parametric controls in Peach Bottom Township, **York County**.

67-2032. The Department intends to issue a RACT Air Quality Operating Permit to the **Harley-Davidson Motor Company** (1425 Eden Road, York, PA 17402) for a motorcycle assembly facility in Springettsbury Township, **York County**.

06-1047. The Department intends to issue a RACT Synthetic Minor Air Quality Operating Permit to **Bradley Specialties Corporation** (P. O. Box 436, Shartlesville, PA 19554) for a fiberglass tank fabrication operation and paint spray operation in Upper Bern Township, **Berks County**.

36-309-029F. The Department intends to issue an Air Quality Operating Permit to **Armstrong World Indus-**

tries, Inc. (P. O. Box 3001, Lancaster, PA 17604) for the No. 2 floor tile line system in Lancaster, **Lancaster County**.

36-313-033C. The Department intends to issue an Air Quality Operating Permit to **Bristolpipe** (88 Newport Road, Leola, PA 17540) for a materials handling system in Upper Leacock Township, **Lancaster County**.

67-03057. The Department intends to issue an Air Quality Operating Permit to **Fypon, Inc.** (22 West Pennsylvania Avenue, Stewartstown, PA 17363) for a molded millwork production facility in Stewartstown, **York County**.

67-2033. The Department intends to issue an Air Quality VOC RACT (Reasonably Available Control Technology) Operating Permit to **Gichner Systems Group, Inc.** (P. O. Box 481, Dallastown, PA 17313) for a portable shelter manufacturing facility in Dallastown Borough, **York County**.

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: **OP-15-0018**
Source: Synthetic Minor for NO_x and VOC
Company: **Wyeth-Ayerst Laboratories, Inc.**
Location: East Whiteland
County: **Chester**

Permit: **OP-46-0025**
Source: NO_x and VOC Facility
Company: **Lonza**
Location: Upper Merion
County: **Montgomery**

Permit: **OP-15-0034**
Source: NO_x Facility
Company: **Sanofi Winthrop, Inc.**
Location: East Whiteland
County: **Chester**

Permit: **OP-46-0025**
Source: NO_x and VOC Facility
Company: **Lonza**
Location: Upper Merion
County: **Montgomery**

Permit: **OP-15-0034**
Source: NO_x Facility
Company: **Sanofi Winthrop, Inc.**
Location: East Whiteland
County: **Chester**

PLAN APPROVALS

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

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

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

Permit: **39-399-043**
Source: Wave Solder/Fluxer Machine
Received: February 10, 1997
Company: **Lutron Electronics Company Inc.**
Location: Lower Macungie Township
County: **Lehigh**

Permit: **40-309-034A**
Source: Plantwide Applicability Limit/PAL
Received: February 7, 1997
Company: **Techneglas Incorporated**
Location: Jenkins Township
County: **Luzerne**

Permit: **40-320-006**
Source: Heatset Web Printing Press
Received: February 10, 1997
Company: **Quebecor Printing Incorporated**
Location: City of Hazleton
County: **Luzerne**

Permit: **54-000-022**
Source: Secondary Aluminum Production
Received: February 5, 1997
Company: **Alumax Extrusions Incorporated**
Location: Cressona Borough
County: **Schuylkill**

Permit: **54-000-022T**
Source: Secondary Aluminum Production
Received: February 5, 1997
Company: **Alumax Extrusions Incorporated**
Location: Cressona Borough
County: **Schuylkill**

Permit: **54-304-002A**
Source: Grey Iron Cupola w/Baghouse
Received: February 5, 1997
Company: **Leed Foundry Incorporated**
Location: Saint Clair Borough
County: **Schuylkill**

Plan Approval Application Minor Source

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

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

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

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

PA-33-00116A. The Department received a plan approval application for the construction of a wood-fired boiler (6.1 MM Btu/hr) by **Plunkett-Webster Dry Kiln Inc.**, (R. D. 3, Box 182, Brookville, PA 15825) in Oliver Township, **Jefferson County**.

PA-43-00300A. The Department received a plan approval application for the construction of an 810 HP lean burn compressor engine by **Atlas Resources, Inc.**, (311 Rouser Rd., P. O. Box 611, Moon Township, PA 15108) at the compressor station in East Lackawannock Township (57 Drake Rd., New Wilmington, PA 16142) in **Mercer County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

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

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

PA-46-0081. On January 15, 1997, an application was received from **Markel Corporation** (416 School Lane, P. O. Box 752, Norristown, PA 19404) for the approval of RACT for eight horizontal ovens located in Plymouth Township, **Montgomery County**.

PA-15-0016A. On January 13, 1997, an application was received from **Worthington Steel Company The** (45 N. Morehall Road, Malvern, PA 19355) for the approval of coil coating operation located in East Whiteland Township, **Chester County**.

OP-09-0066. On February 3, 1997, an application was received from **PECO Energy Company** (Fairless Hills Generating Station, Fairless Hills, PA 19030) for the approval of Facility VOC/NOx RACT located in Falls Township, **Bucks County**.

OP-46-0045A. On January 24, 1997, an application was received from **PECO Energy Company** (300 Front Street, West Conshohocken, PA 19428) for the approval of Facility VOC/NOx RACT located in West Conshohocken Borough, **Montgomery County**.

Proposed Revision to the State Implementation Plan for Oxides of Nitrogen (NOx). Approval of a Reasonably Available Control Technology Plan for Defense Distribution Region East, Fairview Township, York County. Public Hearing.

The Department of Environmental Protection has made a preliminary determination to approve Reasonably Available Control Technology (RACT) Plan, and an amendment to the State Implementation Plan (SIP) for combustion units and combustion sources at Defense Distribution Region East, DDRE-W, New Cumberland, PA 17070.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in RACT Plan Approval No. 67-2041 for the existing facility to comply with current regulations. The RACT plan for the facility includes fuel switching of

boilers no. 1 through no. 4 from no. 6 fuel oil to no. 4 fuel oil. This will reduce the potential NOx emissions by approximately 199 tons per year. Additional conditions require monitoring, testing, reporting and recordkeeping requirements for the combustion sources at the facility.

An appointment to review the RACT plan, plan approval and other 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 April 15, 1997 at Room 215L in Southcentral Regional Office of the Department, One Ararat Boulevard, Harrisburg, PA 17110, from 1 p.m. until such a time as all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing; and they should contact Mary Ann Fischer (717) 541-7969 at least 1 week in advance of the hearing to reserve a time to present testimony. Commentators are requested to provide a written copy of their remarks at the time of the hearing. Persons interested in submitting written comments should send their comments to Ranjan Roy, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before April 28, 1997.

Persons with a disability who wish to attend the above hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Mary Ann Fischer (717) 541-7969 or through the AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY APPLICATIONS

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

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

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

notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

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

Coal Applications Received

56920102. Permit renewal, **PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 70.4 acres, receiving stream Coal Run and Clear Run, application received February 14, 1997.

32970102. **Derry International, Ltd.** (P. O. Box 529, New Alexandria, PA 15670), commencement, operation and restoration of bituminous strip mine in Blacklick Township, **Indiana County**, affecting 167.5 acres, receiving stream unnamed tributaries of Muddy Run and unnamed tributaries to Blacklick Creek to Blacklick Creek to Conemaugh River, application received February 12, 1997.

56970101. **Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905), commencement, operation and restoration of bituminous strip mine in Somerset Township, **Somerset County**, affecting 88.0 acres, receiving stream unnamed tributaries to east branch Coxes Creek to Coxes Creek to Casselman River, application received February 4, 1997.

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

03970102. **Seven Sisters Mining Co., Inc.** (200 US Route 22, Delmont, PA 15626). Application received for commencement, operation and reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**, proposed to affect 31.3 acres. Receiving streams unnamed tributaries to Fagley Run,

Fagley Run to Crooked Creek to Allegheny River. Application received February 11, 1997.

26930103. **Patterson Coal Company** (R. D. 2, Box 335, Smithfield, PA 15478). Application received to transfer permit currently issued to Todd Stash Mining for a bituminous surface mining site located in Georges and German Townships, **Fayette County** affecting 110.0 acres. Receiving streams north branch Browns Run and its unnamed tributaries, then to the Monongahela River. Application received February 13, 1997.

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

17900111. **Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201), transfer of an existing bituminous surface mine permit from Maud Mining Company, Brady Township, **Clearfield County** affecting 579.6 acres, receiving streams unnamed tributaries of Stump Creek and Limestone Run and Stump Creek and Limestone Run, application received January 29, 1997.

17860146. **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701), renewal of an existing bituminous surface mine permit in Chest Township, **Clearfield County** affecting 214.8 acres, receiving streams unnamed tributary to Wilson Run to Wilson Run, both to Chest Creek, to west branch Susquehanna River to Susquehanna River, application received February 3, 1997.

17870114. **M & M Construction Co., Inc.** (R. R. 1, Box 66, Morrisdale, PA 16858), major permit modification to apply biosolids to enhance vegetation on an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 338.5 acres, application received January 21, 1997.

17970101. **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence and Goshen Townships, **Clearfield County** affecting 103.9 acres, receiving streams Jerry Run and Flegals Run to Lick Run to west branch Susquehanna River, application received February 7, 1997.

17960102. **Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661-0225), transfer of an existing bituminous surface mine permit from M. R. Hainsey Contracting, Inc., Goshen Township, **Clearfield County** affecting 70.1 acres, receiving streams unnamed tributary to Pine Run, Pine Run, unnamed tributary to Trout Run, application received February 10, 1997.

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

30841320. **Target Industries, Inc.** (P. O. Box 479, Mount Morris, PA 15349), to revise the permit for the Target No. 1 bituminous deep mine in Dunkard Township, **Greene County** to add subsidence control plan acres, no additional discharge. Application received December 12, 1996.

30841316. **Consol Pennsylvania Coal Company,** (P. O. Box 174, Graysville, PA 15337), to renew the permit for the Bailey bituminous deep mine in Richhill Township, **Greene County**, no additional discharge. Application received January 22, 1997.

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

54860110R2. **Reading Anthracite Company,** (200 Mahantongo Street, Pottsville, PA 17901), renewal of

existing anthracite surface mine in Foster Township, **Schuylkill County**, affecting 99.0 acres, receiving stream Schuylkill River. Application received February 4, 1997.

40840206T. Northampton Fuel Supply Co., Inc., (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814-6161), transferred from Jeddo-Highland Coal Company and corrected to add fly ash to existing mining operation in Plains Township, **Luzerne County**, affecting 133.0 acres, receiving stream none. Application received February 3, 1997.

49870202R2. Susquehanna Coal Company, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing coal refuse operation, including NPDES renewal, in Mt. Carmel and Coal Townships, **Northumberland County**, affecting 788.0 acres, receiving stream Coal Run. Application received February 5, 1997.

40910202R. George W. Bone, Jr., (98 New Street, Pittston, PA 18640), renewal of an existing anthracite surface mine and prep plant operation in Hughestown Borough, **Luzerne County** affecting 10.9 acres, receiving stream none. Application received February 14, 1997.

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

Noncoal Permits Received

01970301. National Earth Products, Inc., (245 Butler Avenue, Lancaster, PA 17601), commencement, operation and restoration of a noncoal surface mine in Mt. Joy Township, **Adams County** affecting 11.7 acres, receiving stream none. Application received February 12, 1997.

6476SM12T. N L Minich & Sons, Inc., (730 North College Street, Carlisle, PA 17013), transfer of an existing noncoal surface mining permit from N L Minich & Sons in North Middleton Township, **Cumberland County** affecting 95.55 acres, receiving stream Meeting House Run. Application received February 18, 1997.

45970302. Eureka Stone Quarry, Inc., (Lower State and Pickertown Roads, Chalfont, PA 18914), commencement, operation and restoration of a noncoal surface mine in Hamilton Township, **Monroe County**, affecting 16.7 acres, receiving stream none. Application received February 13, 1997.

22970301. Dauphin Meadows Inc., (5400 LBJ Freeway, TWR 1, Suite 300, Dallas, Texas 75240-6224), commencement, operation and restoration of a noncoal surface mine permit operation in Washington Township, **Dauphin County**, affecting 52.0 acres, receiving stream Wiconisco Creek. Application received February 7, 1997.

40970301. Theta Land Corporation, (30 North Franklin Street, Wilkes-Barre, PA 18701), commencement, operation and restoration of a noncoal surface mine operation in Plymouth Township, **Luzerne County** affecting 10.6 acres, receiving stream unnamed tributaries to Harveys Creek. Application received February 10, 1997.

8073SM1C3. Kibblehouse Quarries, Inc., (1128 Crusher Road, Perkiomenville, PA 18074), correction to an existing quarry operation in Marlborough Township, **Montgomery County** affecting 75.9 acres, receiving stream Unami Creek. Application received February 12, 1997.

7974SM3C3. New Hope Crushed Stone & Lime Co., (P. O. Box 248, New Hope, PA 18938), correction to an existing quarry operation for a stream variance in

Solebury Township, **Bucks County** affecting 141.0 acres, receiving stream Primrose Creek. Application received February 13, 1997.

**APPLICATIONS RECEIVED UNDER SECTION 401:
FEDERAL WATER POLLUTION CONTROL ACT**

ENCROACHMENTS

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

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

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

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

E41-397. Encroachment. Lycoming County Water and Sewer Authority, P. O. Box 29, Montoursville, PA 17754. To construct and maintain two wastewater pump stations in the floodplain of the west branch Susquehanna River. One station is a submersible type and the other station is a suction lift type housed in a masonry building. The project is located just north of the Conrail tracks at Mill Street and the eastern Montoursville Borough boundary (Montoursville South, PA Quadrangle N: 22.3 inches; W: 7.3 inches) in Montoursville Borough and Fairfield Township, **Lycoming County**. Stream classification is WWF: no wetland impacts.

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

E10-253. Encroachment. Regional Industrial Development Corp., 907 Penn Avenue, 7th Floor, Pittsburgh, PA 15222-3803. To place fill in 0.26 acre of two separate wetland areas in order to extend Keystone Drive by 900 feet to provide commercial vehicular access within Thorn Hill Industrial Park. The project is located within Thorn Hill Industrial Park approximately 3,000 feet west of the east bound lane of PA Turnpike I-76 at the Butler County/Allegheny County boundary. This project will include creation of 0.26 acre of replacement wetlands on

RIDC property (Mars, PA Quadrangle N: 9.0 inches; W: 15.7 inches) located in Cranberry Township, **Butler County**.

E20-439. Encroachment. **Spring Township Supervisors**, R. D. 1, Box 29A, Springboro, PA 16435. To remove the existing bridge and install and maintain a 40-foot single span 6-foot 6-inch average underclearance concrete box beam bridge across Rundelltown Creek. Bridge abutment construction will involve temporary stream diversions in this cold water fishery. The project is located on King Road (T-749) approximately 300 feet east of its intersection with S. R. 4018 (Conneautville, PA Quadrangle N: 1.50 inches; W: 4.70 inches) located in Spring Township, **Crawford County**.

E42-246. Encroachment. **Bradford District Flood Control Authority**, P. O. Box 102, Bradford, PA 16701. To maintain existing flood control measures constructed by the U. S. Army Corp. of Engineers in 1961 (Bradford, PA Quadrangle N: 17.2 inches; W: 00.00 inches) located in the City of Bradford, Bradford Township, and Foster Township, **McKean County**.

The projects begin at the New York/Pennsylvania state line and extends upstream along Tunungwant Creek (CWF) to the City of Bradford/Bradford Township line on the east branch Tunungwant Creek (CWF) and to the City of Bradford/Bradford Township line on the west branch Tunungwant Creek (CWF). A total distance of 6.25 miles. The project also includes a reach of Bolivar Run (CWF) beginning at its confluence with Tunungwant Creek and extending upstream a distance of 1,275 feet, a reach of Kendall Creek (CWF) beginning at its confluence with Tunungwant Creek and extending upstream a distance of 462 feet and a reach of Foster Brook (CWF) beginning at its confluence with Tunungwant Creek and extending upstream a distance of 100 feet.

This project includes concrete and earthen bank restoration, sheet pile footer repair, cleaning of channel gravel deposits, minor masonry and concrete repair and weep hole cleaning. Yearly maintenance will not exceed 1,750 feet. The stream length and conform to the projects originally constructed dimensions as submitted.

E43-256. Encroachment. **County of Mercer**, County Commissioners, 503 Mercer County Courthouse, Mercer, PA 16137. To remove existing County Bridge 2629 single span steel I-beam bridge and to construct and maintain a 20-foot wide by 2.62-foot high by 28-foot long reinforced concrete box culvert road crossing on an 80° skew across Pine Run (TSF). County Bridge 2629 is located on Uber Road (T-944) approximately 2,600 feet southwest of the intersection of Uber Road (T-944) and S. R. 0058. This project will also include a de minimus wetland impact related to the culvert and wing wall placement (Mercer, PA Quadrangle N: 11.2 inches; W: 5.3 inches) located in Findley Township, **Mercer County**.

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

E40-459. Encroachment. **Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a stream enclosure of Solomon Creek (CWF), consisting of approximately 260 linear feet of a three-cell precast concrete box culvert, having waterway openings of 19.0 feet x 11.0 feet. The project includes excavation within the channel, extending approximately 150 feet upstream and downstream of the proposed structure, for the purpose of restoring and maintaining

the channel invert and capacity. The project is located on S. R. 2002 (Sans Souci Parkway), Section 302, Segment 0100, Offset 0143, at the intersection of S. R. 2002 and S. R. 2001 (St. Marys Road) (Wilkes-Barre West, PA Quadrangle N: 18.7 inches; W: 7.1 inches), in Hanover Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E52-148. Encroachment. **The Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718. To remove the existing structure and to construct and maintain a 26 by 22 square foot boathouse in the same location on Corilla Lake (HQ-CWF). This project is located on the east side of S. R. 4003 along the northwestern shoreline of Corilla Lake (Narrowsburg, NY-PA Quadrangle N: 5.3 inches; W: 12.0 inches) in Lackawaxen Township, **Pike County**, Philadelphia District, Army Corps of Engineers.

E54-229. Encroachment. **Port Carbon Borough**, P. O. Box 71, Port Carbon, PA 17965. To remove the existing structure and to construct and maintain a single span concrete adjacent box beam bridge having a span of 53 feet and an underclearance of 8 feet across Mill Creek (CWF). This project is located along Washington Street south of the intersection with Canal Street (Pottsville, PA Quadrangle N: 13 inches; W: 6 inches) in Port Carbon Borough, **Schuylkill County**, Philadelphia District Army Corps of Engineers.

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

E09-741. Encroachment. **DOT**, 200 Radnor Chester Rd., St. Davids, PA 19087. To remove an existing dilapidated bridge, and to construct and maintain a 31-foot long, 20-foot wide and 9-foot high single span precast concrete box culvert in and along the 100-year floodway of Silver Creek (TSF). The site is located approximately 250 feet south west of the intersection of Reading Avenue and Pond Avenue, (Trenton West, PA-NJ Quadrangle, N: 19.70 inches; W: 11.70 inches) in the Borough of Yardley, **Bucks County**.

E15-540. Encroachment. **Violet Featherman c/o John Featherman**, 17 West Miner St., P. O. Box 660, West Chester, PA 19381-0660. To construct and maintain a stormwater management facility in and along an unnamed tributary to Tweed Creek (TSF/MF) associated with a proposed subdivision owned by Violet Feather. The work consists of encroaching on approximately 360 linear feet of a watercourse, 0.05 acre of adjacent wetlands (PEM) and the assumed 100-year floodway of the aforementioned tributary to accommodate construction of a stormwater management facility. A request for an Environmental Assessment approval for on-stream nonjurisdictional dam is included as part of this application. The site is located along the eastern side of S. R. 3001 at a point approximately 100 feet north of its intersection with U. S. Route 1 (Baltimore Pike) (Kirkwood, PA Quadrangle N: 1.5 inches; W: 2.0 inches) in East Nottingham Township, **Chester County**.

E46-762. Encroachment. **Exxon Corporation**, 6301 Ivy Lane, Greenbelt, MD 20770. To construct and maintain 28 linear feet of a 22-foot wide by 8-foot high precast concrete box culvert along Willow Run Creek (TSF) and to maintain 112 feet of streambank impact associated with grading activities within the assumed 100-year floodway of Willow Run Creek to provide access from Bethlehem Pike to the proposed Exxon Service Station located on the north corner of the intersection of Bethlehem Pike and

Sumneytown Pike (Ambler, PA Quadrangle N: 11.0 inches; W: 14.3 inches) in Lower Gwynedd Township, **Montgomery County**.

EA46-763. Encroachment. **Lower Providence Township**, 100 Parklane Drive, Eagleville, PA 19403. To impact 160 linear feet of an unnamed tributary to Yerkes Creek (TSF) and a de minimus amount of adjacent wetland (PFO) associated with the roadway widening of Meadow Road (T-555) and the proposed roadway serving the Runnymede Phase II residential subdivision. The project includes the following activities:

1. To remove two existing culvert endwalls.
2. To install 20 linear feet of 48-inch by 68-inch CMP culvert extension upstream of the existing culvert, to install two 70-foot long, 48-inch diameter RCP culverts adjacent to the existing culvert and to construct common endwalls adjoining the three pipe structure.
3. To construct 70 linear feet of stream channel relocation upstream of the proposed culvert and to place fill in 90 linear feet of original stream channel and adjacent wetland.
4. To install a stormwater outfall structure, within the assumed 100-year floodway of Yerkes Creek.
5. To place approximately 110 linear feet of gabion wall protection along realigned stream channel.

The project is located 200 feet south of the intersection of Landis Mill Road (T-320) and Meadow Road (Collegeville, PA Quadrangle N: 8.0 inches; W: 10.9 inches) in Lower Providence Township, **Montgomery County**.

EA46-760. Encroachment. **Wissahickon Valley Watershed Association**, 12 Morris Road, Ambler, PA 19002-5499. To construct and maintain a 48-foot long by 4-foot wide prefabricated pedestrian bridge across the Wissahickon Creek and in the adjacent 100 year floodway. The site is located approximately 8,300 feet upstream from the confluence with Sandy Run, (Ambler, PA Quadrangle N: 4.00 inches; W: 14.00 inches) in Upper Dublin Township, **Montgomery County**.

ENVIRONMENTAL ASSESSMENT

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

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

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

EA36-009C0. Environmental assessment. **Safe Harbor Water Power Corporation**, 1 Power House Road, Conestoga, PA 17516-9651. To construct and maintain a 1,500 foot skimmer wall replacing the existing flood damaged skimmer wall above the powerhouse at the Safe Harbor Dam located across the Susquehanna River (WWF). The new skimmer wall will be located 50 feet south (riverward) of the existing skimmer wall and will consist of 31 concrete piers connected by prestressed concrete stoplogs and a service deck. In addition, 50,000 cubic yards of rockfill will be used to extend the existing access levee an additional 110 feet into the river (Safe Harbor, PA Quadrangle N: 8.85 inches; W: 2.65 inches) in Manor Township, **Lancaster County**.

EA67-009C0. Environmental assessment. **Kevin and Della Uhlik**, 10 Dickinson Court, New Freedom, PA 17349. To construct and maintain a non-jurisdictional dam adjacent to Beetree Run (WWF) impacting a de minimus area of wetlands (PEM) equal to 0.02 acre for the purpose of recreation located at 10 Dickinson Court at the rear of the property (New Freedom, MD-PA Quadrangle N: 19.6 inches; W: 9.6 inches) in New Freedom Borough, **York County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

(National Pollution Discharge Elimination System Program (NPDES))

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

Permits Issued

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

NPDES Permit No. PA 0101745. Sewage. **Clarview Rest Home, Inc.**, R. R. 1, Box 195, Sligo, PA 16255 is authorized to discharge from a facility located in Piney Township, **Clarion County** to an unnamed tributary to Licking Creek.

Outfall No. 001

<i>Parameter</i>	<i>Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.47	3.5

This Notice reflects changes to the Bulletin published on January 4, 1997.

NPDES Permit No. PA 0044067. Amendment No. 1. Industrial waste. **Union City Fish Culture Station**, 1225 Shiloh Road, State College, PA 16801 is authorized to discharge from a facility located in Union Township, **Erie County** to receiving waters named Bentley Run.

Outfall No. 008

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
Total Suspended Solids (Interim)			
Total Suspended Solids (Final)			
Iron-T (Interim)			
Iron-T (Final)*	2		4
Aluminum-T (Interim)			
Aluminum-T (Final)*	.8		1.6
Manganese (Interim)			
Manganese (Final)*	1		2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

NPDES Permit No. PA0001929. Industrial waste, **Royal Monarch, LTD.**, 6th Street and 2nd Avenue, Beaver Falls, PA 15010 is authorized to discharge from a facility located at Beaver Falls Plant, Beaver Falls, **Beaver County** to Beaver River.

NPDES Permit No. PA0094722. Amendment No. 1. Industrial waste, **TAPCO, Inc.**, 3800 Neville Road, Neville Island, PA 15225 is authorized to discharge from a facility located at TAPCO Processing Plant, Neville Township, **Allegheny County**.

NPDES Permit No. PA0217514. Sewerage, **The Alta Group, Inc.**, 195 Hartzell Road, Fombell, PA 16123-9518 is authorized to discharge from a facility located at ALTA Sewage Treatment Plant, Marion Township, **Beaver County** to Connoquenessing Creek.

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. PA0012327. Industrial waste. **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976 is authorized to discharge from a facility located in Nockamixon Township, **Bucks County** into an unnamed tributary to Gallows Run.

NPDES Permit No. PA0023256. Amendment No. 2. Sewerage. **Upper Gwynedd Township Board of Commissioners**, Parkside Place, P. O. Box 1, West Point, PA 18486 is authorized to discharge from a facility located in Gwynedd Township, **Montgomery County** into Wisahickon Creek.

NPDES Permit No. PA0011851. Amendment No. 1. Industrial waste. **Superior Tube Company**, P. O. Box 159, Collegeville, PA 19426-0159 is authorized to discharge from a facility located in Lower Providence Township, **Montgomery County** into an unnamed tributary to Perkiomen Creek (001, 003—007) to a dry swale to Perkiomen Creek (002).

NPDES Permit No. PA0026964. Amendment No. 2. Sewerage. **Montgomery County Sewer Authority**, 5 River Road, P. O. Box 613, Oaks, PA 19456 is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** into Schuylkill River.

NPDES Permit No. PA0026182. Amendment No. 3. Sewerage. **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446 is authorized to discharge from a facility located in Borough of Lansdale, **Montgomery County** into an unnamed tributary to the west branch of Neshaminy Creek.

Permit No. 2396407. Sewerage. **James and Marjorie Hill** (866 Shavertown Road, Boothwyn, PA 19061). Construction of a sewage treatment plant with stream discharge located in Concord Township, **Delaware County** to serve an existing single family residential dwelling.

**INDIVIDUAL PERMITS
(PAS)**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS103911	Creekside Homes Development, Inc. One Executive Plaza 300 Pine St. Williamsport, PA 17701	Lycoming Loyalsock Twp.	Unt. Millers Run
PAS103912	Lycoming County Water and Sewer Authority P. O. Box 39 Montoursville, PA 17754	Lycoming County Fairfield Twp.	Tules Run and W. Br. Susquehanna River

**INDIVIDUAL PERMITS
(PAR)**

Approvals to Use NPDES General Permits

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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

NPDES

General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

Facility Location

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Deer Creek Twp. Mercer County	PAG048426	Lawrence T. Mirage R. D. 2, 2952 County Line Rd. Cochranton, PA 16314	Unnamed Tributary to North Deer Creek	DEP Water Management Northwest Region 230 Chestnut St. Meadville, PA 16335 (814) 332-6942
Montgomery County Lower Gwynedd Township	PAG050001	Exxon Company, USA 140 South Village Avenue Lionfield Building, Suite 200 Exton, PA 19341	Drainage Swale to Trewellyn Creek	Southeast Region Water Management (610) 832-6130
Montgomery County Lower Merion Township	PAG050002	Exxon Company, USA 140 South Village Avenue Lionfield Building, Suite 200 Exton, PA 19341	Gully Run	Southeast Region Water Management (610) 832-6130

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

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

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

Location: City of Farrell, Mercer County, 500 Roemer Boulevard, Farrell, PA 16121.

Project Description: This project is an update of the City of Farrell's Act 537 Plan. This plan provides for an increase in the capacity of the Farrell Sewage Treatment Plant to an average daily flow of 3.57 mgd and a peak daily flow of 6.7 mgd. This expansion is needed to correct existing overload conditions, and achieve NPDES compliance.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

SAFE DRINKING WATER

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

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

Permit No. 4696509. Public water supply. **Superior Water Company**, 1030 West Germantown Pike, Fairview Village, PA 19404, Robert A. Braglio. A permit has been issued to construct a new public water system to serve the Center Point Farm Development. The project includes one well, a pump house and a storage tank in Worchester Township, **Montgomery County**.

Type of Facility: Water supply system.

Consulting Engineer: R. E. Coleman Associates, Inc., 638 Lancaster Avenue, Frazer, PA 19355.

Permit to Construct Issued: February 14, 1997.

Permit No. 1596508. Public water supply. **Coventry Terrace Mobile Home Park**, Robert H. Turner, 391 Harley Road, Parker Ford, PA 19457. Applicant requests approval to operate an existing water supply system which serves the Coventry Terrace Mobile Home Park. Also, requesting approval to install a chlorine disinfection and distribution storage in East Coventry Township, **Chester County**.

Type of Facility: Public water supply system.

Consulting Engineer: Tatman and Lee Associates, Inc., 1200 Philadelphia Pike, Wilmington, DE 19809.

Permit to Construct Issued: February 14, 1997.

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

Permit No. 3546441. Bulk Water Hauling Facility (Eagle Springs II). **Eagle Springs, Inc.**, 88 West Donaldson Street, Treamong/Zerbe, PA 17981. This proposal involves a new spring source, cartridge filtration and disinfection, storage tank and tanker fill station. It is located in Hegins Township, **Schuylkill County**.

Permit to Operate: February 25, 1996.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

Final Reports

The following final report were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a de-

scription of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact Steve Curcio at (814) 332-6816. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department has received the following final report:

Northwest Regional Office: John Fruehstorfer, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.

City Auto Parts, CA-East, City of Erie, **Erie County**, 1561 East 12th Street, has submitted a Final Report to remediate soil and groundwater contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Hostrander Residence, East Norriton Township, **Montgomery County**. Christopher S. Jaccarino, P. G., Lehigh Valley Environmental, Inc., 970 Vine St., Macungie, PA 18062, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

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

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

H.M.H.T.T.C. Response Team, Inc., P. O. Box 10183, Wilmington, DE 19850; License No. **PA-AH 05543**; license issued February 12, 1997.

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

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

Asbestos Transportation Company, Inc., P. O. Box 59, Yaphank, NY 11980; License No. **PA-AH S243**; renewal license issued February 12, 1997.

Hittman Transport Services, Inc., 1560 Bear Creek Road, Oak Ridge, TN 37830; License No. **PA-AH S239**; renewal license issued February 12, 1997.

Pros Services Inc., P. O. Box 610548, Port Huron, MI 48061-0548; License No. **PA-AH 0481**; renewal license issued February 12, 1997.

St. Gabriel Contractors, Inc., 6070 Legion Drive, St. Gabriel, LA 70776; License No. **PA-AH S182**; renewal license issued February 12, 1997.

Textile Chemical Company, Inc., P. O. Box 13788, Reading, PA 19612; License No. **PA-AH 0082**; renewal license issued February 12, 1997.

Tri-State Waste Disposal Co., Inc., 72 Lawrence Road, LaFayette, NJ 07848; License No. **PA-AH S209**; renewal license issued February 12, 1997.

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

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

Mei Kee Sales, Inc., Unit 7, 1044 Industrial Drive, Berlin, NJ 08009; License No. **PA-AH S225**; license terminated February 5, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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.

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

Permit No. 300720. Duquesne Light Company, 411 7th Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930. A major permit modification for the repermitting of Lefever Ash Disposal Site located in Indiana Township, **Allegheny County** in accordance with 25 Pa. Code § 287.115 issued by the Regional Office on February 12, 1997.

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

Permit No. 603448. Glenn Thrush Farm, Borough of Mt. Holly Springs, (200 Harmen Street, Mt. Holly Springs, PA 17065). Application for operation of an agricultural utilization of sewage sludge site in Dickinson Township, **Cumberland County**. Permit issued in the Regional Office February 13, 1997.

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.

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

A. 101654. Quorum Sani-Tech, Inc., 10576 Hagan Ranch Road, Boyton Beach, FL 33437. On January 24, 1997 the Southeast Regional Office received a request from Quorum Sani-Tech, Inc., to withdraw their application for a municipal waste transfer station proposed to be located at 1620 South 49th Street, in the City of Philadel-

phia. Application was returned and our review was terminated in the Southeast Regional Office on February 6, 1997.

**AIR POLLUTION
OPERATING PERMITS**

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

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

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

Permit: **39-313-032A**

Source: 23 DMPA Tanks w/Packed Scrubber
Company: **Mallinckrodt Chemical Inc.**
Location: South Whitehall Township
County: **Lehigh**

Permit: **40-310-037A**

Source: Stone Crushing Plant /Watersprays
Company: **American Asphalt & Paving Company**
Location: Plains Township
County: **Luzerne**

Permit: **45-313-009D**

Source: Chemical Processing w/Scrubbers
Company: **Heico Chemicals Incorporated**
Location: Delaware Water Gap Boro
County: **Monroe**

Permit: **54-302-059**

Source: 3-355HP Bryan Gas/Oil Boilers
Company: **U S Department of Justice**
Location: Minersville Borough
County: **Schuylkill**

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

General Plan Approval and Operating Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following:

Permit: **23-302-133GP**

Source: Small Combustion Unit
Issued: February 13, 1997
Company: **PQ Corporation**
Location: City of Chester
County: **Delaware**

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-302-202A**

Source: Two Boilers
Issued: February 3, 1997
Company: **Jet Plastica Industries, Inc.**
Location: Hatfield
County: **Montgomery**

Permit: **46-313-142**
 Source: 2 PVC Resin Packaging Systems
 Issued: February 4, 1997
 Company: **Occidental Chemical Corp.**
 Location: Lower Pottsgrove
 County: **Montgomery**

Permit: **46-302-199**
 Source: Kewanee Boiler
 Issued: February 4, 1997
 Company: **Plymouth Meeting Mall**
 Location: Plymouth
 County: **Montgomery**

Permit: **15-318-004**
 Source: Drying Oven
 Issued: February 7, 1997
 Company: **Polychem Corporation**
 Location: Phoenixville
 County: **Chester**

Permit: **09-399-040**
 Source: Polyurethane Foam Line
 Issued: February 4, 1997
 Company: **Cartex Corporation**
 Location: Fairless Hills
 County: **Bucks**

Permit: **OP-09-0018**
 Source: Synthetic Minor VOC Facility
 Issued: January 30, 1997
 Company: **Moore Business Forms**
 Location: Quakertown
 County: **Bucks**

Permit: **OP-15-0009**
 Source: VOC Facility
 Issued: February 4, 1997
 Company: **ICI Fluoropolymers**
 Location: Caln
 County: **Chester**

The Department has amended the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-313-034A**
 Source: JBI Spray Booth & Systems
 Administrative Amendment: January 16, 1997
 Company: **Naval Air Station Joint Reserve Base**
 Location: Horsham
 County: **Montgomery**

Permit: **09-399-031**
 Source: Resin Injection/Transfer Mold & FW Process
 Administrative Amendment: January 24, 1997
 Company: **Met-Pro Corp./FYBROC Division**
 Location: Telford
 County: **Bucks**

Permit: **23-312-044D**
 Source: 33 Storage Tanks
 Administrative Amendment: January 28, 1997
 Company: **Sun Co. (R&M)**
 Location: Marcus Hook
 County: **Delaware**

Permit: **46-302-052A**
 Source: Auxiliary Boiler A
 Administrative Amendment: January 22, 1997

Company: **PECO Energy**
 Location: Limerick
 County: **Montgomery**

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-399-097**
 Source: Pilot Coater
 Issued: January 14, 1997
 Company: **Elf Atochem North America, Inc.**
 Location: Upper Merion
 County: **Montgomery**

Permit: **46-302-206**
 Source: Two Boilers
 Issued: January 17, 1997
 Company: **Procter & Gamble**
 Location: Hatboro
 County: **Montgomery**

Permit: **15-312-023A**
 Source: Four Petroleum Storage Tanks No. 1, 2, 3, & 4
 Issued: January 23, 1997
 Company: **Mobile Pipe Line**
 Location: East Whiteland
 County: **Chester**

Permit: **OP-15-0029**
 Source: Major VOC Facility
 Issued: January 17, 1997
 Company: **Dopaco, Inc.**
 Location: Downingtown
 County: **Chester**

The Department has amended the following air quality operating permit for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **46-313-017A**
 Source: Manufacturing & Coating Processes
 Administrative Amendment: January 7, 1997
 Company: **McNeil Consumer Products Company**
 Location: Whitemarsh
 County: **Montgomery**

Permit: **23-312-187**
 Source: Vapor Recovery System
 Administrative Amendment: January 28, 1997
 Company: **Sun Co., Inc. (R&M)**
 Location: Marcus Hook
 County: **Delaware**

Permit: **46-313-094A**
 Source: Pharmaceutical Sciences
 Administrative Amendment: January 27, 1997
 Company: **SmithKline Beecham Pharmaceutical**
 Location: Upper Providence
 County: **Montgomery**

Permit: **23-330-001**
 Source: One Air Stripper
 Administrative Amendment: December 19, 1996
 Company: **Laurel Pipe Line, LP**
 Location: Boothwyn
 County: **Delaware**

PLAN APPROVALS

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

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

06-1010A. On February 18, 1997, the Department issued a Plan Approval to **Crompton & Knowles Color, Inc.** (P. O. Box 341, Reading, PA 19603-0341) for the modification of boilers at the dye manufacturing facility in Robeson Township, **Berks County**. One boiler is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-1018. On February 18, 1997, the Department issued a Plan Approval to **Hershey Chocolate USA** (P. O. Box 15087, Reading, PA 19612-5087) for the modification of boilers at their Luden's Plant in Reading, **Berks County**. The sources are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-312-010A. On February 18, 1997, the Department issued a Plan Approval to **Scranton-Altoona Terminal Corporation** (P. O. Box 2621, Harrisburg, PA 17105) for the construction of an internal floating tank roof at their Sinking Spring Terminal in Sinking Spring, **Berks County**. The source is subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

06-318-064B. On February 20, 1997, the Department issued a Plan Approval to **Can Corporation of America, Inc.** (P. O. Box 170, Blandon, PA 19510) for the construction of two sheet coating lines with a thermal oxidizer at their Blandon Plant in Maidencreek Township, **Berks County**.

07-313-007A. On February 19, 1997, the Department issued a Plan Approval to **Appleton Papers Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673) for the construction of bleach plant operations controlled by a packed-column wet scrubber at their Spring Mill Plant in Roaring Spring Borough, **Blair County**.

31-310-014J. On February 19, 1997, the Department issued a Plan Approval to **New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664) for the modification of a limestone crushing plant controlled by two fabric collectors and a water spray system at their Tyrone Forge Crushing Plants in Warriors Mark Township, **Huntingdon County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

44-3001. On February 11, 1997, the Department issued a Plan Approval to **Mann Edge Tool Company** (P. O. Box 351, Lewistown, PA 17044) for the modification of a hand held and edge tool manufacturing facility in Lewistown Borough, **Mifflin County**.

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

10-318-014A. On February 5, 1997, a Plan Approval was issued to **Napco, Inc.** (125 McFann Rd., Valencia, PA 16059) for modification of coil coating operations at Middlesex Township, **Butler County**.

10-318-019A. On February 10, 1997, a Plan Approval was issued to **Lectromat, Inc.** (P. O. Box 608, Mars, PA 16046) for a coater/laminator at Adams Township, **Butler County**.

24-313-130A. On February 4, 1997, a Plan Approval was issued to **SGL Carbon Corp.** (900 Theresia St. Box 1031, St. Marys, PA 15857) for graphite purification furnaces and scrubber system at St. Marys, **Elk County**.

37-308-007. On February 4, 1997, a Plan Approval was issued to **Reactive Metals & Alloys Corp.** (P. O. Box 366, West Pittsburg, PA 16160) for bulk blending, briquetting, and bagging systems at Taylor Township, **Lawrence County**.

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

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **46-302-213**
Source: No. 7 Boiler
Issued: February 3, 1997
Company: **Lockheed Martin Corporation**
Location: Upper Merion
County: **Montgomery**

Permit: **23-318-001E**
Source: Two Vinyl Flooring Coating System
Issued: February 3, 1997
Company: **Congoleum Corporation**
Location: Trainer
County: **Delaware**

Permit: **09-320-042**
Source: One Lithographic Press
Issued: February 11, 1997
Company: **Scanforms, Inc.**
Location: Bristol
County: **Bucks**

Permit: **09-320-035A**
Source: Flexographic Press No. 5
Issued: February 12, 1997
Company: **MRI Flexible Packing**
Location: Newtown
County: **Bucks**

Permit: **23-315-008**
Source: No. 17 Paper Machine—Dryer
Issued: January 13, 1997
Company: **Kimberly-Clark Corp.**
Location: City of Chester
County: **Delaware**

Permit: **23-302-129A**
Source: Two Boilers
Issued: January 15, 1997
Company: **Villanova University**
Location: Radnor
County: **Delaware**

Permit: **46-302-209**
Source: Boiler
Issued: January 16, 1997
Company: **SPS Technologies, Inc.**
Location: Abington
County: **Montgomery**

Permit: **09-320-013B**
Source: Graphic Arts Printing Facility
Issued: January 17, 1997
Company: **PHN Packaging Systems, Inc.**
Location: Chalfont
County: **Bucks**

Permit: **46-327-010A**
Source: Vapor Degreaser

Issued: January 28, 1997
 Company: **Tube Methods, Inc.**
 Location: Bridgeport
 County: **Montgomery**

The Department has issued the following air quality plan approval permit for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **PA-46-0005**
 Source: VOC & NOx Facility
 Issued: January 13, 1997
 Company: **Merck & Co., Inc.**
 Location: Upper Gwynedd
 County: **Montgomery**

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: **48-310-011A**
 Source: Stone Crushing Plant w/Baghouse
 Issued: February 13, 1997
 Company: **Keystone Portland Cement Company**
 Location: East Allen Township
 County: **Northampton**
 Permit: **54-321-011**

Source: Textile Dryer w/CVM Lint Filter
 Issued: February 3, 1997
 Company: **The Miller Group Incorporated**
 Location: Port Carbon Borough
 County: **Schuylkill**

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 certified NOx and VOCs credits shown below, expressed in tons per year (tpy), satisfy the applicable requirements in 25 Pa. Code §§ 127.206—127.209.

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.

<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>
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	1/18/2001	Trading
Caparo Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	868.6 1.84	11/30/2002	Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Robert Trbovich Telephone Number: (412) 983-6336	NOx VOCs	469.6 215.7	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Donald R. Schneider Telephone Number: (412) 652-5531	NOx	434	4/02/2003	Trading

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); 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

56823066. Permit renewal, **Action Mining, Inc.** (R. D. 3, Box 138A, Meyersdale, PA 15552), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation, only in Elk Lick Township, **Somerset County**, affecting 224.5 acres, receiving stream unnamed tributaries to Elk Lick Creek and unnamed tributaries to the Casselman River, application received September 22, 1995, permit issued February 12, 1997.

56860107. Permit renewal, **Shaffer Brothers Coal Company, Inc.** (Jay Street, Windber, PA 15963), commencement, operation and restoration of a bituminous strip-auger mine in Paint Township, **Somerset County**, affecting 106.8 acres, receiving stream unnamed tributary to Seese Run, application received December 20, 1996, permit issued February 12, 1997.

11920101. Permit renewal, **K & J Coal Company, Inc.** (P. O. Box 189, Westover, PA 16692), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Chest Township, **Cambria and Clearfield Counties**, affecting 57.0 acres, receiving stream unnamed tributary to Chest Creek and Chest Creek, application received February 7, 1997, permit issued February 12, 1997.

11960106. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous strip mine in Jackson Township, **Cambria County**, affecting 309.3 acres, receiving stream unnamed tributaries to Laurel Run, Laurel Run, application received July 1, 1996, permit issued February 12, 1997.

32960101. **Dunamis Resources, Inc.** (One Energy Place, Suite 4000, Latrobe, PA 15650-9628), commencement, operation and restoration of a bituminous strip-auger mine in Brushvalley Township, **Indiana County**, affecting 87.9 acres, receiving stream unnamed tributary to Little Brush Creek to Brush Creek, application received February 1, 1996, permit issued February 13, 1997.

11870101. Permit renewal, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation, only in Elder Township, **Cambria County**, affecting 64.4 acres, receiving stream unnamed tributary to Brubaker Run, application received February 3, 1997, permit issued February 5, 1997.

32860110. Permit renewal, **M. B. Energy, Inc.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Green Township, **Indiana County**, affecting 122.5 acres, receiving stream Pompey Run and the north branch of Two Lick Creek, application received February 3, 1997, permit issued February 5, 1997.

32830112. Permit renewal, **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Banks, Canoe and Bell Townships,

Indiana and Jefferson Counties, affecting 109.4 acres, receiving stream Ugly Run and unnamed tributaries to Ugly Run, application received February 3, 1997, permit issued February 5, 1997.

32860106. Permit renewal, **Kent Coal Mining Company** (P. O. Box 729, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip-auger mine, valid for reclamation, only in Blacklick Township, **Indiana County**, affecting 233.1 acres, receiving stream four unnamed tributaries to Aultmans Run and Aultmans Run, application received December 24, 1996, permit issued February 18, 1997.

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

65960103. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, affecting 147.3 acres. Receiving streams unnamed tributaries to Miller Run and Miller Run and unnamed tributary to Rock Hollow, and all tributaries to Loyalhanna Creek to the Conemaugh River. Application received July 22, 1996. Permit issued February 12, 1997.

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

17860138. **Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830, renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 148.6 acres, receiving streams unnamed tributary to Clearfield Creek and Laurel Run, application received November 27, 1996, permit issued January 23, 1997.

17663037. **Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), transfer of an existing bituminous surface mine permit from James I. Cowfer Contracting, Inc., Decatur and Woodward Townships, **Clearfield County**, affecting 400.5 acres, receiving streams Goss Run and Little Beaver Run, both to Beaver Run to Moshannon Creek to west branch Susquehanna River to Susquehanna River, application received October 29, 1996, permit issued January 28, 1997.

17743172. **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), major permit modification to apply biosolids to enhance vegetation on an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 474 acres, receiving streams unnamed tributaries to Hawk Run, unnamed tributaries to Moshannon Creek, application received October 15, 1997, permit issued February 12, 1997.

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

56841605. **Croner, Inc.**, (629 Main St. No. 6, Berlin, PA 15530), to renew the permit for the Goodtown Preparation Plant in Brothersvalley Township, **Somerset County**, no additional discharge. Permit issued February 13, 1997.

65840701. **Adam Eidemiller, Inc.**, (1003 East Pittsburgh St., Greensburg, PA 15601), to renew the permit for the Crows Nest Wash Plant in Hempfield Township, **Westmoreland County**, no additional discharge. Permit issued February 13, 1997.

30841313. **Consolidation Coal Company**, (P. O. Box 100, Osage, WV 26543), to revise the permit for the Dilworth bituminous deep mine in Jefferson Township,

Greene County to add five degas boreholes, no additional discharge. Permit issued February 13, 1997.

56841602. PBS Coals, Inc., (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Shade Creek Preparation Plant in Shade Township, **Somerset County**, no additional discharge. Permit issued February 13, 1997.

30841602. Duquesne Light Company, (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick No. 2 Preparation Plant in Monongahela Township, **Greene County**, receiving stream Whiteley Creek. Permit issued February 21, 1997.

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

49910201R. Rosini Enterprises, Inc., (P. O. Box 568, Shamokin, PA 17872), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 68.0 acres, receiving stream none. Renewal issued February 4, 1997.

54900104R. Blaschak Coal Corp., (P. O. Box 12, St. Nicholas, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in West Mahanoy and Butler Townships, **Schuylkill County** affecting 311.0 acres, receiving stream none. Renewal issued February 11, 1997.

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

Noncoal Permits Issued

5078NC3T2. Small Mountain Quarry, Inc., (125 North Warren Street, West Hazleton, PA 18201), transfer of a noncoal surface mine operation in Salem Township, **Luzerne County** affecting 63.9 acres, receiving stream none. Transfer issued February 18, 1997.

09960301. Warner Company, (600 Tyburn Road, Morrisville, PA 19067), commencement, operation and restoration of a noncoal surface mine operation in Falls Township, **Bucks County** affecting 46.0 acres, receiving stream none. Permit issued February 18, 1997.

7974SM6T. James McAndrew, (1025 North West End Boulevard, Quakertown, PA 18951), transfer of an existing noncoal surface mine operation in Richland Township, **Bucks County** affecting 205.0 acres, receiving stream Tohiken Creek. Transfer issued February 19, 1997.

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

Noncoal Applications Withdrawn

11960801. Laurel Land Development, Inc. (P. O. Box 629, Carrolltown, PA 15722), commencement, operation and restoration of a noncoal mine in Jackson Township, **Cambria County**, affecting 3.6 acres, receiving stream unnamed tributary to Hincston Run, application received November 15, 1996, application withdrawn February 7, 1997.

32950801. William P. Sharp (Box 131, Shelocta, PA 15774), commencement, operation and restoration of a noncoal mine in Armstrong Township, **Indiana County**, affecting 3.0 acres, receiving stream Curry Run, application received November 6, 1995, application withdrawn February 10, 1997.

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

General Small Noncoal Authorizations Granted

28960802. Machine Tool Rebuild Specialists, Inc., (8546 McClays Mill Road, Newburg, PA 17240), commencement, operation and restoration of a small shale operation in Lurgan Township, **Franklin County** affecting 1.8 acres, receiving stream none. Authorization granted February 14, 1997.

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

Sewage Sludge Applications Issued

11920108. K & J Coal Company, Inc. (P. O. Box 189, Westover, PA 16692), permit revision to modify the 103 acre surface mine permit to include the land application of sewage sludge in Chest Township, **Cambria County**, receiving stream unnamed tributary to Chest Creek, Chest Creek to west branch Susquehanna River, unnamed tributary locally known as Rock Run, application received February 5, 1996, permit issued February 20, 1997.

Request For Variance

The Bureau of Deep Mine Safety has approved a request for variance for *Consol Pennsylvania Coal Company*. The following notification contains a summary of both this request and the Department's decision regarding approval. Complete copies of both the variance request and the Department's decision may be obtained from Glen Ziegler by calling (717) 772-4006.

Summary of the request: Consol Pennsylvania Coal Company is requesting a variance from Section 242(c) of the Bituminous Coal Mining Laws of Pennsylvania. Consol's plan calls for the ventilating current along the belt line in a three entry system to be carried in the outby direction. Air in the belt line would be intake air diverted to it before the air reaches the face.

Summary of the decision: The basis for the Bureau's approval can be summarized in the following conclusions:

1. Consol adequately addresses the effects of the proposal on miners' escapability from the working face in a three entry system.
2. Carbon Monoxide (CO) sensor placement (2,000' spacing) ensures early warning of belt and/or track fires, thereby allowing the timely evacuation of the miners from the working face.
3. The dangers of track entry fires are also considered. The dangers are addressed through early warning detection; the de-energization of the track during development; and the use of manual and automatic fire suppression devices on equipment.
4. Improvements in communications (for example, mine telephones being placed at mid-panel) help ensure that in the event of a fire, workers at the face will be notified of the situation in a timely manner.
5. There are significant health and safety benefits associated with allowing belt air to move outby. Respirable coal dust generated at the section feeder and by the shuttle car operators will be carried away from the working section. Rock dusting the conveyor belt can be accomplished on-shift without exposing section workers to rock dust. Methane liberated along the belt line will be carried away from the working section.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

DEP Central Office, Bureau of Waterways Engineering, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.

E52-083. Encroachment. **Sunnylands, Inc.**, 3000 Sunrise Lake, Milford, PA 18337. To maintain the following water obstructions and encroachments in Sunrise Lake Estates, a 2,500 acre subdivision approximately 1 mile south of Interstate 84, abutting the north side of State Road 739, located in Dingman Township, **Pike County** (Edgemere, PA Quadrangle N: 13.5 inches; W: 10.9 inches):

A. A 50-foot long 58-inch × 36-inch arch culvert in Poison Brook on Spruce Lake Drive and wetland encroachments associated with the construction of access driveways and homes on lot nos. 26, 78, 79 and 80 of Section 12, Sunrise Lake Estates, totaling approximately 0.37 acre of wetlands.

B. A 20-acre lake known as Sprint Lake or "Site B" which was created by the excavation of 20 acres of palustrine wetland.

C. A 20-acre lake known as Spruce Lake or "Site D" which was created by the excavation of 20 acres of palustrine wetlands.

D. A 1.5-acre pond known as "Site A" which was created by the excavation of 1.5 acres of palustrine wetland.

E. A 1.8-acre pond known as "Site F" which was created by excavation of 1.8 acres of palustrine wetlands.

F. A 2.0-acre pond known as "Site G" which was created by the excavation of 2.0 acres of palustrine wetlands.

For administrative purposes, the activities identified in permit applications E52-049, E52-056 and E52-083 published in the *Pennsylvania Bulletin* on December 5, 1992, have been combined into E52-083. This permit is issued in response to an application filed with the Department of Environmental Protection on November 24, 1992, and in

accordance with the terms and conditions of the Consent Order and Adjudication approved by the Environmental Hearing Board on October 17, 1996.

D52-190. Dam. **Sunnylands, Inc.**, 3000 Sunrise Lake, Milford, PA 18337. To modify, operate and maintain the existing Sprint Lake Dam in Dingman Township, **Pike County**.

Permits Issued and Actions on 401 Certification

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

E66-109. Encroachment. **Kane Properties, Inc.**, P. O. Box 931, Scranton, PA 18501-0931. To place fill in approximately 0.21 acre of wetlands for the purpose of constructing a loading dock area for 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**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

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

E08-300. Encroachment. **Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain a two span continuous prestressed concrete I-beam bridge with clear span lengths of 140.4 feet and minimum underclearance of 20.9 feet at an 80 degree skew over Sugar Creek approximately 1/2 mile south of the confluence with the north branch of the Susquehanna River on SR 006 (Towanda, PA Quadrangle N: 8.1 inches; W: 12.0 inches) in North Towanda Township, **Bradford County**.

E14-299. Encroachment. **State College Borough Water Authority, 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**.

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

E10-251. Encroachment. **Leona M. Miller**, P. O. Box 170, Chicora, PA 16025, to complete, construction and maintain a 10-foot diameter, 30-foot long pipe culvert in Buffalo Creek for a private driveway north of S. R. 68 approximately 1 mile west of Chicora (East Butler, PA Quadrangle N: 12.9 inches; W: 0.7 inch) located in Donegal Township, **Butler County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

WATER ALLOCATIONS

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

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

Permits issued on February 12, 1997.

WA 3-1001. Water allocation. **Mahoning Township Municipal Authority**, Armstrong County, PA. The right to purchase up to 75,000 gallons per day of water (0.284 million liters per day of water), as a 30 day average, from the Redbank Valley Municipal Authority, **Armstrong County**, PA.

Permits issued on February 14, 1997.

WA 2-901. Water allocation. **Borough of Coraopolis**, Allegheny County, PA. The right to withdraw a maximum of 2.2 million gallons per day of water (8.33 million liters per day of water), as a daily peak, from wells located along the Ohio River in **Allegheny County**, PA.

[Pa.B. Doc. No. 97-362. Filed for public inspection March 7, 1997, 9:00 a.m.]

Amendment of General Permit BDWW-GP-15: Private Residential Construction in Wetlands and 401 Water Quality Certification

The Department of Environmental Protection, under the authority of section 7 of the Dam Safety and Encroachments Act (32 P. S. § 693.7) (act) and 25 Pa. Code Chapter 105 Subchapter L (relating to general permits), hereby amends General Permit BDWW-GP-15, renamed General Permit BWQP-GP-15, which authorizes the placement and maintenance of fill in, or excavation of, nontidal wetlands for the construction or expansion of a single-family home for the personal residence of the permittee including reasonable and necessary features such as a driveway, storage shed and utilities, on a residential lot purchased by the permittee prior to November 22, 1991, within established subdivisions that were approved by the local governing authority, where such activities do not impact greater than 0.50 acre of nontidal wetland. The Department is authorized by the act and regulations to issue general permits where it determines a category of projects are similar in nature and can be adequately regulated using standard specifications and conditions.

The amendments reflected in BWQP-GP-15 are a result of a settlement with the Chesapeake Bay Foundation

regarding its appeal of BDWW-GP-15 issued February 3, 1995. The Department believes the settlement reflects a compromise that, while meeting the concerns of the Foundation, still maintains the original intent of the permit to provide an expedited and simplified permit process for people caught in a change to the regulations, and permit requirements. In addition to the substantive amendments, the name of the permit has been changed to reflect the recent reorganization of the Water Management Deputate. The administration of the Chapter 105 program is now the responsibility of the Bureau of Water Quality Protection (BWQP).

Authorization provided by this general permit will eliminate the need of filing an application for an individual permit by an owner who intends to construct a private residence in wetlands, in accordance with the terms, criteria and conditions of the general permit. The owner will be required to register the project by submitting written notice to the Department or delegated County Conservation District indicating the intent to fill or excavate wetlands in accordance with the conditions and terms of the general permit.

The general permit allows a maximum impact of 0.50 acre of wetlands, consistent with the Clean Water Act Section 404 Single-Family Housing Nationwide Permit issued by the U. S. Army Corps of Engineers (ACOE) on July 27, 1995. Permittees are required to avoid and minimize wetland impacts, utilize nonwetland areas where possible, minimize impacts to natural water regimes and not increase or obstruct stormwater. To address concerns about the affects of cumulative fills on local stormwater, the permit has been conditioned so that fills or excavations in wetlands, including previously filled areas may not exceed more than 40% of the total lot area, except where lots are less than 0.25 acre in size where a maximum of 0.10 acre of fill in wetlands is authorized. Further, all proposed wetland impacts over 0.10 acre must be evaluated by the ACOE for separate Federal approval prior to State authorization. The Corps of Engineers Nationwide Permit review process includes an evaluation of the full range of environmental factors including the potential impacts of stormwater and flooding on adjacent property owners (Condition A.c. of Nationwide Permit 29). In addition to these permitting procedures, the Department, in cooperation with County Conservation Districts and other interested State and Federal resource agencies will monitor the use of GP-15 to evaluate the environmental impacts. If significant individual or cumulative impacts are found or indicated, the Department has the authority to condition, modify or revise GP-15 based upon the specific circumstances of an individual subdivision, area or local watershed.

The major amendments to the permit, aside from minor editorial and format changes, include the following:

<i>Issue</i>	<i>Old BDWW-GP-15</i>	<i>New BWQP-GP-15</i>
Qualifying Date	Date of subdivision approval prior to November 22, 1991	Individual must have purchased the lot prior to November 22, 1991
Yards	May be included with new construction	Yards are not authorized
Wetland delineation	Only required for lots greater than 0.50 acre	Required for all lots. USCOE and DEP will provide the service upon request
Sketch plan	Required baseline information	Require more specific information for registration review

<i>Issue</i>	<i>Old BDWW-GP-15</i>	<i>New BWQP-GP-15</i>
Federal authorization under PASPGP-1	Cites PASPGP-1 approval process	Eliminates reference to PASPGP-1
Sewerage facilities	Does not define central sewerage	Clarifies by definition the term central sewerage
Activities in floodplains	Does not allow activities in floodways	Does not allow activities in floodplains

Notice of intent to amend BDWW-GP-15 was published in the *Pennsylvania Bulletin* on October 26, 1996. Comments received in response to this notice were reviewed and incorporated into the General Permit where applicable. A complete set of comments and the Department's responses are available by contacting Department of Environmental Protection, Bureau of Water Quality Protection, P. O. Box 8465, Harrisburg, PA 17105-8465 or by visiting the Department's web site at <http://www.dep.state.pa.us>, (choose Water Management, Bureau of Water Quality Protection).

401 Water Quality Certification

The projects covered by the General Permit BWQP-GP-15 may also require a Federal license or permit. Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the waters of the United States provide the Federal licensing or permitting agency a certificate from the state in which the discharge will originate that the discharge will comply with applicable provisions of The Clean Water Act as well as applicable state law related to water quality protection.

The Department, by this notice, certifies that the construction, operation and maintenance of any encroachment or water obstruction as proposed in the BWQP-GP-15 complies with the applicable provisions of sections 301, 303, 306 and 307 of The Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department certifies that the construction, operation and maintenance of such projects comply with applicable state laws related to water quality protection and standards provided that the construction, operation and maintenance complies with the criteria and conditions of the permit.

This certification is further subject to the following conditions:

1. Prior to commencing any activity covered by the General Permit, the applicant must obtain all other necessary permits or approvals from the Department of Environmental Protection, including, but not limited to, those required by The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Dam Safety and Encroachments Act (32 P.S. §§ 6018.101—6018.1003), and the regulations promulgated thereunder including 25 Pa. Code Chapters 75, 91, 92, 93, 95, 101, 102 and 105.

2. Fill material cannot contain wastes as defined in the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

BWQP-GP-15, in accordance with section 7(d) of the Dam Safety and Encroachments Act, will be effective 30 days from the date of this notice.

GENERAL PERMIT

BWQP-GP-15

PRIVATE RESIDENTIAL CONSTRUCTION IN WETLANDS

A. General Description. The Department of Environmental Protection hereby authorizes, by general permit,

the placement and maintenance of fill in, or the excavation of, non-tidal wetlands for the construction or expansion of a single family home for the personal residence of the permittee, including reasonable and necessary features such as a driveway, storage shed and utilities on a residential lot purchased by the permittee prior to November 22, 1991, within established subdivisions approved by the local governing authority where such activities do not impact greater than .50 acre of nontidal wetlands. The issuance of this General Permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341). The monetary contribution associated with this General Permit is for participation in the Pennsylvania Wetland Replacement Project.

Neither the Department of Environmental Protection nor any County Conservation District which is delegated Chapter 105 permitting authority shall be liable for incidents resulting from subsidence, structure failure, water damage, vector problems or any other hardships that may occur as a result of building in wetlands.

B. Registration Procedure:

1. Complete the registration Form (Exhibit A).

The information requested in Item 2 on the registration form will be used to determine potential impacts to threatened and endangered species. If a potential impact is indicated, the Department will provide assistance to you to address threatened and endangered species concerns. The use of this general permit is not authorized until the potential impact is resolved.

If you desire, to avoid possible project delays, a search for potential impacts can be conducted prior to registration by completing the attached Supplement No. 1, Pennsylvania Natural Diversity Inventory Form (PNDI) and submitting it to the appropriate DEP Regional Office or delegated County Conservation District. The completed search information should be submitted when you register the permit.

2. Prepare a project location map utilizing a photocopy of a 7-1/2 minute U.S.G.S. Quadrangle Map showing the project site.

3. Delineate the wetlands in accordance with established Department procedures. Delineation services for the purpose of registering this general permit will be provided by the U. S. Army Corps of Engineers or the Department of Environmental Protection or its designee, upon request. If you choose to have delineation services provided by the Army Corps of Engineers or the Department, please request this service in writing early in the project planning stage to allow sufficient response and scheduling time to avoid project delays.

4. Prepare an Erosion and Sedimentation control plan. Permit users are encouraged to contact County Conservation Districts for erosion and sedimentation control planning assistance.

5. Prepare a sketch plan (Exhibit B) or attach a copy of a plot plan of the project showing the:

- a. dimension of the entire property,
 - b. location of wetland,
 - c. location of erosion and sedimentation control measures,
 - d. dimension of the proposed wetland impact area,
 - e. location of house/driveways, and the like,
 - f. location of waterways, drainage ditches, and the like,
 - g. existing utilities,
 - h. proposed utilities, water, sewer, telephone, and the like.
 - i. building setbacks,
 - j. previously filled wetlands,
 - k. floodplains,
 - l. location of replacement wetlands.
6. To register use of the general permit send one copy of the:
- a. Location Map,

- b. Registration Form (Exhibit A),
 - c. Sketch Plan (Exhibit B),
 - d. Wetland delineation,
 - e. Erosion and Sedimentation Control Plan approval letter, for lots greater than 0.5 acre (see D.8. below),
 - f. A Wetland Replacement Plan or, a contribution to the Pennsylvania Wetland Replacement Project, as described in Part D.9 of this general permit;
 - g. Supplement Number 1, PNDI (see B.1); and
 - h. Corps authorization if the wetland impact is greater than .10 acre;
- to the DEP Regional Soils and Waterways Section or the delegated County Conservation District.

7. You may not begin construction until you receive confirmation of registration and Federal authorization from the U. S. Army Corps of Engineers under Section 404 of The Clean Water Act. Please contact the appropriate Corps District for permit information.

Delaware River Basin

Philadelphia District Corps of Engineers
Wanamaker Bldg.
100 Penn Square East
Philadelphia, PA 19107
Phone: 215-656-6728

Susquehanna River Basin

Baltimore District Corps of Engineers
P. O. Box 1715
Baltimore, MD 21203-1715
Phone: 410-962-1846

Ohio River Basin

Pittsburgh District Corps of Engineers
Room 1834, Federal Bldg.
1000 Liberty Avenue
Pittsburgh, PA 15222
Phone: 412-644-6872

C. Definitions Applicable to this General Permit:

Central Sewage—A sewerage system consisting of pipes, lateral lines, trunk lines or mains, which convey waste to a facility that provides treatment for final disposal. The term Central Sewage does not include onlot disposal, community onlot disposal, or any other system that requires a land surface or subsurface absorption area for treatment and disposal purposes.

FEMA—The Federal Emergency Management Agency

Floodplain—The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood. Unless otherwise specified, the boundary of the 100-year floodplain is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodplain it is assumed, absent evidence to the contrary, that the floodplain extends from the stream to 50 feet from the top of the bank of the stream. Other evidence of the extent of the floodplain may include local stormwater management plans, local zoning ordinances, subdivision plans and similar land use mapping.

Impact—The loss of nontidal wetlands of the Commonwealth including any filled area previously permitted, the proposed filled area and any other nontidal wetlands of the Commonwealth that are adversely affected by flooding, excavation or drainage as a result of the project.

Individual—A natural person and/or couple but does not include a corporation, partnership or similar entity.

Parcel of Land—The entire contiguous quantity of land in possession of, recorded as property of, or owned (in any form of ownership, including land owned as a partner, corporation, joint tenant, and the like) by the same individual as of November 22, 1991 (and/or his or her spouse), and comprises not only the area of wetlands

sought to be filled, but also all land contiguous to those wetlands, owned by the individual and/or his or her spouse in any form of ownership.

Pennsylvania Wetland Replacement Project—A fund managed by the National Fish and Wildlife Foundation from which money is dispersed at the direction of the Department of Environmental Protection, to which Chapter 105 permit applicants can make a monetary contribution, in lieu of creating wetlands.

Subdivision—The division or redivision of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines.

Wetlands—Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Emergent Wetland—Wetland areas dominated by nonwoody vegetation.

Forested Wetland—Wetland areas dominated by woody vegetation 20 feet or more in height.

Scrub/Shrub Wetland—Wetland areas dominated by woody vegetation less than 20 feet in height.

D. Conditions:

1. Impacts to wetlands must be avoided and minimized. Nonwetland areas onsite must be utilized whenever practical.

2. Fills or excavations in wetlands, including previously filled areas may not exceed more than 40% of the total lot area, except where lots are less than .25 acre in size where a maximum of .10 acre of fill in wetlands is

authorized. In no circumstances may the total impact associated with the fill or excavation exceed 0.50 acre of wetlands.

The following conversion table provides an example of the amount of wetland fill authorized in accordance with the 40% maximum fill condition.

<i>Lot Area in Acres</i>	<i>x</i>	<i>40% of Lot Area</i>	<i>=</i>	<i>Maximum Area of Wetland Fill</i>
0.25	x	0.40	=	0.10 acre
0.33	x	0.40	=	0.13 acre
0.50	x	0.40	=	0.20 acre
0.75	x	0.40	=	0.30 acre
1.00	x	0.40	=	0.40 acre
1.25	x	0.40	=	0.50 acre

3. Fills, and/or excavations, in wetlands located on floodplains are not authorized by this General Permit. Information on floodplains may be available through local municipalities, home owner associations, county planning offices, FEMA and similar agencies.

4. This permit may only be used once by an individual.

5. This permit may only be used for a single-family home for a personal residence by an individual who purchased the lot prior to November 22, 1991.

6. This permit may only be used on residential lots with access to a central sewage system which is in place and operational at the time of registration, except in instances where the fill is for the expansion of an existing residence. Under no circumstances may fill be used to construct or expand an onlot sewage disposal system.

7. Fill material cannot contain wastes as defined in the Solid Waste Management Act.

8. Appropriate erosion control measures and facilities must be incorporated into all earthmoving activities associated with construction. Upon completion of construction the site shall be stabilized.

a. For lots greater than .50 acre an Erosion and Sedimentation Control Plan must be reviewed and approved by the County Conservation District in the county where your project is located prior to registration.

b. For all other lots equal to or less than .50 acre, an Erosion and Sedimentation Control Plan meeting the requirements of 25 Pa. Code, Chapter 102, must be implemented and must be available at the site for review by the Department and/or the County Conservation District (see Exhibit B, Erosion and Sedimentation Control Notes). Permit users are encouraged to contact County Conservation Districts for erosion and sedimentation control planning assistance.

9. Individuals who wish to use this General Permit for impacts of up to .50 acre of wetlands must provide for the replacement of functions, values and areal extent of the wetlands impacted by:

a. creating a wetland in accordance with the Department's Design Criteria for Wetland Replacement on a 1:1

area ratio, replacement wetlands to filled wetlands. (Copies of the criteria are available at DEP Regional Offices.)

b. participating in the Pennsylvania Wetland Replacement Project by contributing to the National Fish and Wildlife Foundation Fund Project 95-096.

The contribution rate is as follows:

Deminimus impact less than or equal to .05 acre	— \$	0.00
Greater than .05 acre to .10 acre	— \$	500.00
Greater than .10 acre to .20 acre	— \$	1,000.00
Greater than .20 acre to .30 acre	— \$	2,500.00
Greater than .30 acre to .40 acre	— \$	5,000.00
Greater than .40 acre to .50 acre	— \$	7,500.00

10. Fills and/or excavations should not increase flood levels or permanently restrict, impede, accelerate, increase or obstruct the passage of normal or expected stormwater flows in such a manner that adversely impacts the property or riparian rights of owners above, below, or adjacent to the project.

11. This permit is not valid for use within the corridor of a watercourse or body of water that has been designated as a National Wild or Scenic River in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271—1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29). Information may be obtained by contacting the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation, Scenic Rivers Program, P. O., Box 8475, Harrisburg, PA 17105 or calling (717) 787-2316.

E. Activities Not in Accordance with Terms or Conditions—If the Department determines, upon inspection, that the construction, operation or maintenance of a project has violated the terms or criteria of this General Permit or of the Chapter 105 Rules and Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate.

F. Denial of Authorization—The Department shall have the discretion to deny, revoke or suspend the use of the General Permit for any project which the Department determines to have a substantial risk to life, health, property or the environment.

G. Authority—Authorization of this General Permit is under section 7 of the Dam Safety and Encroachment Act 32 P.S. § 693.7 et seq., and the rules and regulations promulgated thereunder at 25 Pa. Code §§ 105.441—105.449 (relating to general permits). This General Permit becomes effective April 7, 1997, and will remain in effect indefinitely unless specifically modified, suspended or revoked by the Department.

JAMES M. SEIF,
Secretary

EXHIBIT A
REGISTRATION FORM

DEPARTMENT OF ENVIRONMENTAL PROTECTION
GENERAL PERMIT BWQP-GP-15
PRIVATE RESIDENTIAL CONSTRUCTION
IN WETLANDS

DEP BWQP-GP-15 Acknowledged
on _____ (date).
GP Number(s): _____

Please check appropriate boxes

1. I/We _____
(owners name(s))

hereby notify the Department of Environmental Protection of the intent to fill or excavate a non-tidal wetland for the purpose of constructing or expanding a single-family home for a personal residence in accordance with the terms of and conditions of this General Permit.

Impact is to _____ of - (1) Forested (2) Scrub/Shrub (3) Emergent
(Actual Acreage)

wetland at a point _____
(describe location, subdivision name, street, lot no., etc.)

purchased on _____ in _____
(date of purchase) (municipality)

(county)

2. I/We have enclosed the following: (check applicable items)

- a LOCATION MAP with the project site marked. This project is located on the _____ U.S.G.S. Quadrangle Map as follows:
North (up) _____ inches West (to the left) _____ inches
- a completed copy of SUPPLEMENT NO. 1 PNDI Search Form (only if this form was submitted prior to this registration process.)
- a SKETCH PLAN (Exhibit B) or plot plan.
- a formal wetland delineation conducted in accordance with established procedures.
- Corps authorization for wetland impacts greater than .10 acre.

If the lot is over .50 acre also submit

- an Erosion and Sedimentation Control Plan approval letter from the County Conservation District.

3. Choose A or B -

- A. I/We have enclosed a wetland replacement plan in accordance with the Department's replacement criteria which provides _____ acre of wetlands.
- B. I/We have enclosed a check, number _____ in the amount of \$ _____ payable to the National Fish and Wildlife Foundation, Project 95-096 as compensatory mitigation for _____ acre of impact in wetlands.

4. Owners signature -

(Signature) _____
(Address)

(Telephone number) _____
(City/state/zip code)

**SAMPLE
EXHIBIT B**

Lot Size = Width 120 ft. x Length 180 ft = 21,600 square feet Wetland Impacts = Width 80 ft x Length 50 ft = 4,000 square feet	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">Conversion Chart</th> </tr> <tr> <td style="width: 60%;"></td> <td style="text-align: center;">square feet = acreage</td> </tr> <tr> <td></td> <td style="text-align: center;">0 - 2,178 = 0 - .05</td> </tr> <tr> <td style="text-align: center;">✓</td> <td style="text-align: center;">2,179 - 4,356 = .05 - .10</td> </tr> <tr> <td></td> <td style="text-align: center;">4,357 - 8,712 = .10 - .20</td> </tr> <tr> <td></td> <td style="text-align: center;">8,713 - 13,068 = .20 - .30</td> </tr> <tr> <td></td> <td style="text-align: center;">13,069 - 17,424 = .30 - .40</td> </tr> <tr> <td></td> <td style="text-align: center;">17,425 - 21,780 = .40 - .50</td> </tr> </table>	Conversion Chart			square feet = acreage		0 - 2,178 = 0 - .05	✓	2,179 - 4,356 = .05 - .10		4,357 - 8,712 = .10 - .20		8,713 - 13,068 = .20 - .30		13,069 - 17,424 = .30 - .40		17,425 - 21,780 = .40 - .50																	
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<p style="text-align: center;">120 ft.</p> <p style="text-align: center;">Wetland Boundary</p> <p style="text-align: center;">Property Line</p> <p style="text-align: center;">180 ft.</p> <p style="text-align: center;">Wetland Area</p> <p style="text-align: center;">50 ft.</p> <p style="text-align: center;">x x x x x x x 80 ft. x x x x x x x</p> <p style="text-align: center;">Wetland Area Impacted</p> <p style="text-align: center;">House</p> <p style="text-align: center;">Erosion and Sedimentation Perimeter Control Measures</p> <p style="text-align: center;">Driveway</p> <p style="text-align: center;">Culvert</p> <p style="text-align: center;">Wetland Boundary</p> <p style="text-align: center;">Shady Lane T.R. 589</p>	<p>↑ Check the box which includes your calculated <u>wetland impact area</u></p> <p>To ensure your sketch plan is complete check the following. (Y = Yes, N/S = None on Site)</p> <p style="text-align: center;">Mandatory Information</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">Y</td> </tr> <tr> <td>1. Wetland delineation</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>2. E/S control measures</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>3. Area of fill/excavation</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>4. Location of house/driveway</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>5. Proposed utilities</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> <p style="text-align: center;">Other Information if applicable</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">Y</td> <td style="text-align: center;">N/S</td> </tr> <tr> <td>6. Previously filled areas</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>7. Waterways, drainage ditches etc.</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>8. Floodplains</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>9. Existing utilities</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>10. Building setbacks</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>11. Location of replacement wetlands</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		Y	1. Wetland delineation	<input checked="" type="checkbox"/>	2. E/S control measures	<input checked="" type="checkbox"/>	3. Area of fill/excavation	<input checked="" type="checkbox"/>	4. Location of house/driveway	<input checked="" type="checkbox"/>	5. Proposed utilities	<input checked="" type="checkbox"/>		Y	N/S	6. Previously filled areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Waterways, drainage ditches etc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	8. Floodplains	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Existing utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Building setbacks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11. Location of replacement wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Property Owner Name(s): James & Janet Jones																																		
Municipality: Fayette Township County: Juniata																																		

EXHIBIT B

Lot Size = Width ___ ft. x Length ___ ft = _____ square feet	Conversion Chart
Wetland Impacts = Width ___ ft x Length ___ ft = _____ square ft.	square feet = acreage
EROSION AND SEDIMENTATION CONTROL NOTES	0 - 2,178 = 0 - .05
1. Install rock construction entrance.	2,179 - 4,356 = .05 - .10
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3. Maintain control measures at all times.	8,713 - 13,068 = .20 - .30
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5. Stabilize disturbed areas promptly upon completion of construction or when earthmoving temporarily ceases for more than 20 days.	17,425 - 21,780 = .40 - .50
	↑ Check the box which includes your calculated wetland impact area
	To ensure your sketch plan is complete check the following. (Y = Yes, N/S = None on Site)
	Mandatory Information
	1. Wetland delineation Y <input type="checkbox"/>
	2. E/S control measures <input type="checkbox"/>
	3. Area of fill/excavation <input type="checkbox"/>
	4. Location of house/ driveway <input type="checkbox"/>
	5. Proposed utilities <input type="checkbox"/>
	Other Information if applicable
	6. Previously filled areas Y N/S <input type="checkbox"/> <input type="checkbox"/>
	7. Waterways, drainage ditches etc. <input type="checkbox"/> <input type="checkbox"/>
	8. Floodplains <input type="checkbox"/> <input type="checkbox"/>
	9. Existing utilities <input type="checkbox"/> <input type="checkbox"/>
	10. Building setbacks <input type="checkbox"/> <input type="checkbox"/>
	11. Location of replacement wetlands <input type="checkbox"/> <input type="checkbox"/>
Property Owner Name(s):	
Municipality:	County:

[Pa.B. Doc. No. 97-363. Filed for public inspection March 7, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

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

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. One version of the list of the documents contained in this edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center, scroll down to the "Technical Guidance Document" heading and (under this heading) click on "Basic Inventory."

Bound paper copies of the Inventory have been printed and are available now. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order an unbound copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn, Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

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

Persons who have any questions or comments about a particular document should call the contact person whose name and phone is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of

paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance Documents—Minor Revisions to Existing Documents

DEP ID: 383- 3301-105. Title: Laboratory Reporting Instructions for Chemical Contaminants in Drinking Water. Description: This document establishes uniform instructions and protocol for implementing the drinking water reporting requirements for chemical analytical data. Page Length: 56 pages. Location: Volume 19, Tab 2A. Contact: Joe Hoffman at (717) 787-5017.

DEP ID: 400-5900-103. Title: Emergency Response Critiques. Description: This document improves the effectiveness of the Environmental Emergency Response Program by facilitating a thorough analysis of the response shortly after the event. Page Length: 2 pages. Location: Volume 8, Tab 6. Contact: Kris Lutz at (717) 787-5027.

DEP ID: 400-5900-104. Title: Policy for Authorities of the On-scene Coordinator. Description: This guidance provides for a coordinated response involving staff from more than one program to major environmental incidents. Page Length: 4 pages. Location: Volume 8, Tab 7. Contact: Kris Lutz at (717) 787-5027.

DEP ID: 400-5900-105. Title: Guidance for Emergency Response Contracting. Description: This document provides guidance to staff with emergency contracting authority in dealing with responsible parties and determining the appropriateness of an emergency action. Page Length: 3 pages. Location: Volume 8, Tab 8. Contact: Kris Lutz at (717) 787-5027.

DEP ID: 400-5900-108. Title: Policy for Contracting with Fire Companies or HAZMAT Teams. Description: This document guides staff with emergency contracting with a fire company or with HAZMAT (Hazardous Materials) Teams. Page Length: 2 pages. Location: Volume 8, Tab 11. Contact: Kris Lutz at (717) 787-5027.

DEP ID: 400-5900-109. Title: Policy for the Emergency Authorization for Emergency Transportation and Storage of Hazardous Waste. Description: This guidance allows for the expeditious removal of hazardous waste resulting from spills and releases. Page Length: 3 pages including appendix. Location: Volume 8, Tab 12. Contact: Kris Lutz at (717) 787-5027.

Notice of Intent to Rescind Technical Guidance

DEP ID: 400-4130-001. Title: Settlements in Lieu of Civil Penalties or Fines. Reason for Rescission: This Policy is obsolete. It is being replaced by Department-wide technical guidance (DEP ID: 012-4180-001; Title: Policy for the Acceptance of Community Environmental Projects in lieu of a Portion of Civil Penalty Payments). Announcement of the draft guidance 012-4180-001 appeared in the March 1 *Pennsylvania Bulletin*. Deadline for Submission of Comments: March 31. Contact: Terry R. Bossert at (717) 787-4449.

Notice of Intent to Add Technical Guidance to the Inventory

DEP ID: 394-5402-001. Title: Municipal Reference Document: Compilation of Field Interpretations and Department Guidance for the Bluff Recession and Setback Act. Background: This guidance has existed since September 1994. These interpretations and guidance are used to aid the local administration of the Bluff Recession Setback Act. Municipalities along the Lake Erie Shoreline who are charged with administering local ordinances

promulgated under this act, have relied upon the Division of Coastal Programs for interpretations of this act. Effective Date: September 1994. Page Length: 35 pages. Location: Volume 14, Tab 12. Contact: John Hines at (717) 772-5634 or Shamus Malone at (717) 787-2529.

Notice of Intent to Add Technical Guidance to the Inventory and Announcement of Draft

DEP ID: 254-5401-001. Title: Mushroom Management Manual. Background: 1) In 1983, the Department assisted in the development of a draft guidance manual for mushroom growing operations. This manual included, among other things, the best management practices for wastes produced during the mushroom growing operation. The manual was never officially adopted through regulations or policy. 2) In an effort to address existing concerns and to prevent problems related to the management of wastes produced by mushroom farming/growing operations, the Department, in cooperation with the PA Department of Agriculture, mushroom growers, academia, and the public; revised the draft manual to focus on the best management practices for waste produced during normal farming operations. Development and Review Process: A copy of the final draft was reviewed by the Agricultural Advisory Board and discussed at a public meeting, which was attended primarily by mushroom growers. Now, the Department is announcing the availability of this draft document to the public. The Department will discuss any comments received with the Mushroom Manual Workgroup prior to finalizing the guidance. Deadline for Submission of Comments: April 8, 1997. Contact: William A. Pounds at (717) 787-7381 or via e-mail at Pounds.William@1.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-364. Filed for public inspection March 7, 1997, 9:00 a.m.]

Low-Level Waste Advisory Committee; Meeting Rescheduled

The date for the next meeting of the Department of Environmental Protection's Low-Level Waste Advisory Committee (LLWAC) has been changed from March 14 to March 11, 1997. The meeting will begin at 9 a.m., at the Forum Building, Room G-50.

Questions concerning the meeting should be addressed to Rich Janati at 1 (800) 232-2786 or e-mail at janati.rich@al.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marianne Hansen directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-365. Filed for public inspection March 7, 1997, 9:00 a.m.]

DEPARTMENT OF HEALTH

Appeal of Beverly Enterprises, Inc. et al.; Hearing

Appeal of Beverly Enterprises, Inc., d/b/a Blue Ridge Haven Convalescent Center East, Blue Ridge Haven

Convalescent Center West, Camp Hill Care Center from a decision of the Department of Health under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).

A hearing will be held to review a decision of the Department of Health, dated January 4, 1996, which denies the issuance of a single license for Blue Ridge Convalescent Center East, Blue Ridge Convalescent Center West and Camp Hill Care Center.

The hearing will commence on March 19, 1997, at 12:30 p.m., in Room 812, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA.

This hearing is subject to cancellation without notice.

For additional information, or for persons with a disability who desire to attend the hearing and require an auxiliary aid, service or other accommodation to do so, contact Robin Bowman at (717) 783-2500.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 97-366. Filed for public inspection March 7, 1997, 9:00 a.m.]

Health Policy Board; Meeting Notice

The Health Policy Board is scheduled to hold a meeting on March 19, 1997, at 10:30 a.m. in Room 812, Health and Welfare Building, Commonwealth and Forster Streets, Harrisburg, PA.

This meeting is subject to cancellation without notice.

The Board has scheduled the remainder of its meetings for calendar year 1997. All meetings are subject to change and cancellation without further notice. Subsequent notices will provide more detailed information concerning the location and time of each meeting. These meeting dates are as follows:

Wednesday, June 11, 1997
Wednesday, September 10, 1997
Wednesday, December 10, 1997

For additional information, or for persons with a disability who desire to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Robin Bowman at (717) 783-2500.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 97-367. Filed for public inspection March 7, 1997, 9:00 a.m.]

State Plan of Program Operations and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children for 1998; Public Meetings

In accordance with 7 CFR 246.4(b) (as amended, 50 FR 6108 et seq., February 18, 1985) the Department of Health has scheduled two public meetings for the purpose of obtaining comments and recommendations for the development of the 1998 State Plan of Program Operations and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in Pennsylvania.

The Department invites comments on all aspects of the Program's operations. General comments on other issues pertinent to the Program are also requested.

Persons wishing to give testimony at the public meetings are requested to preregister with the State WIC Program Office by calling (717) 783-1289. Anyone unable to attend the meetings, but wishing to express their views, may submit written comments by May 31 to the Department. Direct written comments to Department of Health, Division of Special Food Programs (WIC), Attention: Program Operations and Evaluation Section, P. O. Box 90, Harrisburg, PA 17108.

Persons who require reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) of 1990 should contact Jeanette Fossi at (717) 783-1289 for assistance.

Meeting dates and locations are as follows:

Friday, May 2, 1997, 10 a.m.—3 p.m., Allegheny County Health Department, WIC Program, Investment Building, 239 Fourth Avenue, Pittsburgh, PA 15222.

Wednesday, April 23, 1997, 10 a.m.—3 p.m., North Central Organized Regionally for Total Health, 642 North Broad Street, Philadelphia, PA 19130.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 97-368. Filed for public inspection March 7, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Poker Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Poker.

2. *Price:* The price of a Pennsylvania Poker instant lottery game ticket is \$1.00.

3. *Play Symbols:* The "Play Area" will contain a "Hand 1" area and a "Hand 2" area. Each "Hand" is played separately. The play symbols and their captions located beneath the "Hand 1" area and the "Hand 2" area in the "Play Area" are: 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), J (JACK), Q (QUEEN), K (KING) and A (ACE).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$10, \$25, \$100, \$500 and \$5,000. The player can win up to two times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,076,400 tickets will be printed for the Pennsylvania Poker instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with four matching play symbols of A (ACE) in the same "Hand" on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with four matching play symbols of K (KING) in the same "Hand" on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with four matching play symbols of Q (QUEEN) in the same "Hand" on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with four matching play symbols of J (JACK) in the same "Hand" on a single ticket, shall be entitled to a prize of \$25.

(e) Holders of tickets with four matching play symbols of 10 (TEN) in the same "Hand" on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with three matching play symbols in the same "Hand" on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with two pairs of matching play symbols, such as two matching play symbols of 6 (SIX) and two matching play symbols of 7 (SEVEN), in the same "Hand" on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets with one pair of matching play symbols in the same "Hand" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

7. Grand Prize Drawing Procedure:

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Poker until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million-annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j," inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j," inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,076,400 Tickets</i>
Free	One Free Ticket Plus Entry	1:15	671,760
\$2	\$2	1:15	671,760
\$2 + \$2	\$4	1:60	167,940
\$5	\$5	1:200	50,382
\$2 + \$5	\$7	1:200	50,382
\$5 + \$5	\$10	1:300	33,588
\$10	\$10	1:300	33,588
\$10 + \$10	\$20	1:900.08	11,195
\$25	\$25	1:2,000	5,038
\$10 + \$25	\$35	1:2,000	5,038
\$25 + \$25	\$50	1:800.03	12,595
\$100	\$100	1:6,001	1,679
\$25 + \$100	\$125	1:25,003	403
\$100 + \$100	\$200	1:25,003	403
\$500	\$500	1:234,335	43
\$5,000	\$5,000	1:916,036	11

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Poker instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Poker instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Poker, prize money on winning Pennsylvania Poker instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of Pennsylvania Poker, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Poker or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-369. Filed for public inspection March 7, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of 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), published at 26 Pa.B. 6225 (December 28, 1996), a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

As an addendum to the listing of approved electronic speed-timing devices (radar) for use only by members of the Pennsylvania State Police, published at 26 Pa.B. 6225, December 28, 1996, the Department has approved, under 75 Pa.C.S. § 3368(c)(2), two electronic speed-timing devices (radar). Additionally, the Department has approved under 75 Pa.C.S. § 3368(c)(3), an electronic speed-timing device (non-radar), which calculates average speed between any two points.

Approval

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) TS-3. Manufactured by MPH Industries, Incorporated, 316 East Ninth Street, Owensboro, Kentucky 42303.

(2) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East Ninth Street, Owensboro, Kentucky 42303.

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) Tracker by Patco. Manufactured by Kustoms Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

Change of Address

As an addendum to the listing of approved Official Speedometer Testing Stations, published at 26 Pa.B. 6225 (December 28, 1996) the Department hereby gives notice of the change of address for the following station:

S&D Calibration Services, 134 Camp Lane, McMurray, Washington County, PA 15317. Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Correction

As an addendum to the listing of approved Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors, published at 26 Pa.B. 6225 (December 28, 1996), the Department hereby gives notice of the correction of address for the following station:

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

As an addendum to the listing of approved Official Stopwatch Testing Stations, published at 26 Pa.B. 6225 (December 28, 1996), the Department hereby gives notice of the correction of address for the following station:

S&D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County PA 15317. Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

As an addendum to the listing of approved Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points, published at 26 Pa.B. 6225 (December 28, 1996), the Department hereby gives notice of the correction of address for the following station:

S&D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317. Also authorized to use mobile units (Appointed: 09/14/82, Station EM6)

Deletion

As an addendum to the listing of approved Official Speedometer Testing Stations, published at 26 Pa.B. 6225 (December 28, 1996), the Department hereby gives notice of the deletion of the following station:

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).

Comments, suggestions or questions may be directed to John Munafo, Manager, Inspection Field Operations, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 26 Pa.B. 6225 (December 28, 1996).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-370. Filed for public inspection March 7, 1997, 9:00 a.m.]

Finding

Bucks County

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

The Department of Transportation plans to make improvements to portions of State Route 2010 Section 08B which is located in Middletown and Northampton townships in Bucks County. The improvements consist of the

replacement of the Bridgetown Pike Bridge, the new location replacement of the bridge over Core Creek, and the relocation and realignment of approximately 128 meters (420 linear feet) of Bridgetown Pike east of Newtown Pike.

The project requires that the acquisition of 0.43 hectare (1.07 acres) of right of way from Core Creek County Park which is a recreational resource. The following mitigation measures will be incorporated into the design for implementation during construction:

1. The return of 0.46 hectare (1.13 acres) of right of way to the Core Creek County Park which becomes available when the existing Neshaminy Creek Bridge is removed.
2. The headrace will be documented as per the Historic American Engineering Record (HAER) standards. In addition to this, the Pennsylvania Historical and Museum Commission (PHMC) will erect a State historic marker to identify the location of the headrace and its relationship to the mill complex and Bridgetown.
3. The Bridgetown Pike/Newtown Pike intersection will remain open to traffic during construction in order to minimize impacts to vehicular traffic.
4. Erosion and sedimentation control measures will be employed to minimize adverse effects on the water quality of Core Creek and the Neshaminy Creek.

No adverse environmental effects are likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-371. Filed for public inspection March 7, 1997, 9:00 a.m.]

Retention of Engineering Firms

Chester County Project Reference No. 08430AG2056

The Department of Transportation will retain an engineering firm for an open-end contract to provide supplementary construction inspection staff under the Department's Inspectors-in-Charge to perform construction inspection services on various projects in Chester County in Engineering District 6-0, on an as-needed basis. The contract will include roadway and bridge construction projects, and material plant inspection. The contract will be for a period of 60 months, with a maximum cost of \$1 million dollars.

It is anticipated that a maximum supplementary construction inspection staff of 15 inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.
- b. Any specialized experience in asphalt paving, structures, concrete, drainage, paint inspection and Maintenance and Protection of Traffic.
- c. Number of NICET certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies and specifications.
- e. Ability to provide CPM scheduling. (TCM-1 Classification).
- f. Ability to provide a "CDS" operator or someone capable in inputting data into a personal computer. (TCIS Classification).
- g. Past performance.

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

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (1)
NACE Intermediate Coating Inspector	1 (0) **
NACE Basic Coating Inspector	1 (0) **

** These two specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firm must provide lead abatement training for these employees prior to any job assignment. In addition, the firm must establish, implement and maintain an effective employee medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection assignment.

These two specialized classifications will have the following requirements:

1. NACE Intermediate Coating Inspector Training/or equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category shall have completed at least 80% of the required credits for this NACE category or equivalent training; also, shall have a minimum of 5 years coating inspection experience on heavy industrial or highway projects; also, shall have a minimum of 1 year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, shall be knowledgeable in OSHA 1926.62 (lead) regulations, applicable OSHA regulations governing proper res-

pirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) shall also be capable of "climbing" on high bridge members to perform coatings inspection; shall be capable of supervising/training lower level coatings inspectors (both consultant and state) if necessary. He shall also complete EPA accredited training for lead removal (Title X, Sections 402 and 404) within 6 months of final issuance, by approximately June, 1997.

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector shall have completed at least 80% of the required credits for this category or equivalent training also, shall have a minimum of 3 years coating inspection experience on heavy industrial or highway project; also, shall have a minimum of 6 months experience on lead removal project; also, shall be knowledgeable in OSHA 1926.62 (lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025); shall also be capable of "climbing" on high bridge members to perform coatings inspection; shall also be capable of working with State inspectors; shall also complete EPA accredited training for lead removal (Title X, Section 402 and 404) within 6 months of official issuance, by approximately 1997.

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI)	\$33.44
(TA)	\$22.98
NACE Intermediate Coating Inspector	\$56.46
NACE Basic Coating Inspector	\$49.09

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 2 Paint Test Kits per project or as may be required as needed
- 2 Two-way Radios per project or as may be required as needed
- 2 Cellular Phones per project or as may be required as needed

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	7
NACE Intermediate	2
NACE Basic	2

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Technical questions concerning the requirements for this project should be directed to Russell Swallow, District 6-0, at (610) 964-6686.

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

**Delaware County
Project Reference No. 08430AG2057**

The Department of Transportation will retain an engineering firm for an open-end contract to provide supplementary construction inspection staff under the Department's Inspectors-in-Charge to perform construction inspection services on various projects in Delaware County in Engineering District 6-0 on an as-needed basis. The contract will include roadway and bridge construction projects, and material plant inspection. The contract will be for a period of 60 months, with a maximum cost of \$1 million dollars.

It is anticipated that a maximum supplementary construction inspection staff of 15 inspectors will be required for this assignment.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Review of inspectors' resumes with emphasis on construction inspection capabilities, Department and District experience and supervisory experience.
- b. Any specialized experience in asphalt paving, structures, concrete, drainage, paint inspection and Maintenance and Protection of Traffic.
- c. Number of NICET certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies and specifications.
- e. Ability to provide CPM scheduling, (TCM-1 Classification).
- f. Ability to provide a "CDS" operator or someone capable of inputting data into a personal computer, (TCIS Classification).
- g. Past performance.

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

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	6 (4)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (1)
NACE Intermediate Coating Inspector	1 (0) **
NACE Basic Coating Inspector	1 (0) **

** These two specialized classifications will be used for bridge painting inspection. Under these classifications, the selected firms must provide lead abatement training for these employes prior to any job assignment. In addition, the firm must establish, implement and maintain an effective employe medical surveillance in accordance with 29 CFR 1926 throughout the duration of this inspection assignment.

1. NACE Intermediate Coating Inspector Training/or equivalent.

The inspector for the above NACE Intermediate Coating Inspector Training category shall have completed at least 80% of the required credits for this NACE category or equivalent training; also, shall have a minimum of 5 years coating inspection experience on heavy industrial or highway projects; also, shall have a minimum of 1 year experience of coatings inspection on a lead removal project where air monitoring, blood monitoring, containment and disposal of lead debris were performed; also, shall be knowledgeable in OSHA 1926.62 (lead) regula-

tions, applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025) shall also be capable of "climbing" on high bridge members to perform coatings inspection; shall be capable of supervising/training lower level coatings inspectors (both consultant and state) if necessary. He shall also complete EPA accredited training for lead removal (Title X, Sections 402 and 404) within 6 months of final issuance, by approximately June, 1997.

2. NACE Basic Coating Inspector Training/or equivalent.

The inspector for the NACE Basic Coating Inspector shall have completed at least 80% of the required credits for this category or equivalent training also, shall have a minimum of 3 years coating inspection experience on heavy industrial or highway project; also, shall have a minimum of 6 months experience on lead removal project; also, shall be knowledgeable in OSHA 1926.62 (lead regulations) applicable OSHA regulations governing proper respirator usage (29 CFR 1910.134) and lead exposure (29 CFR 1910.1025); shall also be capable of "climbing" on high bridge members to perform coating inspection; shall also be capable of working with state inspectors; shall also complete EPA accredited training for lead removal (Title X, Section 402 and 404) within 6 months of official issuance, by approximately 1997.

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

- 1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the level required for the Inspection Classification.
- 2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
- 4. Hold a Bachelor of Science degree in Civil Engineering or a Bachelor of Science degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
- 5. Hold an Associate degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI)	\$33.44
(TA)	\$22.98
NACE Intermediate Coating Inspector	\$56.46
NACE Basic Coating Inspector	\$49.09

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

2 Paint Test Kits per project or as may be required as needed

2 Two-way Radios per project or as may be required as needed

2 Cellular Phones per project or as may be required as needed

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	7
NACE Intermediate	2
NACE Basic	2

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Technical questions concerning the requirements for this project should be directed to Rex Mackey, P. E., District 6-0, at (610) 964-6556.

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

Statewide

Project Reference No. 08430AG2058

The Department of Transportation (DOT) will retain an engineering firm for a Statewide open-end contract administered by the Bureau of Maintenance and Operations to provide for various engineering management, pavement management, pavement engineering and various engineering services on an as-needed basis. Projects will be directed by and will require close work with the DOT Central Office, Bureau of Maintenance staff. The open-end contract will be for a period of 5 years with a maximum cost of \$400 thousand with projects being assigned on an "as-needed" basis.

The required services may encompass a wide range of efforts with short completion schedules. The selected firm may be required to perform any or all of the following types of engineering services: engineering management; assistance in testing and implementation of pavement management procedures and documentation of the pavement management process in the form of a DOT manual; development and implementation of training of Department personnel on the pavement management manual; assistance in developing and implementing pavement

performance indices for use in performance modeling; assistance in verifying and validating DOT's pavement performance models for use in project prioritization; assistance in identifying decision variables and development of decisions trees for pavement maintenance, rehabilitation and restoration for use in network optimization; investigation of the inputs needed for implementation of the pavement design procedure described in the 1993 AASHTO *Guide for the Design of Pavement Structures*; subgrade soil, M-r, concrete modulus of rupture, and the like; assistance in developing, implementing and training of pavement design and life cycle cost analysis procedures; evaluation of road roughness, skid resistance, deflection and pavement condition data which may include a limited amount of data collection; and documentation of study activities and findings.

The Department will establish an order of ranking of a minimum of three consultants for the purpose of negotiating an open-end contract based on the Department's evaluation of acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the consultants submitting the letters of interest:

a. Location of firm in respect to the DOT Central Office. Due to the nature of the work, preference will be given to consultants and their named key personnel that are within a 2 hour driving distance from Harrisburg, PA.

b. Specialized experience and technical competence of the Consultant.

c. Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who will constitute the consultant shall be considered.

d. Availability and access to resources. Due to the nature of the work the consultant must have available and/or access to such resources as: testing equipment—both laboratory and field, research literature for literary reviews, training capabilities for example, documentation and presentation of study activities to DOT staff in the form of training manuals and workshops, and the like.

e. Available staffing for this assignment with short notification.

f. Current workload.

We encourage small firms to submit a letter of interest for this assignment.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Amar C. Bhajandas, P. E., Director of Bureau of Maintenance and Operations, 555 Walnut Street, 7th Floor, Forum Place, Harrisburg, PA 17101-1900.

Technical questions concerning the requirements for this project should be directed to Gaylord Cumberledge, P. E., Bureau of Maintenance and Operations, at (717) 787-1199.

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

**Crawford, Erie, Forest, Mercer, Venango and
Warren Counties
Project Reference No. 08430AG2059**

The Department of Transportation will retain an engineering firm for an open-end contract for various engineering services and environmental studies on various projects located Crawford, Erie, Forest, Mercer, Venango and Warren Counties in Engineering District 1-0. The contract will be for a 60 month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), and minor location studies. The maximum amount of the open-end contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an open-end contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Effectiveness of proposed project managers.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on open-end contracts. The specific experience of individuals who constitute the firms shall be considered.
- c. Staff availability and diversity for this assignment.
- d. Specialized experience and technical competence of firm.
- e. Relative size of firm to size of projects that may be completed under this contract.
- f. Location of Consultant in respect to the District.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare Type, Size and Location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contract with railroad officials for any railroad-related costs estimates, permits, insurance, approvals and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of

signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; needs analyses; traffic circulation studies; lighting design; design of waste water treatment facility; structural analysis; and prepare construction plans, specifications and estimates.

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

The firm may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socioeconomic; cultural; Section 4(f) and Section 106 documents; noise and vibration analyses; threatened and endangered species surveys; hazardous waste investigations and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; plans of study; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The engineering services and environmental studies identified above are the general work activities that can be expected under this open-end contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this open-end contract.

Technical questions concerning the requirements for this project should be directed to Michael L. McMullen, P. E., District 1-0, at (814) 437-4331.

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

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the letter of interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indi-

cated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate letters of interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation, shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable) and the firm's Federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the letter of interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include, with each

letter of interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-372. Filed for public inspection March 7, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Connaught Laboratories, Inc. v. DEP; EHB Doc. No. 94-106-C

The Department of Environmental Protection (Department) and Connaught Laboratories, Inc. (Connaught) have agreed to a settlement of the above-captioned matter.

On April 7, 1994, the Department issued to Connaught NPDES Industrial Permit No. PA-0060071-A₁ (1994 NPDES Permit) which authorizes Connaught to discharge to Swiftwater Creek, in accordance with the effluent limitations, monitoring requirements and other conditions set forth in the 1994 NPDES Permit. The 1994 NPDES Permit set more stringent Total Dissolved Solids (TDS) limitations, intending to reflect the Department's understanding of the Delaware River Basin Commission's (DRBC) TDS requirements. On May 6, 1994, Connaught filed a timely appeal of the 1994 NPDES Permit with the Environmental Hearing Board challenging the effluent limitations for TDS and Condition "TEN" in Part C "Other Requirements" pertaining to TDS. The appeal was docketed at EHB No. 94-106-C. Connaught performed

several studies on Swiftwater Creek and submitted an application and petition to DRBC to revise the TDS standards. On October 23, 1996, after public notice and public hearing, DRBC granted Connaught a variance establishing alternative TDS mass loading and concentration limitations, subject to certain conditions.

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

1. Within 60 days of the effective date of the Consent Adjudication, the Department will prepare, for publication and comment, a draft NPDES Permit, which shall contain the following:

a. The effluent limitations and monitoring requirements for TDS for Outfall 001 shall be as follows:

Mass Units (lbs/day)—Average Monthly: 2,250 lbs/day
—Maximum Daily: 3,375 lbs/day

Concentrations (mg/l)—Average Monthly: 1,800 mg/l
—Maximum Daily: 2,700 mg/l

Measurement Frequency: 2/Week

Sample Type: 8 Hour Composite

b. Condition "TEN" of Part C Other Requirements of the Permit shall be deleted.

2. The notice published in the *Pennsylvania Bulletin* will include a 30-day public comment period following the date of publication. The Department will endeavor to take final action on the NPDES Permit within 60 days of the close of the public comment period.

3. The settlement becomes effective upon approval by the Board, unless reopened by the Board under 25 Pa. Code § 1021.120, in which case the Consent Adjudication shall become effective on such date that any such appeals from or objections to the Consent Adjudication are denied.

Copies of the full agreement are in the possession of:

Barbara L. Smith, Assistant Counsel, Office of Chief Counsel, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

R. Timothy Weston, Esquire, Kirkpatrick & Lockhart, LLP, Payne-Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101, (717) 231-4500

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

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

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

Appeals shall be filed within 20 days of this publication.

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

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-373. Filed for public inspection March 7, 1997, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additional Restrictions on Fish and Boat Commission Property

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 53.18, has established the following additional restrictions for Fish and Boat Commission property:

<i>County</i>	<i>Area</i>	<i>Additional Restrictions</i>
Beaver	Hereford Manor Lakes	During the period April 11, 1997 to May 31, 1997, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.
Cumberland	SCI Camp Hill Access at Spanglers Mill	Closed to all use from 10 p.m. to 5 a.m.
Washington	Dutch Fork Lake	During the period April 11, 1997 to May 31, 1997, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.
Washington	Canonsburg Lake	During the period April 11, 1997 to May 31, 1997, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-374. Filed for public inspection March 7, 1997, 9:00 a.m.]

Designations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission is designating the following waters as subject to the special fishing regulations under 58 Pa. Code Chapter 65 effective immediately upon publication of this notice:

58 Pa. Code § 65.4. All-Tackle Trophy Trout

The following waters are designated to be regulated and managed under the All-Tackle Trophy Trout Program (58 Pa. Code § 65.4):

<i>County</i>	<i>Water</i>	<i>Description</i>
Blair and Huntingdon	Little Juniata River	13.5 miles from the railroad bridge at the east (downstream) border of Ironville downstream to the mouth
Centre	Penns Creek	7 miles from the confluence with Elk Creek at Coburn downstream to the catch and release area

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-375. Filed for public inspection March 7, 1997, 9:00 a.m.]

Lake Erie Commercial Fishing—1997

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 69.32(c), has established the total allowable 1997 commercial catch for yellow perch from the Pennsylvania waters of Lake Erie. The 1997 total allowable commercial catch for yellow perch is 37,800 pounds. The commercial fishing season for yellow perch on Lake Erie shall end when the Executive Director determines that 37,800 pounds of yellow perch have probably been taken by commercial fishing interests fishing in the Pennsylvania waters of Lake Erie.

The Executive Director of the Fish and Boat Commission, acting under 58 Pa. Code § 69.32(b), has determined that the 1997 total allowable commercial catch of walleye from the Pennsylvania waters of Lake Erie is 18,000 pounds. The commercial fishing season for walleye is September 20 until the date the Executive Director determines that the total allowable commercial catch has been taken or November 30, whichever comes first.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-376. Filed for public inspection March 7, 1997, 9:00 a.m.]

Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7, the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined, consistent with 58 Pa. Code § 71.7(e)(3), to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

The following applications to stock triploid grass carp in waters having a surface area of more than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Borough of Carroll Valley	Lake Carroll	Liberty Township, Adams County	7.75 acre lake on Toms Creek	Elodea canadensis
Morgantown Properties	Glen Morgan Lake	Caernarvon Township, Berks County	138 acre impoundment, also known as Grace Mine Tailings Pond	Potamogeton, Myriophyllum
Fish and Boat Commission	Harris Pond	Ross Township, Luzerne County	30 acre impoundment owned by the PFBC for public fishing and boating	Ceratophyllum

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 97-377. Filed for public inspection March 7, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, February 20, 1997, and took the following actions:

Regulations Approved:

Department of Transportation # 18-318: Prequalification of Bidders (amends 67 Pa. Code Chapter 457)

Department of Agriculture # 2-106: Tuberculosis and Brucellosis Testing and Documentation Requirements for Cattle, Goats and Bison (amends 7 Pa. Code Chapters 3, 5, 7, 8 and 9)

Regulations Disapproved:

Department of Education # 6-255: Community College Courses (amends 22 Pa. Code Chapter 335)

Regulations Deemed Approved Under § 5(b.3) of the Regulatory Review Act—Effective February 19, 1997:

Department of Agriculture # 2-95: Noxious Weeds (amends 7 Pa. Code Chapter 110)

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

Public meeting held
February 20, 1997

Department of Transportation—Prequalification of Bidders; Doc. No. 18-318

Order

On February 16, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking would amend certain provisions of 67 Pa. Code Chapter 457 relating to the prequalification of bidders. The amendments are proposed under the authority of section 404.1 of the State Highway Law, as amended (36 P.S. § 670-404.1). The proposed regulation was published in the March 2, 1996 edition of the *Pennsylvania Bulletin*, with a 30-day public comment

period. The final-form regulation was submitted to the Commission on January 30, 1997.

Chapter 457 of 67 Pa. Code sets forth detailed procedures and requirements for evaluating the capacity and qualifications of prospective bidders (for example, contractors) seeking to perform highway project work in Pennsylvania under contract with the Department. Updating the procedures will assure efficient operation of the contract program for highway projects, minimize delays in awarding contracts after bids are opened, and, overall, assure the integrity and competency of bidders. This regulation incorporates provisions of the Contractor Responsibility Program contained in the Governor's Management Directive 215.9 (of July 17, 1990). Its updating incorporates much needed modifications agreed upon by the Department and the Associated Pennsylvania Constructors Association (APC).

Under the definitions section (section 457.1), the definition of "bidder" has been deleted and replaced by definitions of "contractor" and "subcontractor" to reflect that subcontractors are now separately prequalified. The term "debarment" refers to action by the Department to prohibit a contractor, subcontractor, or individual from contracting with or participating in contracts with the Department for a specified period of time. This is distinguished from "suspension," which is a temporary prohibition of up to 3 months (but which may be extended) pending the completion of an investigation. Suspension could lead to debarment or legal proceedings.

Amendments are proposed under section 457.3 (General requirements) to streamline the application processing of bids. Section 457.3(d) is amended to provide rules governing a prime contractor's prequalification. Prequalification will last for 2 years (up from the current 1 year) where applicants have complied with the option to furnish statements under oath (under section 457.4(a)(5)). This latter change is designed to reduce paperwork by about 50%.

Currently, no time extensions of prequalifications are permitted under section 457.3(d)(3). This has been changed to allow a 30-day extension on a current prequalification if the renewal certificate has not been issued prior to its scheduled expiration in cases where the renewal application had been applied for and the applicant is otherwise in good standing. This will allow contractors to have standing to continue bidding until the new certificate is issued.

Section 457.3(h) would be amended to require out-of-State contractors to designate a resident agent in Pennsylvania. Under section 457.3(i), the Department's

Prequalification Office must retain the contractor's and subcontractor's prequalification forms and related files for at least 3 years beyond the expiration of the certificate. This could prove useful for comparing an applicant's past prequalification with its current application.

A new subsection (j) to section 457.3 deals with subsidiaries. It provides for the issuance of umbrella prequalification certificates to a parent company and as many as three of its subsidiaries/divisions. This could be done by the filing of a single application and a combined financial statement. Presently, individual certificates are issued to each individual company based on its own credentials.

Amendments to section 457.4 would reduce some of the required paperwork and establish more stringent provisions relating to the contractor's financial health and financial statements. Under section 457.5, the Department proposes to amend some of the various categories of classification codes which the Department uses to classify contractors and subcontractors. The codes establish the type of work an applicant will be eligible to bid upon given the applicant's experience and financial capacity qualifications.

During the proposed rulemaking phase, the Department proposed to raise the limit of those contractors classified as of "unlimited financial capacity" from \$100 million to \$500 million (in section 457.7(f)(1)). However, the Department provided no history of problems or overextension by any of the 71 contractors with unlimited capacity to justify this proposed change.

The only commentator (other than the Commission) on the proposed rulemaking, the Associated Pennsylvania Constructors (APC), asserted that this proposed, new higher maximum level may restrict competition and increase costs to the Commonwealth. The APC also pointed out that marketplace forces impose the necessary protective effects: bonding companies are vigilant at these higher commitment levels and do not permit contractors to accept more work than they can adequately perform. After reviewing the issue, we concurred with the APC; we objected to the increase unless the Department could provide justification for it. In the final-form regulation, the Department went back to the current \$100 million figure.

In response to another recommendation in the Commission's Comments on the proposed version of this rulemaking, the Department has amended section 457.10(b) to provide that the Past Performance Report shall include valuation of a contractor's attitude and cooperation, equipment, organization and management, scheduling (for example, ability to complete previous projects on time), and work performance. This report, along with other information, is used to determine the past performance rating of the contractor as well as the classification of the contractor. Poor or unsatisfactory ratings for specific work classifications can result in the revocation of classifications previously granted.

A new section 457.16(b) would prohibit subletting any part of highway construction work under the terms of a contract to any contractor or subcontractor who is suspended, debarred or otherwise disqualified from bidding on, or participating in, such construction work. Section 457.17 requires contractors to notify the Prequalification Office within 30 days of a corporate or affiliate change, or a reduction of more than 20% of their maximum capacity rating, or both, as well as changes in certain required information. A failure to do so may result in suspension.

This regulation affects all persons, businesses and organizations, including prime contractors and subcontractors, who perform work for prime contractors and who bid on construction work through the Department. Approximately 1,200 firms submit prequalification applications on an annual basis. These rulemaking changes will provide uniform, consistent and compatible application of the suspension/debarment process of contractors on a Statewide basis. It will also ease the paperwork burden on contractors and the Department.

These amendments will not have any cost impacts (because there are no increased costs) or impose additional reporting or recordkeeping requirements on the Commonwealth, local governments or the private sector. The Department estimates that reporting and recordkeeping requirements on affected parties will be reduced by about 50%. These amendments will accomplish that primarily by extending the expiration date of Prequalification Certificates from 1 year to 2 years, thereby reducing by half the submission of required documentation and paperwork. Similarly, applicants for "prime contractor" status will only be required to submit audited financial statements every 2 years instead of every year.

Other benefits of these amendments include a provision that the Department will accept a Review Financial Statement in lieu of an audited financial statement from applicants whose net working capital does not exceed \$50,000. The change will benefit small firms by making it easier for them to be prequalified as prime contractors.

This rulemaking continues the option of allowing an applicant to be considered eligible to perform work only as a subcontractor. This option eliminates the requirement for such an applicant to submit an audited financial statement to satisfy the Contractor's Financial Statement.

We have reviewed this regulation and find it to be in the public interest. We believe these amendments will update and improve the Department's requirements for prequalification of bidders and reduce attendant paperwork and costs. Additionally, Commonwealth drivers and the safety of public roadways will benefit from more stringent qualifications for contractors hired to do contract road repair or construction. These amendments should help reduce the disruptions and problems resulting from contractors being financially unable to proceed with their work.

Therefore, It Is Ordered That:

1. Regulation No. 18-318 from the Department of Transportation, as submitted to the Commission on January 30, 1997, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public meeting held
February 20, 1997

Department of Agriculture—Tuberculosis and Brucellosis Testing and Documentation Requirements for Cattle, Goats and Bison; Doc. No. 2-106

Order

On July 31, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department).

This rulemaking would amend certain provision of 7 Pa. Code Chapters 3, 5, 7, 8 and 9 relating to tuberculosis and brucellosis testing. The amendments are proposed under the authority of section 1702 of the act of April 9, 1929 (P. L. 177, No. 175) (71 P. S. § 442) and sections 2, 3 and 9 of the act of April 17, 1929 (P. L. 553) (3 P. S. §§ 342, 343 and 349). The former requires the Department to take measures to prevent, control and eradicate diseases in animals. The latter requires the Department to identify and regulate animals with dangerous transmissible diseases and, *inter alia*, quarantine them or restrict their transportation into or within this Commonwealth. The proposed regulation was published in the August 10, 1996 edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 29, 1997.

Under current regulation, producers of cattle, goats and bison must test for tuberculosis and brucellosis and, in order to ship these animals within Pennsylvania and in interstate commerce, be able to document on a health certificate that they are disease-free. That is because when these diseases are present, they are dangerous and transmissible to other animals and to humans.

The Department proposes to delete the universal testing and documentation requirements in the regulation as no longer necessary because tuberculosis and brucellosis have been eliminated in cattle, goats and bison in 36 states, including Pennsylvania. The diseases are very rare in the remainder of the United States and there is a Nationwide trend to reduce or eliminate tuberculosis and brucellosis testing requirements.

While there is some slight risk that tuberculosis or brucellosis may occur, the Department has determined that its other ongoing disease monitoring efforts and the Federal requirements governing interstate shipping of cattle, goats and bison are adequate to detect, isolate and eradicate any outbreaks of tuberculosis and brucellosis in these animals in Pennsylvania. In addition, the Department and the United States Department of Agriculture (USDA) maintain surveillance and emergency preparedness on numerous foreign animal diseases which, although not found in this Commonwealth or the remainder of the United States, pose a real and constant threat to animal health.

These amendments will facilitate Pennsylvania intrastate commerce of cattle, goats and bison, and allow the Department to redirect its resources to other threats to animal health such as pseudorabies, rabies, pullorum, influenza and others. No new requirements will be imposed.

The specific areas of the regulation affected by the proposed deletions in testing and documentation requirements are: Chapter 3 (relating to the health requirements for importation and intrastate transportation of animals); Chapter 5 (relating to animal markets); Chapter 7 (relating to brucellosis-free certifications); and Chapter 9 (relating to control and eradication of tuberculosis of livestock).

The proposed revisions to section 3.151 would require diseased or contaminated cattle, goats and bison that are to be moved within Pennsylvania, as well as animals used for exhibition, to be identified by an official ear tag or other unique identification device approved and recorded by the Department. Under section 3.151(a), no new identification requirements will be imposed on feeder cattle, spayed heifers, and cattle going directly to slaugh-

ter. Such animals will be exempt from identification requirements unless they are diseased, contaminated or shipped for exhibition purposes. The practical effect of the proposed amendments would be to limit the health testing requirements for tuberculosis and brucellosis in animals moved within the Commonwealth and no longer require a Pennsylvania health certificate for every animal.

The Department also proposes to amend section 9.34, relating to milk for human or animal consumption, to delete the requirement that pasteurized milk for human or animal consumption originate from a herd that was tuberculin-tested within the last 5 years. This requirement has been deemed unnecessary because pasteurization kills any tuberculosis virus present in milk. However, raw (unpasteurized) milk for human or animal consumption would have to come from a herd that was tuberculin-tested within the previous year. If tuberculosis or brucellosis reoccurs, restrictions would be imposed on the disposition of animals and products (milk and meat) originating from exposed herds.

These amendments will decrease the documentation, paperwork and cost currently incurred by the Commonwealth's cattle, bison and goat producers under the present regulation. The Department estimates that those producers will be the primary beneficiaries of these changes, in the aggregate amount of \$687,777 for each of the next 5 fiscal years. The Department bases that figure upon 1996 figures for health charts (\$271,665), brucellosis tests (\$200,000) and tuberculosis tests (\$216,112). These changes, conversely, will likely decrease the income of licensed practitioners of veterinary medicine who have performed tuberculosis and brucellosis testing required under the Department's current regulation.

The Department also estimates that it will save approximately \$14,500 in each of the next 5 fiscal years as a result of not having to acquire forms and ear tags for cattle, bison and goats, shipped intrastate, to meet the current regulation's testing requirements for tuberculosis and brucellosis. The Department also projects this rulemaking will enable it to reduce its administrative requirements as well as the time spent by regional office field staff in ensuring compliance with current testing and documentation requirements. This rulemaking will not impact local governments.

Representative Raymond Bunt, Jr., Majority Chairperson of the House Agriculture and Rural Affairs Committee (House Committee), advised the Commission in a letter that on February 5, 1997, the House Committee met and its members agreed with the Chairperson's recommendation that the Commission approve this final-form regulations.

The following parties commented on the proposed version of this rulemaking: the House Committee; Representative Sheila Miller, a member of the House Committee; a private citizen; and this Commission.

The Department met with more than 10 interested industry producer groups prior to publishing the proposed version of these amendments for public comment. The Department also spoke with the Pennsylvania Livestock Association in September 1996, and they had no concerns with the proposed amendments.

In response to commentators' comments, including the Commission's, the Department amended sections 3.151, 9.5 and 9.6 of the final-form regulation to use the term "bison" throughout in place of the word "buffalo." The Department also stated that it plans a systematic updat-

ing of its animal health regulation over the next 2 years to carry out its responsibilities under the Domestic Animal Law (3 Pa.C.S. § 2323(a)) (to update identification standards for domestic animals) and it will use the term "bison" throughout that revised regulation. We commend the Department for its intention to further revise and update its entire animal health regulation.

In response to the Commission's recommendation, the Department revised and clarified the Preamble to the final-form regulation to explain that section 3.151(a) will remain as proposed because the language gives the Department the necessary discretionary latitude to carry out its responsibilities (under the Domestic Animal Law) to establish animal identification standards. While an ear tag may be used to identify a diseased/contaminated animal under section 3.151, the Department believes the proposed language will also allow it to approve the use of newer, superior electronic forms of identification as they come into use. Section 3.151(a) allows the Department to approve and record—but not mandate—animal identification devices other than ear tags.

The Department also stated that the amended section 3.151(a) will not impose a new identification requirement on feeder cattle, spayed heifers and cattle going directly to slaughter. Such animals will continue to be exempt from identification requirements unless they are diseased, contaminated or shipped for exhibition purposes.

The Department also agreed to consider our suggested changes to sections 7.4 and 9.4 in connection with the planned extensive revisions to its animal health regulations necessitated by the Domestic Animal Law.

We have reviewed this regulation and find it to be in the public interest. Given the absence of tuberculosis and brucellosis in animals in Pennsylvania for the past 15 years, and the Department and USDA requirements which maintain surveillance and emergency preparedness on those and numerous other animal diseases, the changes proposed in this rulemaking are appropriate. They will also result in cost savings for cattle, goat and bison producers. Currently, producers must test all animals for tuberculosis and brucellosis diseases and, in order to ship these animals within Pennsylvania and in interstate commerce, be able to document on a health certificate that they are disease-free.

Therefore, It Is Ordered That:

1. Regulation No. 2-106 from the Department of Agriculture, as submitted to the Commission on January 29, 1997, is approved; and

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

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

Public meeting held
February 20, 1997

*Department of Education—Community College Courses;
Doc. No. 6-255*

Order

On October 19, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking would amend 22 Pa. Code Chapter 335 under the authority of section 1913-A of the

Public School Code of 1949 (act) (24 P. S. § 19-191333-A(b)(1.2)). The proposed regulation was published in the October 29, 1994 *Pennsylvania Bulletin* with an 86-day public comment period. The final-form regulation was submitted to the Commission on January 27, 1997.

On June 7, 1993, the act was amended to require the Secretary of Education, in consultation with the community colleges, to promulgate standards for credit and noncredit courses that will be eligible for reimbursement by the Commonwealth. The act further requires that the standards should specifically exclude from eligibility for reimbursement any course or program in avocational or recreational pursuits.

The standards in this regulation will provide assurance that Commonwealth funding of community college operating expenses goes to support instruction which is consistent with the statutory defined mission of these institutions. Community college operating expenses are shared between the Commonwealth, the local sponsor and students (through tuition). The act specifically requires that programs and curricula of community colleges are to further the objectives of industrial development, reduce unemployment and improve the employability skills of area residents. Although community colleges also offer courses related to leisure time pursuits, hobbies and individual enrichment subjects, such courses do not meet program requirements specified under the act and are therefore specifically excluded from Commonwealth reimbursement.

The regulation proposed by the Department of Education (Department) establishes the criteria credit and noncredit courses must meet in order for the courses to be eligible for reimbursement. Many of the criteria, such as those relating to course approval, course structure and course outlines, were drawn from existing policies or practices at community colleges. Others were developed specifically to make a clear distinction between credit and noncredit courses. The proposed regulation also establishes an implementation schedule and describes the documentation required of the colleges to verify that their courses meet the standards.

Because the act mandates that courses or programs in avocational or recreational pursuits are not to be reimbursed by the Commonwealth, the Department defines the terms "courses or programs in avocational pursuits" and "courses or programs in recreational pursuits" in the regulation. The term "avocational pursuits" is defined as courses or programs designed to provide enrollees with skills or knowledge to be used in an activity which is subordinate to their current or their planned future customary employment. The term "recreational pursuits" is defined as courses or programs designed to provide enrollees with diversion or distraction from workaday routines.

Comments were filed on the proposed regulation by the House and Senate Education Committees, Reading Area Community College, Montgomery County Community College, Luzerne County Community College and Plum Borough Senior Citizens' Center.

The House Education Committee met on February 5, 1997, and voted unanimously to approve the final-form rulemaking. The Senate Education Committee chairperson, by letter dated February 10, 1997, expressed two concerns with the final-form regulation. First, he recommended that section 335.31 in the final-form regulation be amended to make it clear that the standards would apply to all new courses. Second, he recommended that

implementation of these standards be integrated with other requirements of the Department.

The Department made significant amendments to the regulation in response to comments received from the House and Senate Education Committees, this Commission and others. The Department moved the definitions for several terms to a new subsection devoted to definitions at the beginning of Subchapter A and adopted recommended changes to the definition of "noncredit courses" in Subchapter C to eliminate extraneous terms and clarify vagueness.

The Department agreed to revise the implementation date and also noted in the final-form regulation that beginning with fiscal year 1999-2000, and for each fiscal year thereafter, credit and noncredit courses shall meet the applicable standards under Chapter 335.

The Department changed the format of section 335.42 in order to simplify wording and to achieve parallel construction in the description of requirements relating to the preparation and maintenance of course outlines. The Department also included a determinate period of time for the retention of course evaluations, program audits, college catalogs and faculty records.

Despite all of these changes, the Department acknowledged at our public meeting that the concern of the Senate Education Committee Chairperson should be addressed prior to final adoption. Since the Regulatory Review Act does not permit an agency to amend a final-form regulation after it has been submitted to the Commission, the Department requested that we disapprove the regulation so that the Department could incorporate the Senate Education Committee Chairperson's suggested clarification. Section 335.31 provides in part:

Beginning July 1, 1997 to be eligible for reimbursement by the Commonwealth, each new credit course for Fiscal Year 1997-98 shall meet the standards in Subchapters A and B . . . (emphasis added).

The Senate Education Committee Chairperson suggested that this provision should apply for all new courses, regardless of whether they are started in the 1997-98 fiscal year or a subsequent fiscal year. We agree with the Senate Education Committee Chairperson's suggestion and urge the Department to promptly resubmit a revised regulation.

Therefore, It Is Ordered That:

1. Regulation No. 6-255 from the Department of Education, as submitted to the Commission on January 27, 1997, is disapproved; and

2. The Department of Education shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 6-255 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

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

Public meeting held
February 20, 1997

Department of Agriculture—Noxious Weeds; Doc. No. 2-95

Order

On March 27, 1996, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking would amend 7 Pa. Code Chapter 110 by deleting one plant from the noxious weed control list and adding another plant to the list. The authority for this regulation is contained in section 3(b) of the Noxious Weed Control Law (3 P. S. § 255.3(b)). The proposed regulation was published in the April 6, 1996 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 29, 1997.

The Noxious Weed Control Law (Law) was established to help control plants determined to have an adverse affect on waterways or whose growth results in the killing of other necessary plants. The Law established a minimum number of plants to be contained on the Noxious Weed Control List and established the Noxious Weed Control Committee (Committee) which has the authority to add other plants it determines are noxious weeds.

In March of 1986, the Committee held a public meeting to determine if *Cichorium intybus*, commonly referred to as either chicory, succory or blue daisy, should be deleted from the Noxious Weed Control List. From this public hearing, it was determined that *Cichorium intybus* has a great potential as a forage crop and some farmers have shown an interest in growing this plant. However, the *Cichorium intybus* was listed in the Law as a noxious weed and the Department needed to work with the General Assembly to delete this plant from the Law. In 1994, the General Assembly amended the Law by deleting the *Cichorium intybus* as a noxious weed. Therefore, the Department is deleting the *Cichorium intybus* from its regulations to be consistent with the 1994 amendment.

On June 13, 1994, the Committee held a public hearing to consider adding *Lythrum salicaria*, commonly referred to as Purple Loosestrife, to the Noxious Weed Control List. The *Lythrum salicaria* is a wetland plant indigenous to Europe and Asia. Once this plant has established itself in a wetland area, it crowds out other native plants which are sources of food for species found in the wetland. If the *Lythrum salicaria* forms a significant mass, it can dry up a wetland resulting in destruction of this important environmental habitat. Therefore, the Committee decided to add this plant to the Noxious Weed Control List.

On February 6, 1997, we received a letter from Representative Raymond Bunt, Chairperson of the House Agricultural and Rural Affairs Committee, indicating that the Committee had no opposition to the rulemaking and recommended its adoption.

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

Therefore:

The Commission will notify the Legislative Reference Bureau that Regulation No. 2-95 from the Department of

Agriculture, as submitted to the Commission on January 29, 1997, was deemed approved under section 5(b.3) of the Regulatory Review Act (71 P. S. § 745.5(b.3)) on February 19, 1997.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-378. Filed for public inspection March 7, 1997, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
	Board of Pardons	2/25/97
56-1	General Provisions	
	Department of Education	2/26/97
6-255	Community College Courses	

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-379. Filed for public inspection March 7, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Children's Health Insurance Program Annual Report for FY 1995-96

The Management Team for the Children's Health Insurance Program (CHIP), established under the Children's Health Care Act (62 P. S. §§ 5001.101—5000.3105), has completed the Annual Report for FY 1995-96. Interested parties may obtain a copy by writing or calling Lowware Holliman-Murry, CHIP Project Manager, Insurance Department, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 783-1437.

Include with the request a check or money order in the amount of \$4 payable to the Commonwealth of Pennsylvania.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-380. Filed for public inspection March 7, 1997, 9:00 a.m.]

Erie Insurance Exchange; Homeowners Insurance

On February 18, 1997, the Insurance Department received from Erie Insurance Exchange a filing for a rate level and rules change for homeowners insurance.

The company requests an overall +6.6% increase amounting to \$7,659,000 annually, to be effective July 1, 1997.

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

Copies of the filing will be available for public inspection, by appointment, during normal working hours 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, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-381. Filed for public inspection March 7, 1997, 9:00 a.m.]

Mr. and Mrs. Kant R. Patel; Hearing

Linda S. Kaiser, Insurance Commissioner of the Commonwealth of Pennsylvania, Petitioner v. Colonial Assurance Company, 7747 Old York Road, P. O. Box 29729, Elkins Park, PA 19117, Respondents.

Objections of: Mr. & Mrs. Kant R. Patel, A&A Partnership, 10225 Martinhoe Drive, Vienna, VA 22181.

Commonwealth Court Docket No. 851 C. D. 1984, Ins. Dept. Docket No. CC94-03-47.

1. A formal administrative hearing shall be held as follows:

Location: Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Date: April 30, 1997.

Time: 9:30 a.m.

2. Mr. and Mrs. Patel shall bear the burden of proof in this matter and must be prepared to present evidence in support of their objections at the hearing.

3. The hearing shall be held in accordance with 2 Pa. Code §§ 501—508 and §§ 701—704 (relating to the Administrative Agency Law); the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.193 and §§ 35.255—35.251; the Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3; and any other relevant provisions of law.

4. Motions and/or briefs relevant to the hearing, including motions in limine and briefs addressing significant or unusual points of law must be filed with the Docket Clerk, Insurance Department, 901 N. 7th Street, 2nd Floor, Harrisburg, PA 17102 with copies delivered to the Presiding Officer at 929 Mayfield Lane, Chadds Ford, PA 19317 on or before April 18, 1997.

5. The parties shall exchange exhibits and a list of witnesses on or before April 18, 1997, and send copies of same to the Presiding Officer.

A final prehearing telephone conference is scheduled for April 23, 1997, at 9:30 a.m.

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

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

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-382. Filed for public inspection March 7, 1997, 1997, 9:00 a.m.]

Pennsylvania Compensation Rating Bureau; Workers' Compensation Proposed Revisions

On February 24, 1997, the Insurance Department received from the Pennsylvania Compensation Rating Bureau proposed revisions to the Pennsylvania Construction Classification Premium Adjustment Program.

The Pennsylvania Compensation Rating Bureau requests that for policies with anniversary rating dates on or after July 1, 1997, the reporting period used to determine the payroll and hours worked for determining the credit be updated to the third quarter of 1996.

The Pennsylvania Compensation Rating Bureau also requests that the minimum hourly wage eligible for premium credit be updated in accordance with the most recent change in the Statewide average weekly wage, bringing the minimum wage to \$16.25 per hour.

Revisions are proposed in many of the increments in qualifying wages used to construct premium credits. This is being done to avoid premium reversals.

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 Guo Harrison, 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. 97-383. Filed for public inspection March 7, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

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

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

Appeal of Avery, Jerry; file no. 96-215-37591; Flagship City Insurance Company; doc no. PH97-02-025; April 24, 1997, at 11 a.m.;

Appeal of Leslie-Hughes, Jeanne H.; file no. 96-267-38506; Erie Insurance Exchange; doc. no. PH97-02-027; April 24, 1997, at 1 p.m.;

Appeal of Coulson Cava, Carolyn F.; file no. 96-303-73363; Keystone Insurance Company; doc. no. PI97-02-028; April 24, 1997, at 2 p.m.

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

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

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

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-384. Filed for public inspection March 7, 1997, 1997, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

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

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

Appeal of Norgaard, Norma C.; file no. 96-308-73391; Donegal Mutual Insurance Company; doc. no. PI97-02-026; April 24, 1997, at 9 a.m.

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

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to

those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

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

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-385. Filed for public inspection March 7, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Montgomery County, Wine & Spirits Shoppe # 0910, Store 4, 1045 Route 113, Souderton, PA 18964-1032.

Lease Expiration Date: August 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 1 mile radius of the Borough of Souderton.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe # 5140, 3000 Richmond Street, Philadelphia, PA 19134-5807.

Lease Expiration Date: March 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space on Aramingo Avenue, north of Westmoreland Street and south of Castor Avenue.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Philadelphia County, Wine & Spirits Shoppe # 5170, 6103 N. Broad Street, Philadelphia, PA 19141-1995.

Lease Expiration Date: March 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,200 net useable square feet of new or existing retail commercial space on Broad Street, north of Olney Avenue and south of 65th Avenue.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

The Liquor Control Board seeks the following new site:

Chester County, Wine & Spirits Shoppe # 1520.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space on Route 100, south of 422 (bypass) and north of Route 401.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Allegheny County, Wine & Spirits Shoppe #0258, 4921 Penn Avenue, Pittsburg, PA 15224-1608.

Lease Expiration Date: February 28, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space to serve the Garfield or Bloomfield neighborhoods in the City of Pittsburgh. Good loading facilities and off-street parking required.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1111, Suite 3, 3670 Portage Street, Portage, PA 15946-6540.

Lease Expiration Date: February 28, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,500 to 1,800 net useable square feet of new or existing retail commercial space in a shopping center environmental in Portage.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Elk County, Wine & Spirits Shoppe #2402, St. Marys Plaza Shopping Center, 832 S. St. Marys Road, St. Marys, PA 15857-2831.

Lease Expiration Date: March 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in a shopping center environmental in St. Marys.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Fayette County, Wine & Spirits Shoppe #2601, 111 W. Fayette Street, Uniontown, PA 15401-3207.

Lease Expiration Date: January 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space in the Central Business District of Uniontown. Free, off-street parking and rear tractor trailer loading is required.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

McKean County, Wine & Spirits Shoppe #4202, 120 Fraley Street, Kane, PA 16735-1327.

Lease Expiration Date: January 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,000 net useable square feet of new or existing retail commercial space to serve the Kane market area. Good loading facilities and off-street parking is required.

Proposals due: April 4, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Tom Deal, (412) 565-5130

JOHN E. JONES, III.
Chairperson

[Pa.B. Doc. No. 97-386. Filed for public inspection March 7, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 March 31, 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-00113749. Ephrata Community Ambulance Association, Inc. (528 West Main Street, Ephrata, Lancaster County, PA 17522-1738), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service between points in the borough of Ephrata, Lancaster County, and within an airline radius of 40 statute miles of the limits of said borough, and from points in the said territory to points in Pennsylvania and return.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00104550, Folder 2, Am-B. Josephine Avvisato, t/d/b/a Jo Jo's Travelers (315 South Keyser Avenue, Taylor, Lackawanna County, PA 18517)—persons in group and party service between points in the counties of Lackawanna and Wyoming, and from points in those counties to points in Pennsylvania and return; provided that no right, power or privilege is granted to originate group and party service at points in the cities of Carbondale and Scranton and the borough of Dunmore, Lackawanna County: *so as to permit* the transportation of persons in group and party service between points in the counties of Luzerne and Monroe, and from points in said counties to points in Pennsylvania and return. *Attorney:* John Fullerton, P. O. Box 9500, Harrisburg, PA 17108.

A-00111191, Folder 1, Am-A. Hansens Errand Service, Inc. (340 East 25th Street, Erie, Erie County, PA 16503), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service between points in the county of Erie, and from points in said county, to points in Pennsylvania and return: *so as to permit* the transportation of persons in paratransit service, between points in the counties of Erie, Crawford, Mercer, Venango, Lawrence, Warren, McKean, Jefferson and Potter, and from points in the said counties, to points in Pennsylvania and return.

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 March 24, 1997.

A-00113746	Rocket Construction Haulers, Inc. 674 Union Road, Mickleton, NJ 08056
A-00113760	Bulldog Transit & Supply Co. 17 Ferry Street, Leetsdale, PA 15056
A-00113761	Chester L. Deitch, Sr., Kathy M. Deitch, t/d/b/a K-C-Delight Farm 1668 West Lisburn Road, Mechanicsburg, PA 17055
A-00113762	Estal E. Fleck, t/d/b/a Estal E. Fleck Excavating R. D. 1, Box 1451, Three Springs, PA 17264
A-00113763	Stephen J. Brymesser 751 Petersburg Road, Carlisle, PA 17013-9231
A-00113764	Larry M. Orr R. D. 2, Box 113B, Indiana, PA 15701

- A-00113295, F. 2 David Sites, t/d/b/a D. Sites
261 Nottingham Street, Plymouth,
PA 18651
- A-00113325, F. 2 Michael L. Bowser
R. D. 1, Box 66A, Knox, PA 16232;
Kent S. Pope, 10 Grant Street,
Clarion, PA 16214
- A-00113449, F. 2 Louis Gelormini, t/d/b/a Lou
Gelormini's Package Delivery
1301 Butter Lane, Reading, PA
19606
- A-00113463, F. 2 Recycling Technologies, Inc.
60 Filbert Street, Hanover, PA
17331; McNees, Wallace & Nurick,
P. O. Box 1166, Harrisburg, PA
17108
- A-00113750 C. M. Kristman Excavating, Inc.
1099 Cannery Road, Coatesville, PA
19320
- A-00113751 Donald I. Nicholas, t/d/b/a Nicholas
Trucking
R. D. 1, Box 181, Watsontown, PA
17777
- A-00113752 Philip W. & Wagher & Robert M.
Griffin, t/d/b/a Patriot Trucking
Company
655 Philadelphia Avenue,
Warrington, PA 18976
- A-00113753 Appex Hydraulic & Machine, Inc.
P. O. Box 1230, State College, PA
16804; Alan F. Kirk, P. O. Box 1320,
Clearfield, PA 16830
- A-00113754 Joseph P. Fremer, t/d/b/a Fremer
Surface Mine Reclamation
R. D. 1, P. O. Box 203, Brockway, PA
15824; Dwight L. Koerber, P. O. Box
1320, Clearfield, PA 16830
- A-00113755 McLaughlin's Delivery & Storage, Inc.
9737 Cowden Street, Philadelphia,
PA 19115; Stephen G. Maliszewski,
1777 Sentry Parkway West,
Abington Hall, Suite 200, Blue Bell,
PA 19422
- A-00113756 P. C. Express Pick-up & Delivery
Service, Inc.
1770 Wheatfield Court, Middletown,
PA 17057; Jeffrey N. Yoff, 214
Senate Suite 203, Camp Hill, PA
17011
- A-00113757 Wenner-Burton Construction, Inc.
P. O. Box S, R. R. 2, Rt. 487-N,
Benton, PA 17814
- A-00113758 William G. McKissick, t/d/b/a
McKissick Trucking
R. R. 1, Box 786, Venus, PA 16364;
Bruce Rosen, 207 Seneca Street, Oil
City, PA 16301
- A-00113759 David T. Golden, t/d/b/a Golden
Excavation
1136 Toll House Road, Warminster,
PA 18974

**Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Jay-Bee Cartage Co.;**
Doc. No. A-00109448C9601

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission

has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Jay-Bee Cartage Co., respondent, maintains a principal place of business at 2933 South Cicero Avenue, Cicero, IL 60650.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00109448.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Jay-Bee Cartage Co. at Docket No. A-00109448, for failure to maintain current evidence of insurance on file with the Commission and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Kenneth E. Nicely
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Kenneth E. Nicely, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Notice to Plead

A. You must file an answer within 20 days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two copies sent to John G. Alford, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

B. If you fail to answer this complaint within 20 days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-387. Filed for public inspection March 7, 1997, 9:00 a.m.]

Transfer of Property Without Hearing

A-122250F0007. The Peoples Natural Gas Company. Application of The Peoples Natural Gas Company for the approval of the transfer of property used or useful in the public service to CNG Producing Company, an affiliate of the applicant.

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 March 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: The Peoples Natural Gas Company, 625 Liberty Avenue, Pittsburgh, PA 15222-3197, Through and By Counsel: Susan Garland George, 625 Liberty Avenue, Pittsburgh, PA 15222-3197; William T. Hawke, Malatesta Hawke & McKeon, Harrisburg Energy Center, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-388. Filed for public inspection March 7, 1997, 9:00 a.m.]

Water Service Without Hearing

A-210043F2001. National Utilities, Inc. Application of National Utilities, Inc., Pocono Division for permanent discontinuance of all water service to the public.

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 March 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: National Utilities, Inc., 1120 South Washington Avenue, Scranton, PA 18505, Through and By Counsel: Anthony C. Lomma, Esquire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-389. Filed for public inspection March 7, 1997, 9:00 a.m.]

Water Service Without Hearing

A-212285F0038. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for the approval of the right to begin to offer to furnish water service to the public in and around the Village of Tobyhanna, Coolbaugh Township, Monroe 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 March 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033, Through and By Counsel: Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene & MacRae L.L.P., 200 North Third Street, Suite 300, P. O. Box 12105, Harrisburg, PA 17108-2015; Velma Redmond, Esquire, Corporate Counsel, 800 W. Hershey Park Drive, Hershey, PA 17033.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-390. Filed for public inspection March 7, 1997, 9:00 a.m.]

Water Service Without Hearing

A-212285F0039. Pennsylvania-American Water Company and National Utilities, Inc. Joint application of Pennsylvania-American Water Company and National Utilities, Inc., for the approval of (1) the transfer, by sale, of the waterworks property and rights of National Utilities, Inc., Pocono Division, to Pennsylvania-American Water Company, and (2) the right of Pennsylvania-American Water Company to begin to offer to furnish water service to the public in the Borough of Mount Pocono and Coolbaugh Township, Monroe 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 March 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicants: Pennsylvania American Water Co., 800 West Hershey Park Drive, Hershey, PA 17033; Through and By Counsel: Michael D. Klein, Esquire, LeBoeuf, Lamb, Greene & MacRae L.L.P., 200 North Third Street, P. O. Box 12105, Harrisburg, PA 17108-2105; Velma Redmond, Esquire, Corporate Counsel, 800 West Hershey Park Drive, Hershey, PA 17033; National Utilities, Inc.,

1120 S. Washington Ave., Scranton, PA 18505; Through and By Counsel: Anthony C. Lomma, Esquire, 1120 S. Washington Ave., Scranton, PA 18505.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-391. Filed for public inspection March 7, 1997, 9:00 a.m.]

Water Service Without Hearing

A-212990F2000. Tobyhanna Water Company. Application of Tobyhanna Water Company for permanent discontinuance of all water service to the public.

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 March 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Tobyhanna Water Company, 1120 South Washington Avenue, Scranton, PA 18505, Through and By Counsel: Anthony C. Lomma, Esquire,

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-392. Filed for public inspection March 7, 1997, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Addition to Comprehensive Plan; Public Hearing

Summary: The Susquehanna River Basin Commission will hold a public hearing in conjunction with its regular meeting on March 20, 1997. This hearing will be for the purpose of receiving public comments on the inclusion of the proposed *Out-of-Basin Diversion Policy and Protocol* in the Commission's *Comprehensive Plan for Management and Development of the Water Resources of the Susquehanna River Basin*.

Under section 3.10 of the Susquehanna River Basin Compact, P. L. 91-575, 84 Stat 1509 et seq., the Commission must review and approve all diversions of water from the Susquehanna River Basin. Up to this time, the Commission has adopted no formal policy position or statement on how it will evaluate proposed diversions, but has relied on positions articulated in past docket decisions. This policy establishes the principles that the Commission will consider in the approval of diversions and adds a protocol describing how those principles will be applied. Written comments will also be accepted and made a part of the hearing record.

Dates: The public hearing will be held on March 20, 1997, beginning at approximately 9 a.m. Written comments on the proposed policy should be submitted by March 20, 1995.

Addresses: The public hearing will be held at the Best Western Country Cupboard Inn, Rt. 15 North, Lewisburg, PA. Copies of the entire policy statement and protocol

may be obtained upon request to the Commission at 1721 N. Front Street, Harrisburg, PA 17102-2391, (717) 238-0423.

For Further Information Contact: Richard A. Cairo, General Counsel/Secretary, SRBC, (717) 238-0423.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 97-393. Filed for public inspection March 7, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for: Roof Renovation at the Bowmansville Service Plaza, Milepost 289.9 EB on PA Turnpike, Chester County. Mandatory Site Inspection: March 20, 1997, 11 a.m. at Allentown Service Plaza. Open date: April 2, 1997 at 11 a.m.

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

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-394. Filed for public inspection March 7, 1997, 9:00 a.m.]

Request for Proposals

The Turnpike Commission gives notice of the following request for proposal: Provide a graduated pricing structure for all labor, equipment and materials necessary to deliver and install typical systems furniture work stations to various PA Turnpike Commission locations. The furniture systems to be specified are "Harpers" by Kimball and "Premise" by Hayworth Corporations only. Proposal Due Date: March 27, 1997 at 11 a.m.

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

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-395. Filed for public inspection March 7, 1997, 9:00 a.m.]

Request for Proposals

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

Contract No. 94-006-RS93. Roadway repairs between M.P. 67.40, Exit No. 7 and M.P. 109.90, Exit 10, and the Amos K. Hutchinson Bypass, M.P. G-0.00, Exit 1, and M.P. G-13.41, Exit No. 8 in Westmoreland and Somerset Counties, PA.

Bid Opening Date: March 26, 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 set (do not add State tax) by check or Post Office Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any

reason will be made for plans, specifications and contract documents.

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

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-396. Filed for public inspection March 7, 1997, 9:00 a.m.]
