

PENNSYLVANIA BULLETIN

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See Part II page 4073 for the
Environmental Quality Board's
Residual Waste

Agencies in this issue:

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Infrastructure Investment
Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Port of Pittsburgh Commission
Securities Commission
State Real Estate Commission
Turnpike Commission
Wild Resource Conservation Fund
Detailed list of contents appears inside.

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

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Contents

THE GENERAL ASSEMBLY

Proposed amendments to the Constitution of Pennsylvania (2 documents)..... 3925, 3926

THE COURTS

CIVIL PROCEDURAL RULES

Amendment of rules to provide for filing of copies and for service by facsimile transmission; no. 301; civil procedural rules doc. no. 5..... 3928
 Amendment of Rules 218 and 1303; no. 299; civil procedural rules doc. no. 5..... 3930
 Amendment of Rule 235 governing notice to the Attorney General; no. 300; civil procedural rules doc. no. 5..... 3929

CRIMINAL PROCEDURAL RULES

Proposed amendment concerning use of advanced communication technology in preliminary arraignments and arraignments..... 3931

JUDICIAL SYSTEM GENERAL PROVISIONS

Selection of the Special Independent Prosecutor's Panel..... 3928

LOCAL COURT RULES

Carbon County

Adoption of Local Rule L1901.5—violation of a temporary or final order; no. 98-1435..... 3936

Delaware County

Renumbering of Civil Rule *228(a), (b) and (c); no. 90-18200..... 3937

PHILADELPHIA RULES

Administrative reorganization of the First Judicial District; no. 196; judicial administration doc. no. 1.. 3935

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Agricultural Research Project contractors..... 3961

DEPARTMENT OF BANKING

Notices

Action on applications..... 3961
 Maximum lawful rate of interest for residential mortgages for the month of September 1998..... 3963

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Keystone Recreation, Park and Conservation Fund; Community Grant Program; Rails-to-Trails Grant Program; Rivers Conservation Grant Program.... 3963

DEPARTMENT OF ENVIRONMENTAL PROTECTION

See also ENVIRONMENTAL QUALITY BOARD
 PENNSYLVANIA INFRASTRUCTURE
 INVESTMENT AUTHORITY

Notices

Applications, actions and special notices..... 3964
 Availability of technical guidance..... 3996
 Clean Water State Revolving Fund Projects; Federal FY 1998 and 1999 Project Priority List and FY 1998 Intended Use Plan and Federal Hardship Grants Program for rural communities..... 4012
 Draft unified watershed assessment process; notice of availability..... 3996
 Drinking Water State Revolving Fund Projects; Federal FY 1998 and 1999 Project Priority List and FY 1998 Intended Use Plan..... 4046
 Proposed revisions to General Plan Approval and General Operating Permits for portable nonmetallic mineral processing plants; BAQ-PGPA/GP-3... 3997

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards..... 4069
 State contracts information..... 4063

DEPARTMENT OF HEALTH

Notices

Organ Donation Advisory Committee meeting..... 3998

DEPARTMENT OF PUBLIC WELFARE

Rules and Regulations

General eligibility; allowances and benefits; resources; income..... 3939

DEPARTMENT OF REVENUE

Rules and Regulations

Super 6 Lotto..... 3945

Notices

Cigarette tax notice..... 3999
 Pennsylvania Solid Gold instant lottery game..... 3999

DEPARTMENT OF TRANSPORTATION

Notices

Retention of engineering firms..... 4002
 Transportation accessibility in rural locations forums..... 4006
 Washington County—finding..... 4001

ENVIRONMENTAL HEARING BOARD

Notices

Brush Wellman, Inc. v. DEP; EHB doc. no. 98-131-MG..... 4006

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking

Residual waste (Part II)..... 4073

Notices

Cancellation of August 18, 1998, meeting..... 4006

Now Available Online at <http://www.pabulletin.com>

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission 4007

INSURANCE DEPARTMENT

Notices

Application for merger of a domestic stock life insurance corporation with and into a nondomestic stock life insurance corporation 4009

Capital Blue Cross; filing no. 98-N; Community-Rated Group Prescription Drug Program rate increase 4010

Capital Blue Cross; filing no. 98-O; Community-Rated Group 65-Special Program rate increase . . . 4010

Erie Insurance Exchange; Erie Insurance Company; private passenger automobile rate revision 4010

Public informational meeting regarding the consolidation of two domestic insurance corporations . . . 4010

Review procedure hearings under the Unfair Insurance Practices Act 4011

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 4011

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Notices

Clean Water State Revolving Fund Projects; Federal FY 1998 and 1999 Project Priority List and FY 1998 Intended Use Plan and Federal Hardship Grants Program for rural communities 4012

Drinking Water State Revolving Fund Projects; Federal FY 1998 and 1999 Project Priority List and FY 1998 Intended Use Plan 4046

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Statements of Policy

Evidentiary criteria for motor common carriers 3959

Notices

Petition of NWL Co. for a declaratory order; doc. no. P-00981408 4055

Service of notice of motor carrier applications 4055

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for proposals 4056

PORT OF PITTSBURGH COMMISSION

Notices

Request for proposals 4056

SECURITIES COMMISSION

Proposed Rulemaking

Registration of securities; registration of broker-dealers; agents and investment advisers; administration 3950

STATE REAL ESTATE COMMISSION

Rules and Regulations

Examination fees 3938

TURNPIKE COMMISSION

Notices

Request for bids 4056

Request for proposals 4056

WILD RESOURCE CONSERVATION FUND

Notices

1998 annual report 4057

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

4 Pa. Code (Administration)

Adopted Rules

1	466
5	471, 1746, 2128, 2366
7	356

Proposed Rulemaking

116	2817
117	2822

Statements of Policy

9	49, 382, 1640, 1842, 2045, 2414, 2511, 2929
---	---

10 Pa. Code (Banks and Banking)

Adopted Rules

11	14
13	14
17	14
35	14
41	14, 2687

Proposed Rulemaking

41	44
----	----

Statements of Policy

41	1956
81	2049

12 Pa. Code (Community and Economic Development)

Proposed Rulemaking

33	1530
----	------

Statements of Policy

61	1139
123	3807

19 Pa. Code (Corporations and Business Associations)

Adopted Rules

41	799
----	-----

22 Pa. Code (Education)

Adopted Rules

14	1002
101	2580
213	2688
342 (with correction)	1004, 1135

Proposed Rulemaking

4	3875
33	3506
44	2148
121	1535
201	1543
211	1543
213	1543
215	1543
701	3412

25 Pa. Code (Environmental Protection)

Adopted Rules

77 (with correction)	619, 801
78	1234
79	1234
80	1234

86	15, 2227
87	2215, 2227
88	2215, 2227
89	2227, 2761
90	2227
93 (with correction)	137, 1633, 3378
103	18
139	2035
245 (with correction)	1135
803 (with correction)	3588
901	1136

Proposed Rulemaking

86	941
93	1635, 3507
102	769
109	2265
215	881
217	881
219	881
220	881
224	881
225	881
226	881
230	881
232	881
250	4073
287	4073
288	4073
289	4073
291	4073
295	4073
297	4073
299	4073
1021	807

28 Pa. Code (Health and Safety)

Adopted Rules

51	2643
136	2643
138	2643
139	2643
158	2643

Proposed Rulemaking

6	485, 1008
---	-----------

31 Pa. Code (Insurance)

Adopted Rules

1	3753
5	3753
7	3753
9	3753
27	2406
71 (with correction)	1401, 1518
73 (with correction)	1401, 1518, 1941
103	3755
113	1235, 1518
117	3756
131	1314
135	3758
137	1237

Proposed Rulemaking
 121 3805

34 Pa. Code (Labor & Industry)
Adopted Rules

65 21
 122 329
 123 329
 127 329
 131 329

Proposed Rulemaking

61 2925
 63 2925
 65 2925

37 Pa. Code (Law)
Adopted Rules

81 2500
 93 2501
 203 2924

Proposed Rulemaking

31 2037
 33 2037
 203 2925

40 Pa. Code (Liquor)
Adopted Rules

3 1418
 5 1418
 9 279
 11 279
 13 1418
 15 1418

Proposed Rulemaking

11 2591
 13 488

49 Pa. Code (Professional and Vocational Standards)
Adopted Rules

9 3273
 16 1315, 1316
 23 2586
 25 3282
 33 2589
 35 3938
 36 1941
 41 2412

Proposed Rulemaking

1 1559
 15 3414
 16 814
 21 2693
 31 2289, 2927
 33 (with correction) 3293, 3296, 3593
 36 2036
 41 1421

Statements of Policy

61 382

52 Pa. Code (Public Utilities)
Adopted Rules

1 647
 3 647, 3760
 5 647, 801
 21 647
 23 647

29 647
 31 647
 37 801
 53 801
 54 3283, 3760, 3775, 3780, 3791
 55 801
 56 801, 3379
 57 3385
 58 25
 59 3050
 63 3394
 64 3394
 65 801, 804
 69 801
 71 801

Proposed Rulemaking

3 2143
 5 2143
 32 2146
 53 508
 53a 508
 54 490, 493, 501, 508, 514, 518, 2139
 57 493
 63 3059

Proposed Statements of Policy

41 3959
 69 1425

55 Pa. Code (Public Welfare)
Adopted Rules

141 3939
 175 3939
 177 3939
 181 2810
 183 3939

Proposed Rulemaking

140 1531
 141 2287
 147 2287
 181 1531
 289 2287
 3480 1079
 3490 1079
 3680 953, 1320
 3710 953, 1320
 3760 953, 1320
 3800 (with correction) 953, 1138, 1320
 3810 953, 1320
 5310 953, 1320
 6400 953, 1320

Statements of Policy

259 3301
 1101 138
 1163 2150
 1187 138

58 Pa. Code (Recreation)
Adopted Rules

21 1238
 51 30, 1521, 1753
 53 30
 63 1753
 65 1754, 1755
 93 30, 34, 40, 1006
 109 30
 135 2504
 139 2504

141 2504, 3801
 143 1316, 3801
 147 1316

Proposed Rulemaking

53 1837
 61 45, 1322, 1322, 1758, 1840, 3591
 65 45, 1322, 1322, 1758, 1937, 3058
 75 3591
 91 1533
 93 1837, 3057
 95 1533
 97 1533
 109 1533, 1954
 103 1533
 135 1243
 139 1243, 3804
 141 1243, 2814, 3804
 143 2814

61 Pa. Code (Revenue)

Adopted Rules

6 1522
 8a 1522
 35 (with correction) 1522, 1836
 71 979
 72 979
 73 979
 75 979
 76 979
 77 979
 79 979
 83 979
 85 979
 870 3945

Proposed Rulemaking

7 366
 31 366
 32 366, 1320
 33 366
 34 366
 42 366
 44 366
 45 366
 46 366
 47 366
 58 366
 101 1946
 155 380

Statements of Policy

60 3418

64 Pa. Code (Securities)

Adopted Rules

203 2509

Proposed Rulemaking

202 3950
 206 3950
 302 3950
 606 3950
 609 3950
 610 3950

Statements of Policy

604 3302

67 Pa. Code (Transportation)

Adopted Rules

71 364
 75 364
 83 364
 105 3588

Proposed Rulemaking

60 2139
 63 2139
 255 2814
 449 2510

70 Pa. Code (Weights, Measures and Standards)

Statements of Policy

39 2416

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

7 2283

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 (with correction) 3252, 3502
 71 (with correction) 3503
 83 2024
 89 1834, 3504
 91 1933
 211 3253, 3586
 215 3928

207 Pa. Code (Judicial Conduct)

Adopted Rules

1 1632
 5 359
 7 2806
 21 1388
 119 2131
 303 2283

Proposed Rulemaking

1 795
 3 1632
 7 2025
 119 646

225 Pa. Code (Rules of Evidence)

Unclassified 2369

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

100 3928
 200 359, 3928, 3929, 3930
 400 3373, 3928
 1000 3928
 1300 3930
 1900 1391
 2950 2026
 3000 2026
 4000 2026, 2131

Proposed Rulemaking

200 3253
 1910 1216
 4000 2032, 3253

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

50 1126
 100 1126
 1400 480

3924

Proposed Rulemaking

20475, 1505
50 1510
100 1505, 3931
300475, 3931
305 276
1100 475
6000 3931

246 Pa. Code (Minor Court Civil Rules)

Proposed Rulemaking

100 2685
300 2685

249 Pa. Code (Philadelphia Rules)

Unclassified (with correction)997, 1516, 2919, 2920,
3021, 3373, 3586, 3935

252 (Allegheny County Rules)

Unclassified 133, 135, 1936, 3373

255 Pa. Code (Local Court Rules)

Unclassified8, 9, 10, 135, 136, 277, 481,
482, 646, 795, 796, 798, 1000, 1128,1132, 1233,
1312, 1516, 1750, 1751, 1834,1835, 1939, 2033,
2132, 2283, 2285, 2403, 2404, 2405, 2499, 2578,
2685, 2686, 2806, 2808, 2921, 2922, 2923, 3024,
3048, 3255, 3257, 3258, 3504, 3587, 3752, 3936,
3937,

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THE GENERAL ASSEMBLY

Proposed Amendments to the Constitution of Pennsylvania

The following proposed amendments to the Constitution of Pennsylvania were first approved by the General Assembly during 1995-96, and were approved by the General Assembly for the second time during 1998. Pursuant to Article XI of the Constitution, the Secretary of the Commonwealth has caused the proposed amendments to be published.

Pursuant to Joint Resolutions 1998-1 and 1998-2 of the General Assembly, Article XI of the Constitution, and other laws, the Secretary will cause the proposed amendments to be presented to the electors of Pennsylvania in the form of ballot questions at the General Election to be held on November 3, 1998. If a ballot question is approved by a majority of the electors voting on it, the corresponding amendment becomes part of the Constitution.

The boldfaced words in the proposed amendments would be added to the Constitution.

Following each proposed amendment is the text of the question that will be placed on the ballot. Below each question is a Statement of the Attorney General indicating the purpose, limitations and effects of the ballot question on the people of the Commonwealth.

Anyone who needs help reading this advertisement or who needs the text of the advertisement in an alternative format may call or write the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, Room 303 North Office Building, Harrisburg, PA 17120, (717) 787-5280.

YVETTE KANE,
Secretary of the Commonwealth

JOINT RESOLUTION 1998-1

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 14 of Article I be amended to read:

§ 14. Prisoners to be bailable; habeas corpus.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses, **or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community** when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

* * *

Ballot Question Regarding Joint Resolution 1998-1

Shall the Pennsylvania Constitution be amended to disallow bail when the proof is evident or presumption

great that the accused committed an offense for which the maximum penalty is life imprisonment or that no condition or combination of conditions other than imprisonment of the accused will reasonably assure the safety of any person and the community?

Statement of the Attorney General Regarding Joint Resolution 1998-1

Adding Categories of Criminal Cases
in which Bail is Disallowed

The purpose of the ballot question is to amend the Pennsylvania Constitution to add two additional categories of criminal cases in which a person accused of a crime must be denied bail. Presently, the Constitution allows any person accused of a crime to be released on bail unless the proof is evident or presumption great that the person committed a capital offense. A capital offense is an offense punishable by death. The Pennsylvania Supreme Court has ruled that a person accused of a crime that is not a capital offense may be denied bail only if no amount or condition of bail will assure the accused's presence at trial.

The ballot question would amend the Constitution to disallow bail also in cases in which the accused is charged with an offense punishable by life imprisonment or in which no condition or combination of conditions other than imprisonment of the accused will reasonably assure the safety of any person and the community. The ballot question would extend to these two new categories of cases in which bail must be denied the same limitation that the Constitution currently applies to capital cases. It would require that the proof be evident or presumption great that the accused committed the crime or that imprisonment of the accused is necessary to assure the safety of any person and the community.

The proposed amendment would have two effects. First, it would require a court to deny bail when the proof is evident or presumption great that the accused committed a crime punishable by death or life imprisonment. Second, it would require a court deciding whether or not to allow bail in a case in which the accused is charged with a crime not punishable by death or life imprisonment to consider not only the risk that the accused will fail to appear for trial, but also the danger that release of the accused would pose to any person and the community.

JOINT RESOLUTION 1998-2

Proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for trial by jury.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of Pennsylvania is proposed in accordance with Article XI:

That section 6 of Article I be amended to read:

§ 6. Trial by jury.

Trial by jury shall be as heretofore, and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.

* * *

**Ballot Question Regarding
Joint Resolution 1998-2**

Shall the Pennsylvania Constitution be amended to provide that the Commonwealth shall have the same right to trial by jury in criminal cases as does the accused?

**Statement of the Attorney General
Regarding Joint Resolution 1998-2**

Granting the Commonwealth the
Right to Trial by Jury in Criminal Cases

The purpose of the ballot question is to amend the Pennsylvania Constitution to give the Commonwealth, as representative of the people and the victim, the same right to a jury trial in criminal cases as is currently given to the accused.

Beginning in 1935, Pennsylvania law provided that the accused in a criminal case could waive his or her right to a jury trial as long as both the court and the Commonwealth consented. Because the accused could be tried without a jury only if the Commonwealth consented, the Commonwealth had the same right to a jury trial as did the accused.

With the constitutional amendments of 1968, the Pennsylvania Supreme Court was given the authority to issue rules of procedure. In 1968, the Supreme Court adopted a rule of criminal procedure that continued the statutory practice requiring the Commonwealth's consent when an accused waives the right to a jury trial. In 1973, however, the Supreme Court amended the rule to remove the need for the Commonwealth's consent, which took away from the Commonwealth the same right to a jury trial that is given to the accused.

In 1977, the Pennsylvania General Assembly enacted a law that returned to the Commonwealth the same right to a jury trial that is given to the accused, but the Pennsylvania Supreme Court declared the 1977 law unconstitutional because it conflicted with the 1973 amendment to the Court's procedural rule.

The effect of the ballot question would be to restore the law to what it was prior to the Supreme Court's 1973 rule; namely, that the Commonwealth would have the same right to a jury trial in a criminal case as does the accused, which is also consistent with federal law. The right of an accused to a jury trial would not be affected by the proposed amendment.

A limitation on the proposed amendment is that it would give the Commonwealth no greater a right to a jury trial than is given to the accused.

[Pa.B. Doc. No. 98-1301. Filed for public inspection August 14, 1998, 9:00 a.m.]

**Proposed Amendments to the Constitution of
Pennsylvania**

The following proposed amendments to the Constitution of Pennsylvania were first agreed to by the General Assembly during 1998. Pursuant to Article XI of the Constitution, the Secretary of the Commonwealth has caused the proposed amendments to be published.

Pursuant to Article XI, if the amendments are agreed to by the General Assembly to be chosen at the November 3, 1998 General Election, the proposed amendments would then be published again and presented to the electors of the Commonwealth for approval at such time and in such manner as the General Assembly shall direct. If approved by a majority of the electors voting on it, an amendment becomes part of the Constitution.

If an amendment is approved, the boldfaced words will be added to the Constitution and words within brackets will be deleted.

Anyone who needs help reading this advertisement or who needs the text of the advertisement in an alternative format may call or write the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, Room 303 North Office Building, Harrisburg, PA 17120, (717) 787-5280.

YVETTE KANE,
Secretary of the Commonwealth

JOINT RESOLUTION 1998-3

Proposing amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for the selection of the chairman of the Legislative Reapportionment Commission; providing for the effective date of newly reapportioned districts and for the election of Senators in certain circumstances; and further providing for retirement of justices, judges and justices of the peace.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 17(b), (c) and (e) of Article II be amended to read:

§ 17. Legislative Reapportionment Commission.

* * *

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal decennial census as required by Federal law, the four members shall be certified by the President pro tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within 45 days after their certification shall select, **by an affirmative vote of three members**, the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, **the Supreme Court, by action of** a majority of the entire membership of the Supreme Court **plus one**, within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled.

(c) No later than 90 days after either the **[commission] chairman** has been duly certified or the population data for the Commonwealth as determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer.

The commission shall have 30 days after filing the preliminary plan to make corrections in the plan.

Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and, **unless an appeal is filed under subsection (d)**, have the force of law **for use thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.**

* * *

(e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law **[and the districts therein provided shall be used] for use** thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.

(2) That section 17(f), (g) and (h) of Article II be amended and the section be amended by adding a subsection to read:

§ 17. Legislative Reapportionment Commission.

* * *

(f) Any district which does not include the residence from which a member of the Senate was elected whether or not scheduled for election at the next general election shall elect a Senator at such election. . . .

[(f)] (g) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine, but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission

fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

[(g)] (h) If a preliminary, revised or final reapportionment plan is not filed by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

[(h)] (i) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportionment districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.

(3) That section 16(b) of Article V be amended to read:

§ 16. Compensation and retirement of justices, judges and justices of the peace.

* * *

(b) Justices, judges and justices of the peace shall be retired **[upon attaining] on the last day of the calendar year in which they attain** the age of 70 years. Former and retired justices, judges and justices of the peace shall receive such compensation as shall be provided by law. Except as provided by law, no salary, retirement benefit or other compensation, present or deferred, shall be paid to any justice, judge or justice of the peace who, under section 18 or under Article VI, is suspended, removed or barred from holding judicial office for conviction of a felony or misconduct in office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute.

* * *

[Pa.B. Doc. No. 98-1302. Filed for public inspection August 14, 1998, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 215]

Selection of the Special Independent Prosecutor's Panel

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA

§ 215.1. Special Independent Prosecutor's Panel.

(a) Under 18 Pa.C.S. § 9311(a) (relating to selection of special independent prosecutor's panel), the Court Administrator of Pennsylvania is required to determine and supervise the procedure for selecting members of the panel.

(b) In accordance with 18 Pa.C.S. § 9311(a), a panel composed of one judge of the Commonwealth Court and two judges of the Courts of Common Pleas were chosen at random. The judges selected were: the Honorable Rochelle S. Friedman of Commonwealth Court, the Honorable Paul W. Tressler of Montgomery County Court of Common Pleas, and the Honorable Donald E. Machen of Allegheny County Court of Common Pleas.

NANCY M. SOBOLEVITCH,
Court Administrator of Pennsylvania

[Pa.B. Doc. No. 98-1303. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 100, 200, 400 AND 1000]

Amendment of Rules to Provide for Filing of Copies and for Service by Facsimile Transmission; No. 301; Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 3rd day of August, 1998, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 76 and 440 are amended to read as follows.
2. New Rule 205.3 is promulgated to read as follows.
3. A note is added to Rule 1025 to read as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1999.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 100. RULES OF CONSTRUCTION

Rule 76. Definitions.

* * * * *

Facsimile copy—A copy of a document transmitted and received by facsimile equipment;

* * * * *

CHAPTER 200. BUSINESS OF COURTS Rule

205.3. Filing Pleadings and Other Legal Papers with the Prothonotary. Originals and Copies.

(a) A party may file with the prothonotary an original pleading or other legal paper, or a copy including a facsimile copy provided that the copy shows that the original pleading or other legal paper was properly signed and, where applicable, verified. Except as otherwise provided by law, the copy shall be deemed the equivalent of the original document.

Official Note: This rule does not authorize the filing of legal papers with the prothonotary by facsimile transmission, but, rather, authorized the filing of a nonoriginal facsimile or other copy. See Rule 205.1 governing the manner of filing with the prothonotary.

See Rule 76 for the definition of facsimile copy.

The facsimile copy must be on paper of good quality. See Pa.R.A.P. 124(a)(1).

This rule is not intended to alter the requirement of Rule 2951(c)(2) that a judgment by confession be entered pursuant to complaint if the original cannot be produced for filing.

(b) If a party has filed of record a copy of a pleading or other legal paper, any other party may require the filing of the original document by filing with the prothonotary and serving upon the party who filed the copy a notice to file the original document with the prothonotary within fourteen days of the filing of the notice.

CHAPTER 400. SERVICE OF ORIGINAL PROCESS SERVICE OF LEGAL PAPERS OTHER THAN ORIGINAL PROCESS

Rule 440. Service of Legal Papers Other than Original Process.

(a) (1) Copies of all legal papers other than original process filed in an action or served upon any party to an action shall be served upon every other party to the action. Service shall be made

(i) by handling or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, [but if] or at such other address as a party may agree, or

Official Note: Such other address as a party may agree might include a mailbox in the prothonotary's office or an e-mail address.

(ii) by transmitting a copy by facsimile to the party's attorney of record as provided by subdivision (d).

(2) (i) If there is no attorney of record, [then (1)] service shall be made by handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of the party, [but, if] or by transmitting a copy by facsimile as provided by subdivision (d).

(ii) If such service cannot be made, [then (2)] service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.

* * * * *

(d) (1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

(2) The copy served shall begin with a facsimile cover sheet containing

(i) the name, firm, address, telephone number, of both the party making service and the party served,

(ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was transmitted,

(iii) the title of the legal paper served and

(iv) the number of pages transmitted.

(3) Service is complete when transmission is confirmed as complete.

CHAPTER 1000. ACTIONS AT LAW
PLEADINGS

Rule 1025. Endorsement.

* * * * *

Official Note: The inclusion of a telephone number for facsimile transmission on an appearance or prior legal paper is an agreement to accept service of pleadings or other legal papers by that means. See Rule 440(d)(1).

Explanatory Comment

The rules of civil procedure have been amended to allow the filing of a copy of a document, including a "faxed" document, and service by "fax" of a document other than original process.

The term "facsimile" is defined by Black's Law Dictionary (Sixth Edition 1990) as "an exact copy, preserving all the marks of the original." Narrowing this definition, a proposed amendment to Rule 76 limits the term to copies transmitted and received by facsimile equipment, i.e., copies which are faxed.

New Rule 205.3(a) provides that an original document or a copy of the document, including a faxed document, may be filed with the prothonotary. A copy of a document will be treated as an original "provided that the copy shows that the pleading or other legal paper was properly signed and, where applicable, verified."

A note emphasizes that new Rule 205.3 does not provide for the filing of a document by means of facsimile transmission. The new rule addresses the issue of what documents may be filed with the prothonotary, i.e., an original and a copy. The rule is not concerned with the manner of filing the document with the prothonotary;

that is the function of Rule 205.1 which speaks of delivery and mail but does not authorize facsimile transmission.

Rule 205.3(a) also expressly states that a copy of a document is deemed to be the equivalent of an original except as otherwise provided by law. An example of that exception is Rule 2951(c)(2) which requires that a judgment by confession be entered pursuant to complaint if the original cannot be produced for filing. A note to the rule states that the rule is not intended to alter this requirement.

Subdivision (b) of Rule 205.3 also provides that, if a copy of a document is filed of record, another party may require that the original document be filed. However, unless the genuineness of a document or signature is in question, it is not anticipated that this provision would be much used.

The amendment to Rule 440 provides for service of documents upon parties by facsimile transmission. Under new subdivision (d)(1), documents may be served by fax if the parties agree among themselves to such service or if a party simply includes the fax telephone number on an appearance or prior legal paper. A note has been added to Rule 1025 governing endorsement alerting the bench and bar to the consequences of including the "fax" number of a document.

New Rule 440(d)(2) requires a cover sheet when making service by facsimile transmission. Subdivision (d)(3) provides that "[s]ervice is complete when transmission is confirmed as complete."

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-1304. Filed for public inspection August 14, 1998, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 235 Governing Notice to the Attorney General; No. 300; Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 3rd day of August, 1998, Pennsylvania Rule of Civil Procedure 235 is amended to read as follows.

Whereas prior distribution and publication of the amendment would otherwise be required, it has been determined that the amendment is of a perfunctory nature and that immediate promulgation is required in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1999.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 235. Notice to Attorney General. Constitutionality of Statute. Charitable Bequest or Trust.

In any proceeding in a court subject to these rules in which an Act of Assembly is alleged to be unconstitutional or a charitable bequest or trust is involved and the Commonwealth is not a party, the party raising the question of constitutionality or the plaintiff in a proceeding involving a charitable bequest or trust shall promptly give notice thereof by registered mail to the Attorney General of Pennsylvania together with a copy of the pleading or other portion of the record raising the issue and shall file proof of the giving of the notice. The Attorney General may intervene as a party or may be heard without the necessity of intervention. The court in its discretion may stay the proceedings pending the giving of the notice and a reasonable opportunity to the Attorney General to respond thereto. If the circumstances of the case require, the court may proceed without prior notice in which event notice shall be given as soon as possible; or the court may proceed without waiting action by the Attorney General in response to a notice.

Official Note: By Definition Rule 76, registered mail includes certified mail.

Explanatory Comment

The Commonwealth Attorneys Act provides that the Attorney General may intervene in actions "involving charitable bequests and trusts or the constitutionality of any statute":

71 P. S. § 732-204. *Legal advice and civil matters.*

* * * * *

(c) *Civil litigation; collection of debts.*—The Attorney General shall represent the Commonwealth and all Commonwealth agencies and upon request, the Departments of Auditor General and State Treasury and the Public Utility Commission in any action brought by or against the Commonwealth or its agencies, and may intervene in any other action, including those involving charitable bequests and trust or the constitutionality of any statute.

Rule of Civil Procedure 235 presently provides for notice to be given the Attorney General of actions in which an Act of Assembly is alleged to be unconstitutional. However, the rule makes no mention of actions involving charitable bequests and trusts. The present amendment conforms the rule to the statute by extending the notice requirement to these actions.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-1305. Filed for public inspection August 14, 1998, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 1300]

Amendment of Rules 218 and 1303; No. 299; Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 30th day of July, 1998, Pennsylvania Rules of Civil Procedure 218 and 1303 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1999.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 218. Party Not Ready When Case is Called for Trial.

(a) [When] Where a case is called for trial, if without satisfactory excuse a plaintiff is not ready, the court may enter a nonsuit on motion of the defendant or a non pros on the court's own motion.

* * * * *

(c) A party who fails to appear for trial shall be deemed to be not ready without satisfactory excuse.

Official Note: The mere failure to appear for trial is a ground for the entry of a nonsuit or a judgment of non pros or the reinstatement of a compulsory arbitration award.

A nonsuit is subject to the filing of a motion under Rule 227.1(a)(3) for post-trial relief to remove the nonsuit and a judgment of non pros is subject to the filing of a petition under Rule 3051 for relief from a judgment of non pros.

A decision of the court following a trial at which the defendant failed to appear is subject to the filing of a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

CHAPTER 1300. COMPULSORY ARBITRATION
Subchapter A. RULES

Rule 1303. Hearing Notice.

(a)(1) The procedure for fixing the date, time and place of hearing before a board of arbitrators shall be prescribed by local rule, provided that not less than thirty days' notice in writing shall be given to the parties or their attorneys of record.

Official Note: See Rule 248 as to shortening or extending the time for the giving of notice.

(2) The local rule may provide that the written notice required by subdivision (a)(1) include the following statement:

"This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

Official Note: A party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

(b) When the board is convened for hearing, if one [party] or more parties is not ready [and the other is not] the case shall proceed and the arbitrators shall make an award unless the court

(1) orders a continuance, or

(2) hears the matter if the notice of hearing contains the statement required by subdivision (a)(2) and all parties present consent.

Official Note: It is within the discretion of the court whether it should hear the matter or whether the matter should proceed in arbitration. If the court is to hear the matter, it should be heard on the same date as the scheduled arbitration hearing.

In hearing the matter, the trial court may take action not available to the arbitrators, including the entry of a nonsuit if the plaintiff is not ready or a non pros if neither party is ready. If the defendant is not ready, it may hear the matter and enter a decision.

For relief from a nonsuit, see Rule 227.1 governing post-trial practice. See also Rule 3051 governing relief from a judgment of non pros.

Following an adverse decision, a defendant who has failed to appear may file a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

EXPLANATORY COMMENT

If at a hearing before a board of arbitrators one party was ready and the other was not, Rule of Civil Procedure 1303 previously provided for the arbitration to proceed and an award to be made unless the court ordered a continuance. Under this rule, some courts experienced the problem of a party failing to appear for the arbitration hearing and then appealing for a trial de novo before the court.

Rule 1303 has been amended to provide an additional alternative in such a circumstance and allow a court of common pleas by local rule to provide that the court may hear the case if the notice of hearing so advised the parties and all parties present agree. If the court hears the matter, then the parties will have had their trial in the court of common pleas. Relief from the decision of the court will be by motion for post-trial relief following the entry of a nonsuit or a decision of the court or by petition to open a judgment of non pros. Relief from the action of the trial court will be by appeal to an appellate court. As the new notice advises, there will be "no right to a de novo trial on appeal from a decision entered by a judge."

Rule 218 governs the instance when a party is not ready when a case is called for trial. The note to subdivision (c) prior to its amendment referred to the right of a plaintiff to seek relief from the entry of a nonsuit or a judgment of non pros but omitted any reference to a defendant seeking relief from the decision of the court following a trial. A new paragraph has been added to the note calling attention to the defendant's right to file a motion for post-trial relief "on the ground of a satisfactory excuse for the defendant's failure to appear."

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-1306. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA CODE CHS. 100, 300 AND 6000]

Proposed Amendment Concerning Use of Advanced Communication Technology in Preliminary Arraignments and Arraignments

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 140 (Preliminary Arraignment), 303 (Arraignment), and 6003 (Procedure in Non-Summary Municipal Court Cases), and make correlative changes to Rules 102 (Procedure in Court Cases Initiated by Arrest without Warrant) and 123 (Procedure in Court Cases when Warrant of Arrest is Executed within Judicial District of Issuance). This proposal would provide for the use of advanced communication technology, including closed circuit television, in preliminary arraignments and arraignments. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the Committee's considerations in formulating this proposal. Please note that the Committee's *Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the explanatory *Reports*.

The text of the proposed rule changes precedes the *Report*. Deletions are in bold and brackets, and additions are in bold.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901 no later than Wednesday September 9, 1998.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 100. PROCEDURE IN COURT CASES

PART I. INSTITUTING PROCEEDINGS

Rule 102. Procedure in Court Cases Initiated by Arrest Without Warrant.

* * * * *

Official Note: Original Rule 118 and 118(a), adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 118 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 130 September 18, 1973, effective January 1, 1974; amended December 14, 1979, effective April 1, 1980; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; Comment revised July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 102 and amended August 9, 1994,

effective January 1, 1995; Comment revised September 26, 1996, effective immediately **Comment revised, 1998, effective** , 1998.

Comment

Paragraph (a) requires that the defendant receive a prompt preliminary arraignment. See Rule 140 (Preliminary Arraignment).

Paragraph (a) is intended to permit **the use of advanced communication technology (including audio-video equipment and closed circuit television) in preliminary arraignments. See Rule 140 and Comment for the procedures governing the use of advanced communication technology in preliminary arraignments.**

* * * * *

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the September 26, 1996 Comment revision published with the Court's Order at 26 Pa.B. 4894 (October 12, 1996).

Report explaining the proposed revisions concerning the use of advanced communication technology in preliminary arraignments published at 28 Pa.B. 3934 (August 15, 1998).

PART III. SUMMONS AND ARREST WARRANT

PART B. ARREST WARRANT PROCEDURES

Rule 123. Procedure in Court Cases When Warrant of Arrest is Executed Within Judicial District of Issuance.

* * * * *

Official Note: Original Rule 116, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 116 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 122 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; Comment revised July 12, 1985, effective January 1, 1986, effective date extended to July 1, 1986; renumbered Rule 123 and Comment revised August 9, 1994, effective January 1, 1995; **Comment revised** , 1998, **effective** , 1998.

Comment

This rule was amended in 1983 to permit closed circuit television preliminary arraignment, to insure that the preliminary arraignment is not delayed and the defendant is not detained unduly because of the unavailability of a particular issuing authority (see Rule 23), to reflect that "judicial district" is the appropriate subdivision of the Commonwealth, and to make the wording of this rule consistent with related rules. See Rules 76 and 124. These amendments are not intended to affect the responsibility of the police and issuing authorities to insure prompt preliminary arraignments.

See Rule 140 and Comment for the procedures governing the use of advanced communication technology, including closed circuit television, in preliminary arraignments.

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Report explaining the proposed revisions concerning the use of advanced communication technology in preliminary arraignments published at 28 Pa.B. 3934 (August 15, 1998).

PART IV. PROCEEDINGS BEFORE ISSUING AUTHORITIES

Rule 140. Preliminary Arraignment.

(A) In the discretion of the issuing authority, the preliminary arraignment of the defendant may be conducted by using advanced communication technology.

[(a)] (B) ***

[(b)] (C) ***

[(c)] (D) ***

[(d)] (E) ***

[(e)] (F) ***

[(f)] (G) ***

[(g)] (H) ***

Official Note: Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; **amended** , **effective** .

Comment

Former Rule 140 was rescinded and replaced by new Rule 140 in 1994. Although the rule has been extensively reorganized, only paragraphs **[(b)] (C)** and **[(c)] (D)** reflect changes in the procedures contained in the former rule.

A preliminary arraignment as provided in this rule bears no relationship to arraignment in criminal courts of record. See Rule 303.

Pursuant to paragraph (A), instead of bringing the defendant before the issuing authority for the preliminary arraignment, advanced communication technology, such as two-way audio-video equipment or closed circuit television, may be utilized. It is intended that any advanced communication technology used for the preliminary arraignment must allow the defendant and the issuing authority to see and communicate with each other. When the defendant is represented by counsel, the defendant must be permitted to communicate fully and confidentially with the defense attorney during the preliminary arraignment.

Paragraph **[(b)] (C)** requires that the defendant receive copies of the arrest warrant and the supporting

affidavit(s) at the time of the preliminary arraignment. See also Rules 119(a), 2008(a), and 6003.

Paragraph **[(b)] (C)** includes a narrow exception which permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

* * * * *

Under paragraph **[(c)] (D)**, if defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before a defendant may be detained. See *Riverside v. McLaughlin*, 500 U.S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

Committee Explanatory Reports:

Report explaining the provisions of the new rule published at 22 Pa.B. 6 (January 4, 1992). Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the September 13, 1995 amendments published with the Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Report explaining the proposed amendments concerning the use of advanced communication technology in preliminary arraignments published at 28 Pa.B. 3934 (August 15, 1998).

CHAPTER 300. PRETRIAL PROCEEDINGS

Rule 303. Arraignment.

[(a)] (A) ***

(B) In the discretion of the court, the arraignment of the defendant may be conducted by using advanced communication technology.

[(b)] (C) ***

[(c)] (D) When permitted by local rule, a defendant may waive appearance at arraignment if the following requirements are met:

- (1) the defendant is represented by counsel of record and counsel concurs in the waiver;
- (2) the defendant and counsel sign and file with the clerk of courts a waiver of appearance at arraignment which acknowledges that the defendant:
 - (i) understands the nature of the charges;
 - (ii) understands the rights and requirements contained in paragraph **[(b)] (C)** of this rule; and
 - (iii) waives his or her right to appear for arraignment.

Official Note: Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph **[(b)] (B)** amended November 22, 1971, effective immediately; paragraphs **[(a)] (A)** and **[(b)] (B)** amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs **[(a)] (A)** and **[(c)] (C)** amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in

which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303. New Rule 303 adopted May 1, 1995, effective July 1, 1995; **amended , 1998, effective , 1998.**

Comment

Although this rule does not explicitly require formal arraignments, judicial districts must see to it that the purposes for which arraignments are held, as specified in this rule, are observed in some fashion in all court cases.

The main purposes of arraignment are: to assure that the defendant is advised of the charges; to have counsel enter an appearance, or, if the defendant has no counsel, to consider the defendant's right to counsel; and to commence the period of time within which to initiate pretrial discovery and to file other motions. Concerning the waiver of counsel, see Rule 318.

Pursuant to paragraph (B), instead of bringing the defendant before the court for the arraignment, advanced communication technology, such as two-way audio-video equipment or closed circuit television, may be utilized. It is intended that any advanced communication technology used for the arraignment must allow the defendant and the judicial officer presiding over the arraignment to see and communicate with each other. When the defendant is represented by counsel, the defendant must be permitted to communicate fully and confidentially with the defense attorney during the arraignment.

Under paragraph **[(a)] (A)**, in addition to other instances of "cause shown" for delaying the arraignment, the arraignment may be delayed where the defendant was unavailable for arraignment within the 10-day period after the information was filed. Paragraph **[(c)] (D)** is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail.

Committee Explanatory Reports:

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the May 1, 1995 changes published with the Court's Order at 25 Pa.B. 1944 (May 20, 1995).

Report explaining the proposed amendments concerning the use of advanced communication technology in arraignments published at 28 Pa.B. 3934 (August 15, 1998).

CHAPTER 6000. RULES OF CRIMINAL PROCEDURE FOR THE MUNICIPAL COURT OF PHILADELPHIA

Rule 6003. Procedure in Non-Summary Municipal Court Cases.

* * * * *

D. PRELIMINARY ARRAIGNMENT

(1) When a defendant has been arrested within Philadelphia County in a Municipal Court case, with or without a warrant, the defendant shall be afforded a preliminary arraignment by a Municipal Court judge without unnecessary delay. If the defendant was arrested without a warrant pursuant to subsection A(1)(a) or (b),

unless the Municipal Court judge makes a determination of probable cause, the defendant shall not be detained.

(2) In the discretion of the Municipal Court judge, the preliminary arraignment of the defendant may be conducted by using advanced communication technology.

[(2)] (3) ***

[(3)] (4) ***

E. ACCEPTANCE OF BAIL PRIOR TO TRIAL

The Clerk of Quarter Sessions shall accept bail at any time prior to the Municipal Court trial.

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; **amended** , **1998, effective** , **1998.**

Comment

Former Rule 6003 was rescinded and replaced by new Rule 6003 in 1994. Although Rule 6003 has been extensively reorganized, only subsections D(1) and D [(2)] (3) (c) reflect changes in the procedures contained in the former rule.

* * * * *

Section D (Preliminary Arraignment) is intended to permit closed circuit television preliminary arraignments.

Pursuant to paragraph D(2), instead of bringing the defendant before the Municipal Court judge for the preliminary arraignment, advanced communication technology, such as two-way audio-video equipment or closed circuit television, may be utilized. It is intended that any advanced communication technology used for the preliminary arraignment should allow the defendant and the Municipal Court judge to see and communicate with each other. When the defendant is represented by counsel, the defendant should be permitted to communicate fully and confidentially with the defense attorney during the preliminary arraignment.

Under sections A and D, if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before the defendant may be detained. See *Riverside v. McLaughlin*, 500 U.S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

Subsection D [(2)] (3) (c) requires that the defendant receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule 140 [(b)] (C). See also Rules 119(a) and 2008(a).

Subsection D [(2)] (3) (c) includes a narrow exception which permits the issuing authority to provide copies of

the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, 530 A.2d 414 (Pa. 1987).

Under subsection D [(3)] (4), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail, as provided by law.

Committee Explanatory Reports:

Report explaining the provisions of the new rule published at 22 Pa.B. 6 (January 4, 1992). Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the September 13, 1995 amendments published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 22, 1996 amendments published with the Court's Order at 26 Pa.B. 1688 (April 13, 1996).

Report explaining the proposed amendments concerning the use of advanced communication technology in arraignments published at 28 Pa.B. 3934 (August 18, 1998).

REPORT

Proposed Amendments to
Pa.Rs.Crim.P. 102, 123, 140, 303, 6003
*USE OF ADVANCED COMMUNICATION
TECHNOLOGY IN PRELIMINARY
ARRAIGNMENTS AND ARRAIGNMENTS*

A. INTRODUCTION

Several correspondents have requested that the Committee consider amending the Criminal Rules to permit the use of advanced communication technology, such as closed circuit television, in criminal proceedings, particularly for conducting preliminary arraignments and arraignments. They pointed out that many types of such technology is readily available, and would be useful to increase the efficiency of court proceedings. They also reported that some judicial districts already employ the use of advanced communication technology for certain criminal proceedings and that the Criminal Rules do not specifically address such practices.

The Comments to Rules 102, 123, and 6003 were revised in 1983 to acknowledge that preliminary arraignments may be conducted by closed circuit television. This revision was intended to insure that:

1. the preliminary arraignment is not delayed; and
2. the defendant is not detained unduly because of the unavailability of a particular issuing authority.

In view of this, and after discussing the correspondence, the members agreed to look at the issue more broadly for inclusion in the Criminal Rules.

The Committee reviewed Pennsylvania case law, which has upheld the use of electronic and mechanical devices

(closed circuit television) for preliminary arraignments, as long as the rights of the defendant are not impaired. The courts have held that merely because a court communicates with a defendant by way of closed circuit television, the defendant is not deprived of constitutional rights. See *Commonwealth v. Terebieniec*, 408 A.2d 1120 (Pa. Super. 1979) (the court found no unconstitutional prejudice inherent in appellant's preliminary arraignment conducted by closed circuit television).

We also examined the rules in several other jurisdictions, and found that the use of closed circuit television for arraignment and other criminal proceedings is widespread. In addition, we noted that several judicial districts in Pennsylvania already use two-way closed circuit television systems in preliminary arraignment and arraignment proceedings.

Finally, Governor Ridge recently signed Act No. 67 of 1998, effective August 9, 1998, which provides, in the discretion of the court, for arraignment of a defendant by using two-way electronic audio-visual communications.

Based on our research, the fact that other jurisdictions, as well as several judicial districts within Pennsylvania, already employ the use of advanced communication technology in arraignment and preliminary arraignment proceedings, and the new Act, the Committee agreed that the Criminal Rules should be amended to include in the text of the rules that, in the discretion of the court, preliminary arraignments and arraignments may be conducted by using advanced communication technology, such as closed circuit television. The Committee recognized that methods of technology may vary and change over time and, therefore, rather than defining "advanced communication technology," has highlighted in the Comments the parameters which must be met in order for the use of such technology to be valid. This would allow the courts opting to use advanced communication technology to determine which systems best suit their needs.

B. DISCUSSION OF RULE CHANGES

1. Rule 140 (Preliminary Arraignment)

Rule 140 establishes the procedures for preliminary arraignments. The Committee is recommending that the Court amend Rule 140 and the Comment to clarify that advanced communication technology may be used in preliminary arraignments. Paragraph (A) would provide that, in the discretion of the issuing authority, the preliminary arraignment may be conducted by using advanced communication technology. The Committee is revising the Comment to make it clear that any advanced communication technology used in preliminary arraignments must allow:

- a. the defendant and the issuing authority to see and communicate with each other; and
- b. in those cases in which the defendant is represented by counsel, the defendant to communicate fully and confidentially with the defense attorney during the preliminary arraignment.

2. Rule 6003D (Procedure in Non-summary Municipal Court Cases)

Rule 6003 establishes the procedures for non-summary Municipal Court cases in Philadelphia. Part D of the rule encompasses preliminary arraignments. Rule 6003D would be amended by adding a paragraph which would allow, in the discretion of the Municipal Court judge, that the preliminary arraignment of the defendant be conducted by using advanced communication technology. See Rule 6003D(2). The Comment would be revised to cross-

reference Rule 140 and to reflect that the use of advanced communication technology in preliminary arraignments may be used on a routine basis, as long as the requirements of Rule 140 are satisfied. See discussion supra part B.2.

3. The Comments to Rule 102 (Procedure in Court Cases Initiated by Arrest without Warrant) and Rule 123 (Procedure in Court Cases when Warrant of Arrest is Executed within Judicial District of Issuance)

Rule 102 establishes the procedures in court cases initiated when a defendant is arrested without a warrant, and Rule 123 establishes the procedure in court cases when a defendant is arrested pursuant to a warrant which is executed within the judicial district in which it was issued. The Comments to both Rules 102 and 123 already contemplate the use of closed circuit television in preliminary arraignments. In view of the Committee agreement to recommend amendments to Rules 140 and 6003, we also agreed that the Comment language should be expanded to encompass the use of not only closed circuit television, but also any other type of advanced communication equipment. The Comments also have been revised to cross-reference Rule 140, which outlines the procedural requirements for preliminary arraignments in court cases. See discussion supra part B.

4. Rule 303 (Arraignment)

Rule 303 establishes the procedures for arraignments. The Committee is proposing amendments to Rule 303 and the Comment to clarify that advanced communication technology may be used in arraignments. Paragraph (B) would provide that, in the discretion of the court, the arraignment may be conducted by using advanced communication technology. The Comment would be revised to provide that any advanced communication technology equipment may be used in arraignments as long as it allows:

1. the defendant and the judicial officer conducting the arraignment to see and communicate with each other; and
2. when the defendant is represented by counsel, the defendant to communicate fully and confidentially with the defense counsel during the arraignment.

[Pa.B. Doc. No. 98-1307. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Administrative Reorganization of the First Judicial District; No. 196; Judicial Administration Doc. No. 1

Order

Per Curiam:

And Now, this 3rd day of August, 1998, Attachment A of this Court's order of March 26, 1996, as amended and entitled Administrative Reorganization of the First Judicial District, is further amended in accordance with Attachment A hereto. The amendment and deletions to the Order and attachment of March 26, 1996 are effective September 1, 1998.

Attachment A
ADMINISTRATIVE REORGANIZATION
OF THE FIRST JUDICIAL DISTRICT—EFFECTIVE
APRIL 1, 1996

I. REALIGNMENT OF OFFICES:

A. An Administrative Governing Board of the First Judicial District is created and shall be comprised of the three (3) President Judges; the three (3) Administrative Judges; and the Administrator of the Pennsylvania Courts. The Supreme Court shall appoint the Chairperson of this Board annually.

B. The position of Executive Court Administrator is eliminated.

C. The position of Court Administrator for the First Judicial District is created with an initial salary of \$90,000/per annum.

[D. The position of Budget Administrator for the First Judicial District is created with an initial salary of \$85,000/per annum.]

II. DUTIES AND RESPONSIBILITIES:

A. Administrative Governing Board of the First Judicial District.

1. The Supreme Court shall appoint the Chairperson of the Board annually. Effective April 1, 1996, the Chairperson shall be Honorable Alex Bonavitacola, President Judge, Court of Common Pleas.

2. Decisions of the Board shall be by majority vote.

3. The Board shall select the Court Administrator of the First Judicial District; and

[4. The Board shall select the Budget Administrator of the First Judicial District; and]

4. **[5.]** The Board shall establish the annual salary for the Court **[and Budget]** Administrator**[s]** of the First Judicial District; and

5. **[6.]** The Board shall evaluate the yearly performance of the Court **[and Budget]** Administrator**[s]**; and

[7. The Board shall meet as often as possible with the Budget Administrator in order to monitor and develop an appropriate budget for each court of the district as well as the offices of Court Administrator, Budget Administrator and Procurement; and]

6. **[8.]** The Board shall designate who shall negotiate the Budget with the City Administrator; and

7. **[9.]** The Board shall monitor the overall performance of all courts and departments of the District in an attempt to achieve the very best court system possible and file with the Supreme Court an annual report as to its progress.

8. **[10.]** The Chairperson of the Board shall serve as the check and balance and as a **necessary co-signature** for all appointments, promotions, demotions or disciplinary action made by the Court Administrator **[or Budget Administrator]** for his or her department. In absence of agreement between the Chairperson and Court **[or Budget Administrator]** the disagreement shall be referred to the State Court Administrator for final resolution.

B. COURT ADMINISTRATOR OF THE FIRST JUDICIAL DISTRICT.

1. The Court Administrator shall have all the duties and responsibilities of the present Executive Court Administrator of the First Judicial District **except** for those now assigned to the Chairperson of the Governing Board; **[the Budget Administrator and]** the Department of Procurement and as more particularly set forth herein.

2. The Court Administrator shall report directly to the Governing Administrative Board.

3. All personnel now assigned to the Executive Court Administrator shall be assigned to the new Court Administrator, **except** for those assigned **[to the new Budget Administrator and those assigned]** to Procurement.

[C. BUDGET ADMINISTRATOR OF THE FIRST JUDICIAL DISTRICT.

1. The Budget Administrator shall have a staff as set by the Governing Administrative Board.

2. The Budget Administrator shall work with all courts, divisions of the courts and departments of the District in order to prepare and present future budgets of the District; and

3. The Budget Administrator shall continually monitor the budget and the expenditures of the District; and

4. The Budget Administrator shall report directly to the Administrative Governing Board.]

[III. TRANSITION

Since it is anticipated that it may take a short time beyond April 1, 1996 for the Administrative Governing Board to organize itself, agree upon a selection process and hire a Court Administrator, Dr. Geoff Gallas shall be appointed as Budget Administrator of the First Judicial District effective April 1, 1996. The Chairperson of the Administrative Governing Board and the State Court Administrator will serve jointly as Court Administrator until a permanent selection is made by the Administrative Governing Board.]

[IV. ORGANIZATIONAL CHART FOR FIRST JUDICIAL DISTRICT

The organization chart attached hereto is incorporated by reference herein and is intended to reflect a reorganization of the First Judicial District, effective April 1, 1996.]

[Pa.B. Doc. No. 98-1308. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule L1901.5—Violation of a
Temporary or Final Order; No. 98-1435

Administrative Order No. 12-1998

And Now, this 28th day of July, 1998, pursuant to 23 Pa.C.S.A., Section 6113(c), it is hereby

Ordered and Decreed that the Carbon County Court of Common Pleas hereby *Adopts* Local Rule L1901.5 governing procedures for Violation of a Temporary or Final Order, effective September 1, 1998.

It is furthered *Ordered and Decreed* that seven (7) certified copies of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,
President Judge

Rule L1901.5. Violation of a Temporary or Final Order.

If a temporary order of a District Justice is violated, or if a temporary order or final order of a Judge is violated, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police officer shall take the defendant before a District Justice in the magisterial district in which the abuse for which relief is requested occurred. The District Justice shall advise the defendant:

1. That he or she is being charged with violating a temporary order of a District Justice or a Judge, as appropriate, or of a final order of a Judge, and

2. (a) That, if a violation of a temporary order of a District Justice, the matter will be referred to the Court after which a hearing will be set within ten (10) days; or

(b) That, if a violation of a temporary order of a Judge, that a hearing has already been set and the defendant shall be told of the time and the place of that hearing; or

(c) That, if the violation is of a final order of the Court, a hearing will be set by the Court within ten (10) days of the Court's receipt of the notice of the alleged violation; and

3. Of the defendant's right to counsel, and the address and telephone number of the Carbon County Public Defenders' Office.

The District Justice shall then consider bail for the defendant in accordance with any and all applicable Bail Rules.

[Pa.B. Doc. No. 98-1309. Filed for public inspection August 14, 1998, 9:00 a.m.]

DELAWARE COUNTY

Renumbering of Civil Rule *228(a), (b) and (c); No. 90-18200

Order

And Now, this 21st day of July, 1998, it is hereby *Ordered* that the Order of this Court dated May 4, 1998, Miscellaneous No. 98-80153, be *Amended*, and that Civil Rule *288(a), (b) and (c) be renumbered *233(a)(6), (7) and (8) to conform to the subject matter of Pa.R.C.P. 223(a).

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-1310. Filed for public inspection August 14, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE REAL ESTATE COMMISSION [49 PA. CODE CH. 35] Examination Fees

The State Real Estate Commission (Commission) amends § 35.203 (relating to fees) to read as set forth in the following Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 403 of the Real Estate Licensing and Registration Act (act) (63 P. S. § 455.403), examinations for licensure must be prepared and administered by a professional testing organization under contract to the Commission.

Commencing July 1, 1998, the Commission will begin utilizing the professional testing services of National Assessment Institute Block (NAI Block) for the development, preparation, administration and grading of licensing examinations for brokers, cemetery brokers, salespersons, builder-owner salespersons and rental listing referral agents. NAI Block will offer computer-based examinations to eligible candidates, 5 to 6 days a week, at Sylvan Technology Centers located in Allentown, Clarks Summit, Erie, Harrisburg, Lancaster, York, Philadelphia, King of Prussia, Plymouth Meeting, North Wales, Pittsburgh, North Hills, Scranton and State College, Pennsylvania. Under the terms of the new contract with NAI Block, candidate costs for the examinations will decrease from \$49.50 to \$45 per candidate.

The amendment to § 35.203 establishes reduced examination fees which represent the actual charges of NAI Block to schedule a candidate to take the examination. The new fees will apply to the term of the contract from July 1, 1998, to June 30, 2003.

Public notice of intention to amend the regulation under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Commission finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. All persons affected by the amendment, however, have been given actual notice of the Commission's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

Compliance with Executive Order 1996-1

The Commission reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Statutory Authority

This amendment is proposed under section 812.1 of The Administrative Code of 1929 and sections 403 and 407(a) of the act (63 P. S. §§ 455.403 and 455.407(a)).

Fiscal Impact and Paperwork Requirements

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay a reduced fee to cover contract costs for the required examinations. Examination application forms will require amendments to reflect new examination fees. This service is provided by NAI Block as part of its contractual obligation to the Commission.

Regulatory Review

Under section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), on July 9, 1998, a copy of the amendment was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(c)), the amendment was deemed approved by the House and Senate Committees on July 29, 1998. IRRC met on July 30, 1998, and approved the amendment under section 5.1(e) of the Regulatory Review Act.

Additional Information

Individuals who desire information are invited to submit inquiries to Jackie Wiest Lutz, Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

Findings

The State Real Estate Commission finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL, because the Commission has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are in this circumstance, unnecessary, because section 812.1 of The Administrative Code requires that candidate fees cover the costs of examinations.

(2) All persons affected by the amendment adopted by this order have been given actual notice of the Commission's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Commission in the manner provided in this order is necessary and appropriate for the administration of the Commission's authorizing statute.

Order

The Commission, acting under its authorizing statute, orders that:

(a) The regulations of the Commission, 49 Pa. Code Chapter 35, are amended by amending § 35.203 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Chairperson of the Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall be effective immediately and apply retroactively to July 1, 1998.

HARVEY M. LEVIN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4007 (August 15, 1998).)

Fiscal Note: 16A-563. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.203. Fees.

The following fees are charged by the Commission:

Licensing examination for broker, cemetery broker, salesperson, builder-owner salesperson or rental listing referral agent..... \$45

* * * * *

[Pa.B. Doc. No. 98-1311. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 141, 175, 177 AND 183]

General Eligibility; Allowances and Benefits; Resources; Income

The Department of Public Welfare (Department), by this order, adopts amendments to read as set forth in Annex A, under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)). Changes to policy are based on the act of June 30, 1995 (P. L. 129, No. 20) (Act 1995-20) which added 62 P. S. § 432(10); the act of May 16, 1996 (P. L. 175, No. 35) (Act 1996-35) which amended 62 P. S. § 432(10); and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) which added 42 U.S.C.A. § 408(a)(5) relating to minor parents.

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)) (CDL) and 1 Pa. Code § 7.4(1)(iv) because the regulations relate to Commonwealth grants and benefits.

In addition, in accordance with section 204(3) of the CDL, the Department finds that proposed rulemaking

under sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is unnecessary and contrary to public interest.

Proposed rulemaking is unnecessary because 62 P. S. § 432(10) and 42 U.S.C.A. § 408(a)(5) mandate that to receive cash assistance, a minor parent must reside with certain adults. These regulations clarify the procedures necessary to carry out this mandate, set forth exceptions to the mandate and explain what documentation is required to verify an exception to the mandate. Proposed rulemaking is contrary to public interest because it is in the public interest to strengthen families, promote parental responsibility and prevent difficulties for minors who have good cause to seek exceptions to the requirement that they live with a parent or other adult.

Background

Current Aid to Families with Dependent Children (AFDC) regulations permit a minor parent, including a pregnant minor, to apply for and receive AFDC as a specified relative to dependent children whether the minor parent lives with a parent or a legal guardian or has established a separate home. Current General Assistance (GA) regulations permit a minor aged 16 or over, including a pregnant minor, to apply for and receive State-funded benefits if the minor has left the parental household and establishes himself as a separate entity, free to act independent of parental control.

Section 5 of Act 1995-20, enacted on June 30, 1995, amended section 432 of the Public Welfare Code by adding paragraph (10) which requires a minor parent to live with a parent, a guardian or other adult to be eligible for AFDC or GA-eligible persons.

Section 9 of Act 1996-35, enacted on May 16, 1996, further amends section 432(10) by expanding the terms and provisions regarding the living arrangements to where the minor parent could reside if the minor parent does not meet one of several exceptions. The term "other adult" was revised to "other adult relative," the term "guardian" was revised to "legal guardian" and the term "in an adult-supervised supportive living arrangement" was added. Act 1996-35 also added a grant provision whereby if the minor parent does not meet one of several exceptions and the parent or legal guardian lives in another location, the minor parent and the dependent child may be given a special allowance to move when it is confirmed that the minor parent has permission to reside in the parent's, legal guardian's or other adult relative's home. When the minor parent and the dependent child are residing with the minor parent's parent, legal guardian or other adult relative, the benefits on behalf of the minor parent and the dependent child shall be paid to that adult, whenever possible.

Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) eliminated the AFDC program under Part A of Title IV of the Social Security Act and established the Temporary Assistance for Needy Families (TANF) program (42 U.S.C.A. §§ 601—619). From this point forward, any reference to applicants and recipients will be assumed to be applicants and recipients of TANF, even where AFDC is referenced.

Section 103 of Title I—(The Temporary Assistance for Needy Families Act hereinafter referred to as TANF) enacted August 22, 1996, added 42 U.S.C.A. § 408(a)(5) relating to minor parents. TANF mandates that to receive cash assistance, an individual who is under 18 years of age, is not married and has a minor child in his care, shall reside in a place of residence maintained by a

parent, legal guardian, other adult relative of the minor parent or other appropriate adult-supervised supportive living arrangement unless one of several exceptions is met. The term "second-chance home" was added as a type of adult-supervised living arrangement. If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the Department, in consultation with county children and youth agencies, will provide assistance to the minor parent in locating a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement unless the agency determines that the minor parent's living situation is appropriate.

Purpose of the amendments

The purpose of these amendments is to add a new condition of eligibility for TANF and GA. The new eligibility condition requires that, to receive cash assistance, any minor parent who is an applicant or recipient, including a pregnant minor, and a dependent child in the minor parent's care, shall reside in the home of a parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement unless one of several exceptions is met. When a minor parent and the dependent child are required to live with the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement, cash benefits on behalf of the minor parent and dependent child shall be paid to the parent, legal guardian, other adult relative or a representative in the adult-supervised supportive living arrangement.

When the minor parent does not meet one of the several exceptions listed under § 141.21(q) (relating to policy) and the parent or legal guardian lives at another location within the State or in another state, the minor parent and the dependent child may be given a special allowance to move when it is confirmed that the minor parent has permission to reside in the parent's, legal guardian's or other adult relative's home.

The Department also promulgates these amendments to comply with 62 P. S. § 403(b), which mandates the Department to establish regulations for GA which are consistent with Federal law, and which provide no greater benefit to GA recipients than are provided to recipients of Federally-funded benefits.

The amendments support the Department's concept of strengthening families, promoting parental responsibility and preventing pregnancy in minors. This revision will also save State and Federal funds.

Minor (teenage) pregnancy and parenthood often lead to an interrupted or abandoned education which, in turn, results in a failure to acquire skills necessary to parent effectively and to participate in the job market. With this revision, the Department intends to encourage minor parents to remain within their families and to gain the necessary strengths and skills to give them eventual independence from the welfare system.

Summary of Requirements

Section 141.21(m) is reorganized and a paragraph is added to include policy regarding needed documentation and cooperation by the minor parent to establish whether the minor parent is exempt from the requirement in § 141.21(p). Section 141.21(p) sets forth the condition of eligibility for TANF or GA cash assistance, that any minor parent applicant or recipient, as defined in § 141.42, shall reside in the home of the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement.

Additionally, the term "handicap" is replaced by the term "disability" as used in section 432(3)(i)(C) of the Public Welfare Code as amended by Act 1994-49. A revision is made to clarify cooperation when documentation must be secured from a third party which will verify the disability. Use of the term "disability" is also in compliance with the Americans with Disabilities Act.

Section 141.21(p) is added which provides that a minor, unmarried parent including a pregnant minor who is applying for TANF or GA, and the dependent child in the minor parent's care shall reside in the common residence of a parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement for the minor parent to receive cash assistance. When a minor parent and dependent child are required to live with the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement, cash benefits on behalf of the minor parent and dependent child shall be paid to the parent, legal guardian, other adult relative or to an adult in an adult-supervised supportive living arrangement.

Section 141.21(q) is added which includes several exceptions to the requirement that a pregnant minor or minor parent reside with a parent, a legal guardian, other adult relative or in an adult-supervised supportive living arrangement as follows:

- Subsection (q)(1)—The minor parent can document that the parent, legal guardian or other adult relative is unable to retain or assume parental control over the minor parent because of a physical, emotional, mental, financial or other limitation.
- Subsection (q)(2)—The minor parent has no living parent, legal guardian or other adult relative or the whereabouts of these persons are unknown.
- Subsection (q)(3)—The parent, legal guardian or other adult relative of the minor parent will not allow the minor parent to live in the common residence.
- Subsection (q)(4)—The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent, legal guardian or other adult relative or the threat to physical or emotional health or safety comes from another individual residing in or visiting the residence.
- Subsection (q)(5)—(10)—There is otherwise good cause for the minor parent and dependent child or the pregnant minor to receive assistance while living apart from the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement.

Under Chapter 175 (relating to allowances and benefits), a revision was made regarding authorization of a special allowance. When the minor parent does not meet one of the exceptions listed under § 141.21(q) and the parent, legal guardian or other adult relative lives in another location, the minor parent and the dependent child may be given a special allowance for transportation expenses to move when it is confirmed that the minor parent has permission to reside in the parent's, legal guardian's or other adult relative's home.

Conforming amendments are made to various other sections as a result of the addition of § 141.21(q). In § 141.42 (relating to definitions), two definitions are added: "adult-supervised supportive living arrangement" and "minor parent." Corresponding changes are made to definitions in §§ 177.2 and 183.2 (relating to definitions).

Affected Individuals and Organizations

The primary effect of the final-form regulations will be on minor parents including pregnant minors who are applicants or recipients of TANF or GA, because the new requirement restricts payments to households headed by minor parents. The regulations mandate that to receive cash assistance, an individual who is under 18 years of age, has never been married and has a minor child in his care, shall reside in a place of residence maintained by a parent, legal guardian or other adult relative of the minor parent or other appropriate adult-supervised supportive living arrangement unless one of several exceptions is met. In most cases, this amendment transfers total responsibility for the minor parent's basic living needs to the parental household. In some instances when the parental household is also receiving cash assistance, the overall cost is less than if the minor resided independently.

Fiscal Impact

Commonwealth—The estimated savings to the Commonwealth for SFY 96 is \$41,000; for SFY 97, \$478,000; and after SFY 97, \$498,000. There are no costs to the Commonwealth.

Public Sector—There will be no costs or savings incurred by the public sector.

Private Sector—There will be no costs or savings incurred by the private sector.

Paperwork Requirements

These amendments require no additional forms or reports.

Cross References

Act No. 1995-20 (P. L. 129, No. 20)

Act No. 1996-35 (P. L. 175, No. 35)

Temporary Assistance for Needy Families (TANF) Pub.L. No. 104-193

Effective Date

The final-form regulations requiring that a minor parent live with a parent, legal guardian, other adult relative or in an appropriate adult-supervised supportive living arrangement are effective immediately and apply retroactively to March 3, 1997, because the provisions were implemented under the NORC issued at 27 Pa.B. 1089 (March 1, 1997)—14-NRC-069—effective March 3, 1997.

Sunset Date

There is no sunset date. The Department continuously reviews the TANF Program and regulations through the Federally-monitored Quality Control and Corrective Action review process to ensure compliance with Federal law. The Department also conducts reviews of the GA Program in accordance with section 403(e) of the Public Welfare Code.

Public Comment Period

Public comments to these final-form regulations from interested persons are invited by submitting written comments, suggestions or objections regarding the final-form regulations to the Department of Public Welfare, Edward J. Zogby, Acting Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 564-5988 (Voice users).

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on July 6, 1998, the Department submitted a copy of these final-form regulations with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-form regulations were submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) and (e) of the Regulatory Review Act, these final-form regulations were deemed approved by the Committees on July 26, 1998, and were approved by IRRC on July 30, 1998.

Findings

The Department finds that:

(1) Public notice of intention to adopt the administrative regulations by this order is unnecessary and contrary to public interest under section 204(1)(iv) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(1)(iv).

(2) The adoption of these final-form regulations in the manner provided in this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department, acting under the Public Welfare Code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 141, 175, 177 and 183, are amended by amending §§ 141.21, 141.42, 175.23, 177.2 and 183.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately and apply retroactively to March 3, 1997.

FEATHER O. HOUSTOUN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4007 (August 15, 1998).)

Fiscal Note: 14-444. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

ELIGIBILITY PROVISIONS FOR TANF/GA

§ 141.21. Policy.

* * * * *

(m) Furnish required verification as directed by the CAO of eligibility factors in accordance with Chapter 125

(relating to the application process) prior to application interview.

(1) If the applicant has cooperated and can document cooperation in the verification attempt, the initial authorization of assistance may not be delayed for more than 15 days for verification purposes following the date of application.

(2) For purposes of determining eligibility under § 141.61(d)(1)(iii), an individual will be considered as cooperating in the attempt to verify the claimed disability if the individual has done everything necessary and reasonable to secure documentation that will verify the disability.

(3) For purposes of determining eligibility under subsections (p) and (q), the minor parent shall present evidence to qualify for the exceptions. Because documentary evidence establishing an exception may not exist or may be difficult to obtain, the minor parent will be considered as cooperating in an attempt to verify the alleged exception if the minor parent can document that she made a good faith effort to obtain the necessary documentation. The CAO shall make an administrative determination based on available documentation. In the absence of evidence of fraud, verification from the minor parent, social worker or other person familiar with the allegation shall be sufficient when other documentary evidence is difficult to obtain. Action which is necessary to produce the verification shall be taken in accordance with Chapters 125 and 133 (relating to the application process; and the redetermination process).

* * * * *

(p) As a requirement of eligibility for TANF or GA, an applicant or recipient minor parent, as defined in § 141.42 (relating to definitions), shall reside in the home of the minor parent's parent, legal guardian or other adult relative who is at least 18 years of age or in an adult-supervised supportive living arrangement unless otherwise exempt by one of the conditions of subsection (q). If the CAO determines that at least one of the conditions in subsection (q) is satisfied and no other adult-supervised supportive living arrangement is available, a minor parent may be exempt from this requirement. The following conditions may apply to the eligibility determination of a living arrangement regarding a minor parent:

(1) While a minor parent resides with a supervising adult, as specified, the supervising adult may be the payment name of the cash benefits paid on behalf of the minor parent and the minor parent's dependent child. The supervising adult shall ensure that the minor parent and dependent child receive the benefit of the payment.

(2) If the minor parent does not meet any of the exceptions listed in subsection (q) and the parent, legal guardian or other adult relative lives at another location, the minor parent and dependent child may be given a special allowance, as provided for in § 175.23(e) (relating to special allowances), to return to the home of the minor parent's parent, legal guardian or other adult relative. The Department will not authorize a special allowance payment until the minor parent verifies she has permission to return to the home of the parent, legal guardian or other adult relative.

(3) If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the CAO in consultation with a county children and youth agency will provide assistance to the minor parent to locate a second-chance home, maternity home or other appropriate adult-

supervised supportive living arrangement unless the CAO determines the minor parent's current living situation to be appropriate.

(q) A minor parent who claims exception to the requirement of living with a parent, legal guardian or other adult relative shall present documentation, in accordance with subsection (m), that all other potential living arrangements have been explored, and at least one of the following conditions applies:

(1) The minor parent can document that neither a parent, legal guardian nor other adult relative is able to retain or assume parental control over the minor parent because of a physical, emotional, mental, financial or other limitation.

(2) The minor parent does not have a living parent, legal guardian or other adult relative or the whereabouts of the parent, legal guardian or other adult relative are not known.

(3) Neither a parent, legal guardian nor other adult relative of the minor parent will allow the minor parent to live in the common residence.

(4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided with the minor parent's parent, legal guardian or other adult relative, or, the threat to physical or emotional health or to safety comes from another individual residing in or visiting the residence. Eligibility under this paragraph shall be based on the following:

(i) The present physical or emotional health or safety of the minor parent or dependent child obtained from sources including health records, collateral contacts or worker observation.

(ii) The physical or emotional health or safety history of the minor parent or dependent child obtained from sources including health facility records or collateral contacts with school counselors, health professionals, social service agency personnel, police or courts.

(iii) The intensity and probable duration of the physical or emotional harm previously caused to the minor parent or dependent child from residing in the home of the minor parent's parent, legal guardian or other adult relative obtained from sources including health facility records or collateral contacts with school counselors, health professionals, social service agency personnel, police or courts.

(5) The minor parent's parent, legal guardian or other adult relative has exhibited neglect of the minor parent or minor parent's child. Eligibility shall be based on the documentation listed in subsection (q)(4).

(6) The minor parent's child, including an unborn child, was conceived as a result of rape or incest committed by someone still residing in or visiting with other individuals residing in the residence.

(7) The minor parent and dependent child no longer reside in the home of the parent, legal guardian or other adult relative because of physical or sexual abuse or the threat of physical or sexual abuse to the minor parent, minor parent's child or any other child in the household.

(8) The parent, legal guardian or other adult relative lives in another area of the State, in another state or out of the country, and the minor parent has not resided with the parent, legal guardian or other adult relative for 12 months or more and the minor parent is already enrolled in a vocational school, other educational program, job training, or substance abuse treatment program, or is employed.

(9) The parent, legal guardian or other adult relative has spent the minor parent's assistance in an improper manner.

(10) Additional exceptions under this subsection may be granted by the Department if the Department determines that the exception is necessary to protect the health and safety of the minor parent and dependent child.

ELIGIBILITY PROVISIONS FOR TANF

§ 141.42. Definitions.

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

Adult-supervised supportive living arrangement—A private family setting providing a supportive and supervised living arrangement or other living arrangement, including a private institution, such as a maternity home or a second-chance home, in accordance with § 161.23 (relating to requirements), that:

(i) If subject to approval, is approved in one of two ways:

(A) If a private family setting, the living arrangement has been evaluated and approved by the CAO as conducive to providing a supportive and supervised living arrangement for the minor parent.

(B) If a private institutional setting, the institution is subject to approval by a State agency for health, safety or licensing requirements.

(ii) Is maintained as a supportive family setting and supervised living arrangement as evidenced by:

(A) The assumption of responsibility for the care and control of the minor parent and dependent child by a unrelated adult 21 years of age or older

(B) In addition to food and shelter, the provision of supportive services, such as counseling, guidance or education including parenting skills, child development, family budgeting, health and nutrition and other skills to promote long-term economic independence and the well-being of the minor parent and dependent child.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent or is pregnant.

Strike—Includes any strike or other concerted stoppage of work by employes—including a stoppage by reason of the expiration of a collective-bargaining agreement—and a concerted slow down or other concerted interruption of operations by employes. See section 501 of the Labor Management Relations Act (29 U.S.C.A. § 142(2)).

(i) Participating in a strike includes failing to report for duty, the willful absence from one's position, the stoppage of work, slow down or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment.

(ii) Willful absence includes absences from one's position unless good cause exists.

(iii) Good cause exists when personal injury or damage to property or applicant's/recipient's life is threatened. Good cause may be corroborated by court, medical, criminal, psychological or law enforcement records. These

corroborating records shall specifically relate to the injury or damage which is asserted as good cause. The applicant or recipient has the burden of proving the existence of his good cause claim and shall provide the corroborative evidence required to support the claim prior to approval for Assistance Benefits.

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 175. ALLOWANCES AND BENEFITS

§ 175.23. Requirements.

* * * * *

(d) *Grants to relocate minor parents.* A grant to relocate the minor parent and the dependent child may be provided if the following requirements are met:

(1) The minor parent does not meet an exception under § 141.21(q) (relating to policy).

(2) The parent, legal guardian or other adult relative lives at another location within the State or in another state.

(3) The minor parent and dependent child are not being forced to return to living conditions that are not in their best interest. Payment will not be authorized until the minor parent verifies she has permission to reside in the parent's, legal guardians' or other adult relative's home.

(4) The allowance for transportation is for the most economical and practical means of travel required to meet the minor parent's and dependent child's needs.

(5) Another allowance for transportation has not been issued within the last 12-month period.

CHAPTER 177. RESOURCES

GENERAL RESOURCE PROVISIONS FOR TANF/GA

§ 177.2. Definitions.

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

Automobile—A passenger car, truck, motorcycle or other motor vehicle that can be used to transport persons or goods, and is of a type permitted to travel on public roads.

Budget group—One or more individuals living in the household whose needs are met through a monthly assistance payment issued under one category of assistance.

Burial reserve—Funds or other resources held in trust or under contract with a financial institution or a funeral director, and designated for burial expenses. The term may also be known as funeral reserves, funeral agreements, prepaid funeral agreements, burial funds, burial agreements, and the like.

Burial space—A conventional grave site, crypt, burial drawer, mausoleum, urn and another repository used to deposit the remains of deceased persons.

CWEP—The Community Work Experience Program under Chapter 166 (relating to employment and community work experience program).

Equity value—The fair market value, less encumbrances.

Fair market value—The price which property would sell for on the open market in the geographic area in which it is located.

Good faith effort to sell real property—Listing the real property with a licensed real estate broker or advertising the real property for sale in the local newspaper within 10 working days following an applicant's authorization of assistance or a recipient's reapplication, and accepting an offer of purchase which represents the fair market value or more for the real property.

LRR—legally responsible relative—A spouse, or the natural or adoptive parent of a TANF dependent child, of a GA unemancipated child 18 years of age or younger, or of a minor parent. The term does not include a putative father.

Legally available resource—Real or personal property or interest property which a person has, or can make available for his use. The term includes partial interest in property which a person has the right, authority and power to liquidate, and partial interest in property if the co-owners consent to disposition or liquidation.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant.

Nonresident property—A house, mobile home, building, burial plot or land which is not used as resident property by the applicant/recipient, the applicant or recipient's spouse or minor or incompetent adult children.

Personal property—A privately owned possession which is not real property. The term may include cash, bank accounts, stocks, bonds, mortgages, life insurance policies, household furnishings, personal effects, boats and Federal, State and local tax refunds.

Real property—Land, buildings, mobile homes and improvements thereto.

Rebuttable presumption—A rule of evidence which permits the Department to assume that when certain facts are true, other facts are true, without having proof of those other facts. The presumption is automatic, and may be disproved or rebutted only by the client presenting evidence at a prehearing conference or a fair hearing. If the client presents no evidence at a prehearing conference to disprove the presumption, the presumption remains un rebutted and stands.

Resident property—A house, mobile home or building, including the land on which it sits, which is lived in by the client, the client's spouse or minor or incompetent adult children.

Resource—Real or personal property.

CHAPTER 183. INCOME

INCOME PROVISIONS FOR TANF/GA

§ 183.2. Definitions.

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

AFDC minor parent—A minor 17 years of age or younger, whose own natural or adoptive child is eligible for AFDC as a dependent child.

Actual income—Income which is received in the budget month.

Budget group—One or more individuals living in the household whose needs are met through a monthly assistance payment issued under one category of assistance.

Budget month—The calendar month from which actual income and circumstances are used to determine eligibility and the amount of the monthly assistance payment. The term is referred to as the reporting period on the Monthly Reporting Form.

Deemed income—Income which is considered available regardless of whether actually received.

Earned income—Cash or income-in-kind received by the client in return for services rendered.

Full-time employment—Employment which averages at least 30 hours per week in a calendar month.

Gross income—Total earned income, excluding earned income tax credit (EITC), before allowable deductions such as work and personal expenses, and total unearned income before allowable deductions.

LRR—Legally Responsible Relative—A spouse, or the natural or adoptive parent of a TANF dependent child, of a GA unemancipated child 18 years of age or younger or of a GA minor parent. The term does not include a putative father.

Life threatening emergency—A natural disaster, such as a flood, tornado, earthquake or an occurrence, such as a home or apartment fire, a serious illness or injury of a member of the budget group, a utility shut-off, eviction or other unforeseen events which cause a major loss of resources needed to sustain life or health.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant.

Monthly assistance payment—The amount of money issued monthly that is based on the family size allowance plus, if applicable, a special need allowance, reduced by the net income of the budget group.

Nonrecurring income—Income that the client receives, usually in a single payment, that is not expected to continue. The term includes lump sum income.

Parent—The natural or adoptive father or mother of one of the following:

- (i) A TANF dependent child.
- (ii) A TANF minor parent.

(iii) An unemancipated child 18 years of age or younger who is eligible for GA, including a minor parent subject to § 141.21(p) and (q) (relating to policy).

Part-time employment—Employment which averages less than 30 hours per week in a calendar month.

Payment month—The fiscal month for which the assistance payment is made.

Prospective budgeting—The computation of the monthly assistance payment based on the best estimate of income and circumstances which will exist in the calendar month in which the monthly assistance payment is made.

Prospective determination—The determination of eligibility based on the best estimate of income and circumstances which will exist in the calendar month in which the assistance payment is made.

Recurring income—Income that is expected to continue, regardless of whether this income is received on a regular or irregular basis.

Reporting period—The calendar month for which the client reports income and other circumstances.

Retrospective budgeting—The computation of the amount of the assistance payment issued in the payment month based on actual income and circumstances which existed in the budget month. The budget month precedes the payment month by approximately 2 months.

Sponsor—An individual who, or an organization which, executed an affidavit of support on behalf of an alien as a condition of the alien's entry into the United States.

Spouse—A person who is married to another by legal ceremony or by common-law.

Stepparent—A person who is married by legal ceremony or by common-law to the parent of a child.

Unearned income—Cash or contributions received by an individual for which the individual does not render a service.

[Pa.B. Doc. No. 98-1312. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 870]

Super 6 Lotto

The Secretary of Revenue (Secretary), under the authority set forth in section 303 of the State Lottery Law (72 P.S. § 3761-303), by this notice of proposed rule-making omitted, adds Chapter 870 (relating to Super 6 Lotto).

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (CDL) (45 P.S. § 1204) and the regulation thereunder, 1 Pa. Code § 7.4, finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the proposed rulemaking omitted process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the proposed rule-making omitted process as evidenced by the approval of these types of regulations in the past.

Chapter 870 establishes and details the procedures that will be followed in operating and administering the Super 6 Lotto game. The Super 6 Lotto game will replace the current Wild Card Lotto and Keystone Jackpot games. The Wild Card Lotto and Keystone Jackpot regulations will remain in place to allow for winning tickets to be validated and prize claims to be paid after the suspension of the two games.

The object of the Super 6 Lotto game is for a player to select in a single play on a ticket six numbers that match the six winning numbers drawn for the game in which

the ticket is participating. For the purchase of \$1, individuals will be given three individual game plays, one of which, at the owner's option can be the numbers selected by the player, the remaining two numbers plays are quick pick selections. On the specified drawing date, the Lottery will draw at random six numbers from a set of balls numbered from 1 through 69 with the aid of mechanical drawing equipment.

A first prize of at least \$3 million will be awarded to the group of players selecting the same 6 numbers drawn by the Lottery. There will be three additional prize categories as follows: (i) five winning numbers; (ii) four winning numbers; and (iii) three winning numbers.

Fiscal Impact

The Department has determined that the regulations will have no significant adverse fiscal impact on the Commonwealth and that the game described by the regulations will produce an undetermined net revenue.

Paperwork

The regulations will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The regulations will become effective upon publication in the *Pennsylvania Bulletin*. These regulations are scheduled for review within 5 years of publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the regulations is Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Statutory Authority

The regulations are promulgated under section 303 of the State Lottery Law. Section 303 of the Law specifically provides the Secretary with the power and duty to promulgate rules and regulations governing the establishment and operation of the lottery.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on July 9, 1998, the Department submitted a copy of the regulations with proposed rule-making omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). In accordance with section 5.1(d) of the Regulatory Review Act, the final-form regulations were deemed approved by the House and Senate Committees on July 14, 1998. IRRC met on July 30, 1998, and approved the final-form regulations, under section 5.1(e) of the Regulatory Review Act.

Findings

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rule-making procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) are impracticable because of the time constraints associated with the establishment, operation and administration of lottery games.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 870.1—870.17 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ROBERT A. JUDGE, Sr.,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4007 (August 15, 1998).)

Fiscal Note: 15-404. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 61. REVENUE****PART V. STATE LOTTERIES****CHAPTER 870. SUPER 6 LOTTO**

Sec.	
870.1.	Creation.
870.2.	Purpose.
870.3.	Definitions.
870.4.	Ticket sales retailers.
870.5.	Ticket price.
870.6.	Super 6 Lotto bet slip and ticket characteristics and restrictions.
870.7.	Time, place and manner of conducting drawing.
870.8.	Determination of prize winners.
870.9.	Ticket responsibility.
870.10.	Ticket validation requirements.
870.11.	Procedures for claiming and payment of prizes.
870.12.	Pari-mutuel prize pool.
870.13.	Unclaimed prize money.
870.14.	Withholding.
870.15.	Purchase and prize restrictions.
870.16.	Governing law.
870.17.	Probability of winning.

§ 870.1. Creation.

Under the act and this part, there is created a numbers game, called Super 6 Lotto, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

§ 870.2. Purpose.

(a) The purpose of the Super 6 Lotto Game is to determine winners from ticket holders matching six numbers from 1 through 69, or a designated combination thereof, within a single play, with the six winning numbers to be randomly drawn. Drawings will be conducted twice a week or as determined and publicly announced by the Secretary.

(b) The object of the game is for a player to select in a single play on a ticket six numbers that match the six winning numbers drawn for the game in which the ticket is participating. Correctly matching the six winning numbers drawn, or a designated combination thereof, and meeting other validation criteria, entitles the ticket holder to a prize identified in § 870.8 (relating to determination of prize winners).

§ 870.3. Definitions.

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

Apparent winning ticket—A ticket bearing winning numbers which has not been validated by the Lottery.

Cash option—A method of payment that the player selects at the time of purchase of a Super 6 Lotto ticket to receive a pari-mutuel share of the prize money allocated to the first prize category as a cash payment, if the player is a holder of a winning ticket for that category.

Drawing—The process of selecting winning numbers that determine the number of winners for each prize category of the game.

Game section—The area of the Super 6 Lotto bet slip that contains five sections of 69 squares each numbered 1 through 69. Each section is lettered either A, D, G, J or M, and when used to purchase a ticket, corresponds to the numbers selected and the numbers that are quick picked and printed on the ticket.

On-line retailer or retailer—A person who is properly authorized by the Lottery to sell tickets.

Quick pick—The random selection through a Lottery terminal of six different numbers from 1 through 69 that appear on a ticket and are played by a player in the Super 6 Lotto Game.

Super 6 Lotto bet slip—A card having a game section used by a player to play the game.

Ticket—A Super 6 Lotto ticket, produced by a licensed retailer in an authorized manner, containing a letter prefix followed by six selected numbers from 1 through 69 and followed by 2 additional sets of six numbers from 1 through 69 each preceded by a letter prefix quick picked as bonus selections, a drawing date, the amount bet, cash option selection, if applicable, and validation number data. Each set of six numbers constitutes a play of which there may be three or more plays in multiples of three up to fifteen on a ticket.

Winning numbers—Six numbers, from 1 through 69, selected at a Super 6 Lotto drawing and which have been subsequently validated by the Lottery, which shall be used to determine the winning Super 6 Lotto plays on tickets.

Winnings pool—The amount allocated from Super 6 Lotto gross sales for a particular Super 6 Lotto Game drawing for the purpose of paying prizes in a particular Super 6 Lotto drawing. Money brought forward is allocated to the first prize category as provided in § 870.8(f) (relating to determination of prize winners).

§ 870.4. Ticket sales retailers.

(a) Super 6 Lotto Game ticket sales may only be made through licensed retailers the Director will appoint and contract with as provided in § 815.42 (relating to ticket sales agents).

(b) The Lottery may terminate sales by a retailer without prior notice to the retailer if the retailer becomes delinquent in payment of proceeds due the Lottery, or fails to handle Lottery funds in the prescribed manner, or if the retailer fails to follow the contract or an addendum thereof, this part or procedures established governing the sale of tickets or if the Lottery deems it to be in the best interest of the Commonwealth.

§ 870.5. Ticket price.

Tickets may be purchased for \$1 per ticket, which ticket shall consist of three individual game plays, one of which, at the owner's option can be the numbers selected by the player, the remaining two number plays are quick pick selections. Additional tickets may, at the discretion of the player, be purchased in increments of three individual game plays per \$1 wagered.

§ 870.6. Super 6 Lotto bet slip and ticket characteristics and restrictions.

(a) The player shall select, or request selection by computer, six numbered squares, in one or more of the game sections on a Super 6 Lotto bet slip. Super 6 Lotto bet slips shall be available at no cost to the player. The minimum entry is \$1. For \$1, play game A; for \$2, play games A and D; for \$3, play games A, D and G; for \$4, play games A, D, G and J; for \$5, play games A, D, G, J and M. Game sections shall be selected in alphabetical order in accordance with the instructions printed on the Super 6 Lotto bet slip. A Super 6 Lotto bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(b) To purchase a ticket, players shall, in addition to the purchase price, submit the completed Super 6 Lotto bet slip, or request number selection, either by quick pick or manual terminal entry, to an on-line retailer to have issued a ticket. The ticket shall contain three six number selections, two of which will be quick pick selections, in each game section, (for each \$1 wagered) identified by a letter, the drawing date, amount bet, cash option selection if applicable, and validation number data. This ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date printed on the ticket.

(c) If Super 6 Lotto bet slips are unavailable, number selections may be given to an on-line retailer in groups of six number selections one for each game section for each \$1 wagered. The selections shall be manually entered into the computer terminal by the retailer.

(d) A ticket may only be canceled by a player if he produces the ticket, returns the ticket to the selling agent, and the retailer cancels the ticket within the time limits established by the Lottery prior to the drawing and if no drawing applicable to the ticket has previously been held.

(e) It is the sole responsibility of the ticket holder to verify the accuracy and condition of data printed on the ticket. The sole remedy of the purchaser or holder is cancellation as described in subsection (d).

§ 870.7. Time, place and manner of conducting drawing.

(a) *Time of drawing.* A Super 6 Lotto drawing will be held twice a week or as determined and publicly announced by the Secretary.

(b) *Place of drawing.* A Super 6 Lotto drawing will be conducted in the Harrisburg area unless the Secretary directs that a drawing or part of the drawing procedure be conducted at some other location.

(c) *Manner of conducting drawings.* The Lottery will draw at random, six numbers from a set of balls numbered from 1 through 69, with the aid of mechanical drawing equipment. The validity of a drawing will be solely determined by the Lottery.

§ 870.8. Determination of prize winners.

(a) The pari-mutuel prize to be awarded to an owner of an apparent winning ticket will be determined as follows:

<i>Tickets Containing the Following, In One Single Lettered Game Play</i>	<i>Prize Category</i>	<i>Percent (%) of Winnings Pool Allocated to Prize Category</i>
All Six Winning Numbers	1st	76.0%
Five Winning Numbers	2nd	8.0%
Four Winning Numbers	3rd	7.5%
Three Winning Numbers	4th	8.5%

(b) Prize money allocated to the first prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a first prize.

(c) Prize money allocated to the second prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a second prize.

(d) Prize money allocated to the third prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a third prize.

(e) Prize money allocated to the fourth prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a fourth prize.

(f) If, in a Super 6 Lotto drawing, there are no plays on tickets which qualify for a particular prize category, the pari-mutuel prize money allocated to the particular prize category will be reallocated and added to the amount allocated for the first prize category money in the next Super 6 Lotto drawing.

(g) Super 6 Lotto prizes will be paid as follows:

(1) Individual ticket prize payments will be paid entirely in cash with the exception of the first prize category.

(2) Prizes payable to the first prize category winners will be paid either by an initial cash payment plus equal annual payments over a specified term of 25 years or a one time cash payment if the owner selected the cash option at the time of purchase.

(3) If more than one winning first prize play is determined, each, upon meeting the requirements of §§ 870.10 and 870.11 (relating to ticket validation requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total first prize category.

(4) For first prize category payments, the total of initial cash payments and annual payments over the term for the first prize category will be at least \$3 million, or, if the cash option is selected at the time of purchase, a one time cash payment in an amount equal to the funds that would be necessary, as determined by the Lottery, to purchase an annuity of at least \$3 million if the annuity were to be paid in an initial cash payment plus equal annual payments over a specified term of 25 years. If more than one winning play is determined, each is entitled to a prorated share of the total first prize category as provided in paragraph (3).

(5) For first prize category payments, the Secretary may elect to make payment entirely as a one time cash payment, if public notice is given in accordance with subsection (j). This one time cash payment shall be the

amount equal to the funds that would be necessary, as determined by the Lottery, to purchase an annuity of at least \$3 million if the annuity were to be paid in an initial cash payment plus equal annual payments over a specified term of 25 years.

(6) The prize pool will be increased as necessary from funds authorized for the payment of prizes, to meet the minimum payment obligations in paragraph (4).

(h) A winning Super 6 Lotto play is entitled only to the highest prize won by those numbers.

(i) For purpose of calculating a Super 6 Lotto prize, the amount to be paid will be rounded down to the nearest 50¢.

(j) The number of prize categories, the allocation of prize money among the prize categories and the annuity term may be changed at the discretion of the Secretary and the change will be announced by public notice. The changes will only apply prospectively to Super 6 Lotto drawings as of the date specified in the public notice.

(k) Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery fund.

(l) If, at the suspension of the Wild Card Lotto drawings, prior to the start of the Super 6 Lotto, there are no plays on Wild Card Lotto standard game tickets which qualify for a particular prize category as set forth in §§ 817.111—817.127 (relating to Wild Card Lotto), the prize money allocated to the particular Wild Card Lotto prize category will be reallocated and added to the amount allocated to the Super 6 Lotto first prize category and that amount shall be divided in accordance with subsection (b). If, at the suspension of the Keystone Jackpot Game drawings, prior to the start of the Super 6 Lotto Game, there are no plays on Keystone Jackpot standard game tickets which qualify for a particular prize category as set forth in Chapter 868 (relating to Keystone Jackpot), the prize money allocated to the particular Keystone Jackpot prize category will be reallocated and added to the amount allocated to the Super 6 Lotto first prize category and that amount will be divided in accordance with subsection (b).

§ 870.9. Ticket responsibility.

(a) A ticket is a bearer document deemed to be owned by the person holding the ticket, except that if a name is contained on the ticket, the person so named will, for all purposes, be considered the owner of the ticket.

(b) The Commonwealth will not be responsible for lost or stolen tickets.

(c) The purchaser of the ticket has the sole responsibility for checking the accuracy and condition of the data printed on the ticket.

(d) The Commonwealth will not be responsible for tickets redeemed in error by a player from an on-line retailer.

§ 870.10. Ticket validation requirements.

(a) *Valid tickets.* To be a valid ticket, the following conditions shall be met:

(1) The ticket validation number shall be present in its entirety and shall correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket.

(2) The ticket shall be intact.

(3) The ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The ticket shall have been issued by the Lottery through a licensed retailer.

(6) The ticket may not have been stolen or canceled.

(7) The ticket shall be validated in accordance with § 870.11 (relating to procedures for claiming and payment of prizes).

(8) The player-selected or computer-selected numbers on the ticket shall be in individual groups of six numbers each associated with a single letter, A, B, C, D, E, F, G, H, I, J, K, L, M, N or O and the six numbers, and the associated letter shall constitute a single game play.

(9) The ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the ticket data shall match this computer record in every respect and may not have been canceled.

(10) The player selected or computer selected numbers, cash option selection, if applicable, the validation number data and the drawing date of an apparent winning ticket shall appear on the official file of winning tickets; and a ticket with that exact data may not have been previously paid.

(11) The ticket may not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be processed by the Lottery.

(12) The ticket shall pass other confidential security checks of the Lottery.

(13) By submitting a ticket for validation, the player agrees to abide by this chapter as determined by the Secretary.

(14) There may not be another breach of this part in relation to the ticket which, in the opinion of the Secretary, justifies disqualification.

(b) *Invalid or defective tickets/disputes.* A ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final and binding. The Secretary may replace an invalid ticket with a ticket of equivalent sale price from a current Lottery game.

(2) If a defective ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current Lottery game.

(3) If a ticket is not paid by the Lottery and a dispute occurs as to whether the ticket is a winning ticket, the Lottery may replace the ticket as provided in paragraph (2). This is the sole and exclusive remedy of the holder of the ticket.

§ 870.11. Procedures for claiming and payment of prizes.

(a) A prize shall be claimed only through a licensed on-line retailer beginning on the day following the drawing.

(b) An on-line retailer is authorized and required to make payment of a prize of \$2,500 or less, if the ticket is presented within a designated time period as announced

by the Secretary, on an individual winning ticket, if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning ticket containing a single lettered game play selection representing a prize of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the ticket validation requirements in § 870.10 (relating to ticket validation requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other procedures have been complied with as outlined in the Retailer Operating Procedure for Pennsylvania Lottery Numbers Games and addendum's thereto.

(d) The holder of an apparent winning ticket containing a single game play selection representing a prize in excess of \$2,500, with the exception of the First Prize Category, shall first validate the apparent winning ticket at a participating on-line retailer to receive a validation ticket and then present the winning ticket and validation ticket to an authorized claim center—on-line retailer—under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning ticket containing a single game play selection representing a First Prize Category prize shall first validate the apparent winning ticket at a participating on-line retailer to receive a validation ticket and then present, in person, the apparent winning ticket and validation ticket to Lottery Headquarters or a Lottery Area Office under Chapter 811.

(f) The payment of a prize to a person who dies before receiving any or all of a particular prize and to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

§ 870.12. Pari-mutuel prize pool.

(a) Fifty-two percent of Super 6 Lotto gross sales for a Super 6 Lotto drawing will be reserved for prizes and allocated to the winnings pool for payment of prizes as enumerated in § 870.8 (relating to determination of prize winners).

(b) If the Super 6 Lotto is terminated for any cause, prize monies remaining undistributed will be paid out of the State Lottery Fund and used for purposes otherwise provided for by law.

(c) If the prize pool for a drawing is not sufficient to fund an announced minimum first prize, the prize pool will be increased as necessary from funds authorized for the payment of prizes.

§ 870.13. Unclaimed prize money.

Prize money on a winning Super 6 Lotto play may be retained by the Secretary for payment to the person entitled to it. If within 1 year of the drawing date on the ticket, no claim is made on a winning play, as determined by the Secretary, the right to claim prize money terminates, and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

§ 870.14. Withholding.

Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

§ 870.15. Purchase and prize restrictions.

A ticket may not be purchased by, and a prize will not be paid to, an officer or employe of the Lottery professional services contractor or subcontractor, or to a spouse, child, brother, sister or parent residing in the same household of the contractor who is involved in the operation of the on-line lottery games system or its associated drawings.

§ 870.16. Governing law.

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary, and procedures established by the Director for the conduct of the Super 6 Lotto.

(b) Decisions made by the Director or the Secretary including the declaration of prizes and the payment thereof in interpretation of this part are final and binding on players and persons making a claim in respect thereof.

§ 870.17. Probability of winning.

<i>Prize Category</i>	<i>Number of Winning Numbers Selected by Player</i>	<i>Probability of Winnings Per Play</i>
1st	6 of 6	119,877,472
2nd	5 of 6	317,136
3rd	4 of 6	4,092
4th	3 of 6	151

[Pa.B. Doc. No. 98-1313. Filed for public inspection August 14, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

SECURITIES COMMISSION

[64 PA. CODE CHS. 202, 206, 302, 606,
609 AND 610]

Registration of Securities; Registration of Broker-Dealers; Agents and Investment Advisers; Administration

Statutory Authority

The Securities Commission (Commission), under the authority contained in sections 202(i), 206(b) and (d), 302(f), 606(d), 609(a) and (c) and 610 of the Pennsylvania Securities Act of 1972 (70 P. S. §§ 1-202(i), 1-206(b) and (d), 1-302(f), 1-606(d), 1-609(a) and (c) and 610) (act) proposes amendments concerning the subject matter of the act to read as set forth in Annex A and further described under the Summary and Purpose of Amendments in this Preamble.

Summary and Purpose

§ 202.092. Proposed changes would update the accounting terminology used in this section.

§ 206.020. Proposed changes would allow a certified public accountant to give a tax opinion in a public offering of interests in a direct participation program, such as oil and gas programs, equipment leasing programs and commodity pools, which are filed with the Commission under section 206 of the act.

§ 302.063. Proposed changes would exempt financial institutions (banks, savings and loans and credit unions) and their representatives from registering as broker-dealers or agents under the act when securities transactions made by these entities and individuals on behalf of customers are performed through a contractual arrangement with a broker-dealer registered under the act even though the transactions may be effected on, or emanate from, the premises of a financial institution where retail deposits are taken.

§ 606.041. Proposed changes permit the Assistant Director of the Division of Licensing and Compliance to exercise certain Commission powers through delegated authority.

§ 609.032. Proposed changes would update the accounting terminology used in this section and make it clear that the accounting definitions apply to all financial statements required to be filed under the act or regulations adopted thereunder.

§ 609.033. Proposed changes would require an accountant's report filed in the auditor's format to follow generally accepted auditing standards and reports filed in an accountant's review and compilation report format to follow the Statements on Standards for Accounting and Review Services of the American Institute of Certified Public Accountants. Public accountants may continue to prepare reports required to be filed for broker-dealers and investment advisers.

§ 609.034. Proposed changes would permit issuers filing a registration statement under section 206 of the act, except issuers of interests in public direct participation programs, to submit 2 years of financial statements instead of three. In the case of a small business issuer filing under section 206 of the act for a public offering of corporate equity securities aggregating \$1 million or less,

the proposed changes would permit use of reviewed financial statements in lieu of an audit. The proposed changes also require that the financial statements appearing in a registration statement filed with the Commission under section 205 of the act comply with the relevant requirements of the United States Securities and Exchange Commission.

§ 609.036. Proposed changes would update the accounting terminology used in this section.

§ 610.010. Proposed changes would provide for the retention and destruction of records in conformity with schedules promulgated by the Commission which conform to Management Directives issued by the Office of Administration.

Persons Affected

With respect to § 202.092 (relating to guaranties of debt securities exempt), recipients of the proceeds of limited obligation revenue bonds issued by governmental instrumentalities who guaranty payments to the governmental instrumentality sufficient to pay the principal and interest on the bonds are affected by these proposed amendments. The proposed changes, however, only update accounting terminology and do not affect the existing requirements of the regulations.

With respect to § 206.020 (relating to tax opinion in offerings of limited partnership interests), issuers of interests in public direct participation programs for which a registration statement is filed with the Commission under section 206 of the act will be affected.

With respect to § 302.063 (relating to financial institutions exempt from broker-dealer and agent registration), financial institutions, including banks, savings and loans and credit unions which effect transactions on behalf of customers under a contractual arrangement with a broker-dealer registered under the act will be affected.

With respect to §§ 606.041 and 610.010 (relating to delegation and substitution; and destruction of documents and records), only the internal administrative affairs of the Commission will be affected.

With respect to §§ 609.032, 609.033 and 609.036 (relating to definitions; accountants; and financial statements; annual reports), accountants preparing financial statements to be filed with the Commission will be affected.

With respect to § 609.034 (relating to financial statements), issuers filing a registration statement with the Commission under section 205 or 206 of the act will be affected.

Fiscal Impact

None of the proposed regulatory actions increase costs on the regulated community or the Commonwealth. The Commonwealth will not incur any revenue loss as a result of the proposed regulatory actions. The proposed regulatory actions will decrease regulatory costs to issuers filing a registration statement with the Commission under section 206 of the act.

Paperwork

None of the proposed regulatory actions impose any new paperwork requirements. With respect to issuers filing a registration statement with the Commission under section 206 of the act, there will be a reduction in the number of financial statements that must be filed.

Effective Date

These proposed amendments will become effective upon publication in the Pennsylvania Bulletin as final rulemaking.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 27, 1998, the Commission submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance for comment and review. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis form prepared by the Commission in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the final-form regulations by the Commission, the General Assembly and the Governor of objections raised.

Availability in Alternative Formats

This proposed rulemaking may be made available in alternative formats upon request. The Commission also will receive comments on this proposed rulemaking in alternative formats. TDD users should use the AT&T Relay Center (800) 854-5984. To make arrangements for alternative formats, contact Joseph Shepherd, ADA Coordinator, (717) 787-6828.

Contact Person

Interested persons are invited to send comments concerning the proposed amendments within 30 days of publication of this notice to G. Philip Rutledge, Deputy Chief Counsel, Securities Commission, Eastgate Building, 1010 N. Seventh Street, 2nd Floor, Harrisburg, PA 17102-1410, (717) 783-5130. Mr. Rutledge also is the contact person for an explanation of the proposed amendments.

M. JOANNA CUMMINGS, Secretary

Fiscal Note: 50-112. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 64. SECURITIES

PART I. SECURITIES COMMISSION

Subpart B. REGISTRATION OF SECURITIES

CHAPTER 202. EXEMPT SECURITIES

§ 202.092. Guaranties of debt securities exempt.

(a) Under the authority contained in section 202(i) of the act (70 P.S. § 1-202(i)), the Commission finds that it is not in the public interest nor necessary for the protection of investors to require the registration under section 201 of the act (70 P.S. § 1-201) of the guaranty of payment of interest, principal or premium on bonds—guaranty—[where] when all of the following conditions are met:

* * * * *

(4) The official statement or other disclosure document being utilized in connection with the offer and sale of the bonds contains either of the following:

(i) [A certified] An audited balance sheet and [profit and loss] statement of income of the guarantor dated within 120 days prior to the commencement of the offering in this Commonwealth.

(ii) Both of the following:

(A) [A certified] An audited balance sheet and [profit and loss] statement of income of the guarantor for the most recent completed fiscal year; or if the fiscal year of the guarantor ended within [60] 90 days prior to the commencement of the offering in this Commonwealth, [a certified] an audited balance sheet and [profit and loss] statement of income for the prior most recent completed fiscal year.

(B) A statement by [an] a certified public accountant or the guarantor as to whether there have been adverse material changes in the financial condition of the guarantor from the date of the [certified] audited balance sheet submitted in compliance with clause (A) within 5 days prior to the commencement of the offering in this Commonwealth.

(5) The guaranty may not be bought, sold or traded as a security or otherwise realized upon by a [security holder] securityholder separately from that [security holder's] securityholder's interest in the bonds.

(6) The proceeds from the sale of the bonds shall be utilized for the benefit of a facility which is owned or operated—user—by either of the following:

(i) A nonprofit corporation or other nonprofit entity which has been determined by the Internal Revenue Service to be an exempt organization described in 26 U.S.C.A. § 501(c)(3) or has received an opinion of counsel that it is so exempt, and where the combined net [worth or fund balance] assets of the user and guarantor is not less than 25% of the amount of the securities being offered.

* * * * *

(7) Under the guaranty agreement, the guarantor is required to do the following:

(i) File with the [Trustee] trustee for the [Bondholders] bondholders a copy of its [certified] audited balance sheet and [profit and loss] statement of income within [150] 120 days after the completion of its fiscal year.

* * * * *

(iii) Notify the [Trustee] trustee for the [Bondholders] bondholders within 24 hours after it becomes insolvent as that term is defined in subsection (c) [(2)] (1).

(8) Under the trust indenture, mortgage, deed of trust or other similar agreement, the [Trustee] trustee for the [Bondholders] bondholders, as that term is defined in subsection (c)(2), is required to do the following:

* * * * *

(ii) Provide, to the bondholder, within 30 days of receipt of a written request from a bondholder, a copy of

the guarantor's most recent [**certified**] **audited** balance sheet and [**profit and loss**] statement of income.

(iii) Notify the bondholders of the occurrence of any of the following events no later than 30 days after an occurrence and inform the bondholders that a copy of the bondholders list described in subparagraph (i) will be provided within 30 days of receipt of a written request for the list:

* * * * *

(B) The date the [**Trustee**] trustee receives a copy of the auditor's report to the guarantor containing [**a**] going concern [**qualification**] disclosure as that term is defined in [**subsection (c)(1)**] § 609.032(a) (relating to definitions).

(C) The date on which the [**Trustee**] trustee is informed that the guarantor is insolvent as that term is defined in subsection (c) [**(2)**](1). There is no independent duty on the part of the [**Trustee**] trustee to determine the insolvency of the guarantor.

(b) If the guarantor is a natural person, the guarantor may satisfy the requirements of this section relating to [**certified**] **audited** balance sheets and [**profit and loss**] statements of income by providing a Statement of Financial Condition prepared utilizing the criteria contained in Personal Financial Statements Guide promulgated by the American Institute of Certified Public Accountants [**, Inc.**] and accompanied by a Review Report as that term is defined in [**subsection (c)(3)**] § 609.032(a).

(c) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

[**(1) Going concern qualification**—A qualification contained in the auditor's report based upon the criteria contained in the Statement on Auditing Standard 34 promulgated by the American Institute of Certified Public Accountants, Inc.

[**(2) Insolvent**—The inability of a guarantor to pay debts as they fall due in the usual course of business, or having liabilities in excess of the fair market value of assets. For purposes of this paragraph, a guarantor may not be considered insolvent if the auditor's report to the guarantor's [**certified**] **audited** balance sheet and [**profit and loss**] statement of income did not contain [**a**] going concern [**qualification**] disclosure as that term is defined in [**paragraph (1)**] § 609.032(b).

[**(3) Review Report**—A level of service rendered by an independent Certified Public Accountant or Public Accountant which was performed in accordance with standards promulgated by the American Institute of Certified Public Accountants, Inc.

[**(4) Trustee for the [Bondholders] bondholders**—The person designated in the trust indenture, mortgage, deed of trust, or similar agreement to act as trustee for the bonds.

CHAPTER 206. REGISTRATION BY QUALIFICATION

§ 206.020. Tax opinion in offerings of limited partnership interests.

* * * * *

(c) The tax opinion or discussion of tax aspects shall be prepared or reviewed by an independent attorney, **certified public** accountant or other qualified professional who shall be identified in the registration statement.

(d) For purposes of this section, an attorney, **certified public** accountant or other qualified professional may not be considered to be "independent" if he or a member of his firm is either:

(1) [**Is a**] A promoter, underwriter, general partner or employe of the issuer.

(2) [**Is an**] An affiliate of a promoter, underwriter, general partner or employe of the issuer.

* * * * *

Subpart C. REGISTRATION OF BROKER-DEALERS, AGENTS AND INVESTMENT ADVISERS

CHAPTER 302. EXEMPTIONS

§ 302.063. [**Credit unions**] **Financial institutions** exempt from broker-dealer and agent registration.

(a) Under section 302(f) of the act (70 P. S. § 1-302(f)), the Commission deems it appropriate in the public interest to exempt [**credit unions**] **financial institutions** and individuals representing [**credit unions**] **financial institutions** from the broker-dealer and agent registration provisions of section 301 of the act (70 P. S. § 1-301), if the [**credit unions and individuals representing the credit unions fulfill the following requirements:**] activities of the financial institution and individuals representing the financial institution are conducted under a networking arrangement or brokerage affiliate arrangement.

[**(1) The credit union is licensed as a Federal credit union or is a credit union organized and supervised under the statutes of the Commonwealth.**

[**(2) The individual representing the credit union is a bona fide officer, director, partner or employe of a credit union, or an individual occupying similar status or performing similar functions.**

[**(3) The credit union engages solely in channelling activities—whether or not also acting as a trustee or custodian of individual retirement plans of its members established under the Employee Retirement Security Act of 1974 (Pub.L. No. 93-406) (88 Stat. 829) or self employed retirement plans established under the Self-Employed Individuals Retirement Act of 1962 (26 U.S.C.A. §§ 37, 62, 72, 101, 104, 105, 172, 401—405, 503, 805, 1361, 2039, 2517, 3306, 3401, 6047 and 7207), including custodianship for self-directed IRA and Keogh accounts.**

[**(4) The credit union does not exercise investment discretion or render investment advice.**

[**(5) The credit union distributes only generic advertisements either concerning the channelling activities or on behalf of a broker-dealer.**

[**(6) The credit union discloses to its members the source, amount and limitations on insurance of the members' accounts with respect to channelled investments.**

[**(7) The credit union otherwise performs only clerical and ministerial functions for which it is**

reimbursed only for direct and indirect costs related to administrative services it provides and not as shared commissions.

(8) Other brokerage functions performed on behalf of the credit union's members are performed by a broker-dealer which:

(i) Is registered under section 301 of the act.

(ii) Registers as agents under section 301 of the act individuals representing the broker-dealer for compensation in effecting securities transactions with members of the credit union obtained as clients under channelling.

(iii) Does not exercise investment discretion or render investment advice with respect to members of the credit union obtained as clients under channelling.

(iv) Does not act as an underwriter of securities in effecting securities transactions with members of the credit union obtained as clients under the channelling.

(v) Distributes only generic advertisements to members of the credit union obtained as clients under the channelling.]

(b) [When used in] For purposes of this section, the following terms shall have the following meanings:

[Channelling—Constitutes those activities where a person engages in the business of finding or directing persons to a broker-dealer for the purpose of the broker-dealer effecting securities transactions for the latter persons' account.

Clerical and ministerial functions—The term includes distribution promotional materials to members of the credit union, assisting members in completing account opening forms and effecting debits or credits to the member's share account related to the purchase and sale of securities and receipt of dividend income from securities.

Generic advertisements—Advertisements which do not relate to a specific security or a specific securities offering. An advertisement which relates to types, kinds or categories of securities is generic unless the context is otherwise.]

Financial institution—A Federal or State chartered bank, savings and loan association, savings bank or credit union and any service corporation affiliated with these entities.

Networking arrangement or brokerage affiliate arrangement—A contractual arrangement between a broker-dealer registered under section 301 of the act and a financial institution whereby the broker-dealer effects transactions in securities for the account of customers of the financial institution and the general public which transactions are effected on, or emanate from, the premises of a financial institution where retail deposits are taken.

Subpart F. ADMINISTRATION

CHAPTER 606. MISCELLANEOUS POWERS OF COMMISSION

§ 606.041. Delegation and substitution.

* * * * *

(b) The Commission delegates to the Director of the Division of Licensing and Compliance [and the Chief of Licensing Section], the Assistant Director of the Division of Licensing and Compliance and the Chief, Licensing Section of the Division of Licensing and Compliance:

* * * * *

(c) The Commission delegates to the Director of the Division of Licensing and Compliance and the Assistant Director of the Division of Licensing and Compliance:

* * * * *

(f) The Commission authorizes the Assistant Director of the Division of Corporation Finance [and], the Assistant Director of the Division of Enforcement and Litigation and the Assistant Director of the Division of Licensing and Compliance to exercise the delegations given in this section in the absence of [either] the Director of the Division of Corporation Finance [or], the Director of the Division of Enforcement and Litigation or the Director of the Division of Licensing and Compliance, respectively.

CHAPTER 609. REGULATIONS, FORMS AND ORDERS

§ 609.032. Definitions.

(a) [The definitions contained in section 102 of the act (70 P. S. § 1-102), as they may be modified or expanded by Commission regulations or constructions, shall be applicable to this chapter.

(b) For the purpose of this chapter, the following terms have the meanings indicated, provided that these definitions may be modified by Commission constructions when appropriate:] Unless the context otherwise requires, or unless specific language otherwise controls, the following terms apply any time financial information is required to be filed under the act or under this title:

Accountant's report—[When used in regard to financial statements, a] A document in which an independent [public or] certified public accountant indicates the scope of the audit [or examination] which he has made and sets forth his opinion regarding the financial statements taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefor shall be stated.

* * * * *

Audit or examination—[When used in regard to financial statements, an examination] An audit of the statements by [an] a certified public accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon.

Audit—Audited and reported upon with an opinion expressed by an independent certified public accountant.

* * * * *

[Certified—When used in regard to financial statements, examined and reported upon with an opinion expressed by an independent public or certified public accountant.]

Comparative financial statements—Financial statements in which data for 2 or more years are presented in adjacent columnar form.

Date of filing—[When used with respect to financial statements, the] The date on which the financial statements or any material amendment thereto are received [by] in the Harrisburg office of the Commission.

* * * * *

Equity security—Any stock or similar security (including interests in a limited liability company); or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security, or any such warrant or right.

* * * * *

Going concern disclosure—The disclosure of substantial doubt about the ability of the issuer to continue as a going concern during the ensuing fiscal year contained in the auditor's report based upon the criteria contained in the Statement on Auditing Standard 59 promulgated by the American Institute of Certified Public Accountants.

* * * * *

Material—When used to qualify a requirement for the furnishing of information as to any subject, [limits the] means or refers to the magnitude of an omission or misstatement of information [required to those matters about which] that, in the light of surrounding circumstances, makes it probable that the judgement of an average prudent investor [ought reasonably to be informed] would have been changed or influenced by the omission or misstatement.

* * * * *

Principal holder of equity securities—[Used] When used in respect of a registrant or other person named in a particular statement or report, a holder of record or a known beneficial owner of more than 10% of any class of equity securities of the registrant or other person, respectively, as of the date of the related balance sheet filed.

* * * * *

Review—A review of the statements by a certified public accountant in accordance with the Statements on Standards for Accounting and Review Services promulgated by the American Institute of Certified Public Accountants, and on the basis of that review, the accountant is not aware of any material modifications that should be made to the financial statements for the financial statements to be in conformity with generally accepted accounting principles, except for those modifications, if any, described in the review report.

Review report—An accountant's review report, which is a document in which the certified public accountant indicates that a review has been performed, and on the basis of that review, the accountant is not aware of any material modifications that should be made to the financial statements for the financial statements to be in conformity with generally accepted accounting principles, except for those modifications, if any, described in the review report.

* * * * *

Significant subsidiary—A subsidiary, or a subsidiary and its subsidiaries, which meet any of the conditions described in this definition based on the most recent annual financial statements, including consolidated financial statements, of the subsidiary which would be required to be filed if the subsidiary were a registrant and the most recent annual consolidated financial statements of the registrant being filed:

(i) The parent's and its other subsidiaries' investments in and advances to, or their proportionate share [—] (based on their equity interests [—]) of the total assets [—] of, the subsidiary exceed 10% of the total assets of the parent and its consolidated subsidiaries.

* * * * *

Tangible book value of a company's common shares—The excess of total assets over total liabilities as determined by generally accepted accounting principles of the company reduced by the following:

(i) [Total liabilities] Liquidating value, including any premium of excess over par or stated value, payable upon involuntary liquidation, of any capital obligations, preferred shares or shares having a seniority in rank, or any degree of preference or priority over the issue of common shares for which book value is being computed, including accrued and unpaid dividends to the extent entitled to recognition and preference in the event of liquidation.

(ii) [Valuation reserves] An amount equal to any appraisal capital from revaluation of properties or any similar account title to the extent that the appraisal increase has not been fully depreciated in the accounts.

(iii) [Provisions for retirement of depreciable properties when such accounting treatment is reflected in lieu of provisions for depreciation and obsolescence] Deferred charges including debt issue costs.

(iv) [Liquidating value, including any premium of excess over par or stated value, payable upon involuntary liquidation, of any capital obligations, preferred shares or shares having a seniority in rank or any degree of preference or priority over the issue of common shares for which book value is being computed, including accrued and unpaid dividends to the extent entitled to recognition and preference in the event of liquidation] Prepaid expenses except as to items properly classified as current assets under generally accepted accounting principals.

(v) [An amount equal to any surplus from revaluation of properties or any similar account title to the extent that the appraisal increase has not been fully depreciated in the accounts.

(vi) Deferred charges.

(vii) Prepaid expenses except as to items properly classified as current assets under generally accepted accounting principals; and

(viii) Good will] All other assets of an intangible nature including, but not limited to, goodwill, patents, [licenses, franchise, development expense,] copyrights, franchises, distribution rights, intellectual property rights, leasehold improvements, li-

censing agreements, noncompete covenants, customer lists, trade names, trademarks and organization [expense, unamortized debt discount and expense and all other asset accounts of an intangible nature] costs.

* * * * *

§ 609.033. Accountants.

* * * * *

(b) Accountant's reports shall be in accordance with the following:

(1) [*Technical requirements.* The accountant's report shall be dated; shall be signed manually; shall indicate the city and state where issued; and shall identify, without detailed enumeration, the financial statements covered by the report] *Auditor's report format.* The format of the auditor's report shall be in accordance with the reporting standards established by generally accepted auditing standards including Statements on Auditing Standards promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

(2) [*Representation as to the audit.* The accountant's report shall state whether the audit was made in accordance with generally accepted auditing standards and shall designate any auditing procedures deemed necessary by the accountant under the circumstances of a particular case which have been omitted, and the reasons for their omission. Nothing in this paragraph shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (3)] *Accountant's review report format.* The format of the accountant's review report shall be in accordance with the reporting standards established by Statements on Standards for Accounting and Review Services promulgated by the American Institute of Certified Public Accountants.

(3) [*Opinions to be expressed.* The accountant's report shall state clearly the opinion of the accountant with respect to the financial statements covered by the report and the accounting principles and practices reflected therein; and the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements] *Accountant's compilation report format.* The format of the accountant's compilation report shall be in accordance with the reporting standards established by Statements on Standards for Accounting and Review Services promulgated by the American Institute of Certified Public Accountants.

(4) [*Exceptions.* Any matter to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements shall be disclosed.] *Certain accountant's reports.* Auditor's reports, accountant's review reports or accountant's compilation reports issued by public accountants are not permitted for reports required by § 609.034 (relating to financial statements).

§ 609.034. Financial statements.

(a) When an issuer proposes to register its securities for sale under section 205 or section 206 of the act (70 P. S. §§ 1-205 and 1-206), and for which a registration statement has been filed with the United States Securities and Exchange Commission (SEC) under section 5 of the Securities Act of 1933 (15 U.S.C.A. § 77e), the issuer shall comply with the financial statement requirements as set forth in the rules and regulations of the SEC (17 CFR 210.1-01—210.12-29), all of which shall be prepared in accordance with generally accepted accounting principles and presented in comparative form.

(b) [*When*] Except as provided in subsection (c), when an issuer proposes to register its securities for sale [pursuant to] under section 206 of the act [(70 P. S. § 1-206)], when an issuer proposes to sell its securities [pursuant to] under the exemption contained in Regulation A promulgated under section 3(b) of the Securities Act of 1933 (15 U.S.C.A. § 77c(b)) and proposes to register the securities under section 205 of the act [(70 P. S. § 1-205)], or when an issuer proposes to sell its securities [pursuant to] under the exemption contained in section 203(p) of the act (70 P. S. § 1-203(p)), or when an issuer is required to file a proxy statement [pursuant to] under section 203(o)(ii) of the act (70 P. S. § 1-203(o)(ii)), it shall file the following financial statements, all of which shall be prepared in accordance with generally accepted accounting principles and presented in comparative form:

(1) A [*balanced*] balance sheet of the issuer, dated within 120 days of the date of filing with the Commission. If [*such*] the balance sheet is not [*certified*] audited, there shall be filed, in addition, [*a certified*] an audited balance sheet as of the [*registrant's*] issuer's last fiscal year, unless [*such*] the last fiscal year ended within 90 days of the date of filing, in which case there shall be filed [*a certified*] an audited balance sheet as of the end of the [*registrant's*] issuer's next preceding fiscal year.

(2) [*Income statements, statements of changes in financial position, and*] Statements of income stockholders' equity and cash flows for each of [*the three*] 2 fiscal years or less, if the issuer and its predecessors have been in existence for less than [*three*] 2 years preceding the date of the latest balance sheet filed, and for the period, if any, between the close of the latest of [*such*] the fiscal years and the date of the latest balance sheet filed, except that issuers offering interests in a direct participation program and any corporation which has or intends to have significant oil and gas operations must file the statements for each of 3 fiscal years. These statements shall be [*certified*] audited up to the date of the latest [*certified*] audited balance sheet filed. However, if changes in stockholders' equity accounts are set forth in a note to the financial statements, a separate statement of [*changes in*] stockholders' equity [*accounts*] need not be filed.

(3) Consolidated balance sheets, [*income*] statements of income, [*statements of changes in financial position and*] stockholders' equity, and cash flows complying with the [*certification*] audit requirements

[set forth] in paragraphs (1) and (2) should be filed for the issuer and its subsidiaries in accordance with this section. [Where consolidated statements are filed, individual statements of the issuer may be omitted if either of the following conditions is met and the Commission is so notified:

(i) The issuer is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests or indebtedness to any person other than the issuer or its consolidated subsidiaries in amounts which together exceed 5.0% of the total assets as shown by the most recent year-end consolidated balance sheet. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within 1 year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is collateralized by the issuer by guarantee, pledge, assignment, or otherwise are to be excluded for the purpose of this determination.

(ii) The issuer's total assets, exclusive of investments in and advances to its consolidated subsidiaries, as would be shown by its most recent year-end balance sheet if it were filed, constitute 75% or more of the total assets shown by the most recent year-end consolidated balance sheet; and the issuer's total sales and revenues, exclusive of interest and dividends received from or its equity in the income of the consolidated subsidiaries, as would be shown by its income statement for the most recent fiscal year if it were filed, constitute 75% or more of the total sales and revenues shown by the most recent annual consolidated income statement.

(4) The financial statements which would be required if the subsidiary were the issuer shall be filed for each majority-owned subsidiary of the issuer not consolidated with the issuer and if practicable, as of the same dates and for the same periods as those of the issuer. Similar statements shall be filed for each person of which the issuer owns, directly or indirectly, approximately 50% of the voting securities, and for each 50% or less owned person for which the investment is accounted for by the equity method by the issuer or a consolidated subsidiary of the issuer. If approximately 50% of the voting securities of such person are owned by another single interest, such other interest should be identified. No financial statement need be filed pursuant to this paragraph for unconsolidated subsidiaries and 50%-owned persons or 50% or less owned persons if all such subsidiaries and persons, taken in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(5)] (4) If the issuer is about to undergo a reorganization which will effect substantial changes in its assets, liabilities[,] or capital [stock, surplus or reserve] accounts, include a balance sheet of the issuer prior to the reorganization, a column showing the changes to be effected in the reorganization, and a pro forma balance sheet after the reorganization. Explain in a footnote the adjustments made. If [such] a reorganization has taken place at any time covered by the [income] statements of income filed, explain in a footnote the effect thereof.

[(6)] (5) If the issuer has succeeded, or is about to succeed, to one or more businesses, by merger, consolidation[,] or otherwise, describe the plan of succession, show, in columnar form, the balance sheets of the parties to the transaction, the changes effected or to be effected and the balance sheet of the issuer as a result of the transaction, and [profit and loss] statements of income for each of the businesses for the periods covered by paragraph (2), to include a consolidating pro forma statement of income. This paragraph [shall] does not apply[, however,] to the issuer's succession to the business of any totally-held subsidiary or to the acquisition of subsidiaries not constituting, in the aggregate, a significant subsidiary.

[(7)] (6) * * *

[(8)] For registration of securities—except those involving limited partnership interests and any corporation which has or intends to have significant oil and gas operations—to be sold to the public for cash not exceeding \$5 million income statements, statement of changes in financial position and stockholder's equity for each of the 2 fiscal years or less if the issuer and its predecessor has been in existence for less than 2 years preceding the date of the latest balance sheet filed. The statement shall be certified up to the date of the latest certified balance sheet filed.

(9)] (7) For [filings] an issuer proposing to register its securities under section 206 of the act [(70 P. S. § 1-206), in addition to the statements required in either paragraph (2) or (8)], the registration statement shall contain summary [income] statements of income for each of the [five] 3 most recent fiscal years and for the period from the date of the end of the latest fiscal year to the date of the latest balance sheet filed. The summary statements of income required in this paragraph are in addition to the financial statements required under paragraph (2).

(c) When an issuer proposes to register its equity securities for sale under section 206 of the act, which securities are exempt from registration under section 5 of the Securities Act of 1933 under an exemption contained in section 3(a)(11) of the Securities Act of 1933, or Regulation A or Rule 504 of Regulation D promulgated under section 3(b) of the Securities Act of 1933, the issuer shall file the financial statements required by subsection (b) except that the financial statements may be reviewed by an independent certified public accountant in accordance with the standards established by the American Institute of Certified Public Accountants or the Canadian equivalent if:

(1) The amount of the present offering does not exceed \$1 million.

(2) The issuer previously has not have sold securities through an offering involving the general solicitation of prospective investors by means of advertising, mass mailings, public meetings, "cold call" telephone solicitation or any other method directed toward the public.

(3) The issuer previously has not been required under Federal, State, provincial or territorial securities laws to provide audited financial statements in connection with any sale of its securities.

(4) The aggregate amount of all previous sales of securities by the issuer (exclusive of debt financing with banks and similar commercial lenders) does not exceed \$1 million.

(d) The financial statements required by subsections (b) and (c) shall be included in the prospectus or offering circular distributed to offerees in this Commonwealth.

(e) For purposes of this subsection, the corporate form of financial statement title has been used. Financial statement title terminology may differ for other types of accounting entities, including not-for-profit organizations. In this case, the analogous financial statements of those entities should be included.

(f) When consistent with the protection of investors, the Commission may permit the omission of one or more of the financial statements required by this section or the filing in substitution therefor of appropriate statements of comparable character. The Commission, by order, also may require the filing of other financial statements in addition to, or in substitution for, the financial statements required by this section or when the financial statements are necessary for an adequate presentation of the financial condition of the issuer.

§ 609.036. Financial statements; annual reports.

(a) *Distribution and auditing.*

(1) [**Where**] When an issuer is required under the act, and this title to distribute financial information to [**security-holders**] securityholders, the issuer shall include the following financial statements as a part thereof:

(i) Financial statements to include balance sheets, [**income**] statements of income, [**changes in financial position, and**] stockholders' equity[,] and cash flows all in comparative [**columnar**] form, for the issuer's last [**two**] 2 fiscal years.

(ii) Consolidated financial statements of the issuer and its parent or its subsidiaries, or both, in comparative [**columnar**] form, for the issuer's last [**two**] 2 fiscal years.

(2) [**Such**] The financial statements shall be audited and prepared in conformity with generally accepted accounting principles applied consistently with past periods or noting any changes[; **however, such**]. The financial statements need not be audited [**where**] when the issuer is permitted by this title or by order of the Commission to distribute unaudited financial information to [**security-holders**] securityholders.

(b) [**Form, order and terminology.**] *Form of financial statement.* For purposes of this section, the corporate form of financial statement title is used. Financial statement title terminology may differ for other types of accounting entities including not-for-profit organizations. In this case, the analogous financial statements of those entities should be included.

[(1) Financial statements may be filed in such form and order and may use such generally accepted terminology as will best indicate their significance consistent with commonly accepted usage of the issuer's industry.

(2) The information required with respect to any statement shall be furnished as a minimum requirement, to which shall be added such further information as is necessary to make the required statements, in light of the circumstances under which they are made not misleading.

(3) Negative amounts shall be shown in brackets or parentheses and so described in the related caption, columnar heading, or note to the statement or schedule, as appropriate.]

CHAPTER 610. DESTRUCTION OF DOCUMENTS AND RECORDS

§ 610.010. Destruction of documents and records.

(a) The Commission may destroy registration filings, exemption filings, notices or statements and correspondence and exhibits related thereto [**as obsolete 7 years after the date of filing; provided that the Commission maintains as a permanent record a card index containing the information that it prescribes by rule relating to the filing of the documents and Commission action taken with respect thereto; and further provided that the Commission maintains a permanent record containing the information as it prescribes by rule relating to orders, rulings, hearings and disciplinary action taken by the Commission with reference to the filings**] in a manner consistent with a records retention schedule adopted by order of the Commission which conforms to the requirements of relevant Management Directives issued by the Office of Administration, except that the Commission shall retain as a permanent record the information required by section 603(b) of the act (70 P. S. § 1-603(b)) and any Commission action taken related to these filings.

(b) The Commission may destroy an application for registration of broker-dealers, investment advisers [**or**], agents or investment adviser representatives and correspondence and exhibits related thereto [**as obsolete 5 years after the registration of the broker-dealer, investment adviser or agent has been cancelled, withdrawn or has otherwise become inactive; provided, that the Commission shall maintain as a permanent record a card index containing the information that it prescribes by rule relating to the filing of the documents and Commission action taken with respect thereto; and further provided that the Commission will maintain a permanent record containing the information it prescribes by rule relating to orders, rulings, hearings and disciplinary actions taken by the Commission with respect to the filings**] in a manner consistent with a records retention schedule adopted by order of the Commission which conforms to the requirements of relevant Management Directives issued by the Office of Administration, except that the Commission shall retain as a permanent record the information required by section 603(b) of the act and any Commission action taken related to these filings.

(c) [**Copies on microfilm or in another form which may be retained by the Commission in its discretion of destroyed records shall be accepted for purposes as equivalent to the original when certified by the Secretary of the Commission.**] Documents relating to investigations, hearings and proceedings shall be retained in a manner consistent with a records retention schedule adopted by

order of the Commission which conforms to the requirements of relevant Management Directives issued by the Office of Administration, except that the Commission shall retain as a permanent record any Commission action relating to investigations, hearings and proceedings, transcripts of hearings and summary information relating to investigations authorized under section 510 of the act (70 P.S. § 1-510).

(d) Information required to be retained by the Commission under this section may be maintained in paper, microfilm or electronic format. Copies of destroyed documents retained in a microfilm or electronic format shall be accepted as original documents when certified by the Secretary of the Commission.

[Pa.B. Doc. No. 98-1314. Filed for public inspection August 14, 1998, 9:00 a.m.]

STATEMENTS OF POLICY

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 41]

[L-980135]

Evidentiary Criteria for Motor Common Carriers

The Pennsylvania Public Utility Commission (Commission) on July 9, 1998, adopted a proposed policy statement to revise § 41.14 (relating to evidentiary criteria used to decide motor common carrier applications—statement of policy) to remove the burden that applicants demonstrate that the operating authority serves a purpose and will not endanger or impair the operations of existing providers of limousine service. The contact person is Stephen E. Gorka, Assistant Counsel, Law Bureau, (717) 772-8840.

Public Meeting
held July 9, 1998

Commissioners Present: John M. Quain, Chairperson;
Robert K. Bloom, Vice Chairperson; David W. Rolka;
Nora Mead Brownell; and Aaron Wilson, Jr.

Order

By the Commission:

Under 66 Pa.C.S. § 1102 (relating to enumeration of acts requiring certificate), a public utility must obtain a certificate of public convenience from the Commission before offering service within this Commonwealth. As defined by 66 Pa.C.S. § 102 (relating to definitions), "public utility" includes common carriers who transport passengers by motor vehicle between points within the Commonwealth for compensation. The evidentiary criteria governing applications for this type of authority are in a Commission statement of policy in § 41.14.

As part of a continuing effort to ensure that our regulatory requirements are necessary and appropriate, we have considered whether the evidentiary criteria of § 41.14 should be applied to applicants for limousine service. In view of the increasing competition developing in traditional utility markets, we have reexamined the scope of our regulation of limousine service providers.

Currently, an applicant seeking authority for limousine service must meet the evidentiary criteria required of all applicants seeking motor carrier authority. Under § 41.14(a), an applicant must demonstrate that the application will serve a public purpose responsive to a public demand or need. An applicant must also establish that it possesses the technical and financial ability to provide the proposed service. The Commission may deny this authority if the applicant "lacks a propensity to operate safely and legally." See § 41.14(b). Finally, existing providers of the applicant's proposed service may show that the proposed service would endanger or impair the existing providers to an extent that authorizing the proposed service would be contrary to the public interest. See § 41.14(c).

After a thorough review of this Commission policy, we believe that it should be changed to eliminate many of the restrictions faced by an entity who seeks a certificate of public convenience to provide limousine service. In this era of increasing utility competition, it is difficult to

justify the continuation of onerous entry restrictions which potential limousine service providers must overcome. Thus, the Commission proposes to alter § 41.14 to eliminate certain standards that govern our review of applications to provide limousine service. Specifically, the applicants would no longer be required to produce evidence of public need for the service. Further, the Commission would not consider the effect that a new carrier in the limousine market might have on existing providers of limousine service.

The Commission has the authority to change § 41.14 and has done so before. In 1983, the Commission amended § 41.14 to eliminate the requirement that an applicant for motor common carrier authority show the inadequacy of the existing service. In subsequent litigation, the Commonwealth Court found that the Commission had authority to make this change. *Seaboard Tank Lines v. Pennsylvania Public Utility Commission*, 502 A.2d 762, 764 (Pa. Cmwlth. 1985). The Court stated that the Commission's mandate to grant certificates of public convenience was broad, and that the Commission could formulate the criteria for the granting of certificates. *Id.*

In conjunction with this proposed revision to the evidentiary statement of policy, we are also considering other ancillary changes. One possibility would be to eliminate territorial restrictions, as currently required by § 29.332(a) (relating to method of operation). Similarly, we are reviewing other regulatory restrictions affecting the provision of limousine service.

These proposed changes correspond with recent Federal intervention in the area of intrastate transportation. The Federal government has preempted the state regulation of property carriers (49 U.S.C.A. §§ 11501(h) and 41714(b)) and bus service (49 U.S.C.A. § 14501(a)), except for matters of safety and insurance. We emphasize that we will not relax any Commission safety and insurance requirements for present or future limousine service providers.

The Commission welcomes comments on the proposed changes to § 41.14. We are also interested in receiving comments on potential revisions to the regulations which specifically relate to the provision of limousine service in §§ 29.331—29.335. *Therefore,*

It Is Ordered that:

1. A copy of the order and Annex A shall be forwarded to the *Pennsylvania Bulletin* for publication.
2. There shall be a 30-day comment period on the order and the proposed changes to § 41.14.

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-197. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

§ 41.14. Evidentiary criteria used to decide motor common carrier applications—statement of policy.

* * * * *

(b) An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. [, and in,] In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally.

* * * * *

(d) Subsections (a) and (c) do not apply to an applicant seeking authority to provide motor carrier of passenger service under §§ 29.331—29.335 (relating to limousine service).

[Pa.B. Doc. No. 98-1315. Filed for public inspection August 14, 1998, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture is soliciting names of research institutions who have an interest in conducting agricultural research during the period July 1, 1999 to June 30, 2000 and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. The Department of Agriculture,

through a selection process, will decide which projects are to be placed under contract. Interested parties should submit the name, address and telephone number of the research institution to: Fred Wertz, PA Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110 or call (717) 783-3577.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 98-1316. Filed for public inspection August 14, 1998, 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 August 4, 1998.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-31-98	JeffBanks, Inc., Haverford, to acquire 100% of the voting shares of Regent National Corp., Philadelphia	Haverford	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-31-98	Jefferson Bank, Haverford, and Regent National Bank, Philadelphia, Surviving Institution— Jefferson Bank, Haverford	Haverford	Effective

The former main office of Regent National Bank, Philadelphia, will become a branch office of Jefferson Bank as follows:

1430 Walnut Street
Philadelphia
Philadelphia County

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-31-98	PFC Bank Ford City Armstrong County	181 New Castle Road Butler Township Butler County	Approved
8-3-98	FirstService Bank Lansdale Montgomery County	1494 Old York Road Abington Montgomery County	Filed
8-3-98	Northwest Savings Bank Warren Warren County	148 West Pike Street Canonsburg Washington County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-29-98	Laurel Bank Johnstown Cambria County	To: 200 Weldon Street Latrobe Westmoreland County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 1001 Ligonier Street Latrobe Westmoreland County	
7-31-98	Jefferson Bank Haverford Montgomery County	<i>To:</i> 1607 Walnut Street Philadelphia Philadelphia County	Filed
		<i>From:</i> 1430 Walnut Street Philadelphia Philadelphia County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-30-98	Laurel Bank Johnstown Cambria County	104 Third Avenue Duncansville Blair County	Filed
7-30-98	Laurel Bank Johnstown Cambria County	1000 Duquesne Blvd. Duquesne Allegheny County	Filed
7-30-98	Laurel Bank Johnstown Cambria County	1705 Route 286 South Indiana Indiana County	Filed
7-30-98	Laurel Bank Johnstown Cambria County	1 Jefferson Street West Lebanon Indiana County	Filed
7-30-98	Laurel Bank Johnstown Cambria County	Route 31 Somerset Somerset County	Filed
7-30-98	The York Bank and Trust Company York York County	Weis Market 5000 Jonestown Road Harrisburg Dauphin County	Filed
7-30-98	The York Bank and Trust Company York York County	Weis Market 4300 Linglestown Road Harrisburg Dauphin County	Filed
7-30-98	The York Bank and Trust Company York York County	Weis Market 3885 Union Deposit Road Harrisburg Dauphin County	Filed
7-30-98	The York Bank and Trust Company York York County	Weis Market 800 South 12th Street Lebanon Lebanon County	Filed
7-30-98	The York Bank and Trust Company York York County	Weis Market 1651 East Cumberland St. Lebanon Lebanon County	Filed
7-30-98	The York Bank and Trust Company York York County	1425 North Sherman St. York York County	Filed
7-30-98	The York Bank and Trust Company York York County	West Manchester Mall 1800 Loucks Road York York County	Filed
7-30-98	The York Bank and Trust Company York York County	2220 South Queen St. York York County	Filed
7-30-98	The York Bank and Trust Company York York County	Weis Market 2160 White Street York York County	Filed

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-3-98	People-For-People Community Development State Credit Union (In Organization) Philadelphia Philadelphia County	To restate the Articles of Incorporation in their entirety.	Approved and Effective

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1317. Filed for public inspection August 14, 1998, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 1998

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of September, 1998, is 8 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on an individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.76 to which was added 2.50 percentage points for a total of 8.26 that by law is rounded off to the nearest quarter at 8 1/4%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-1318. Filed for public inspection August 14, 1998, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Keystone Recreation, Park and Conservation Fund; Community Grant Program; Rails-to-Trails Grant Program; Rivers Conservation Grant Program

The Department of Conservation and Natural Resources (Department) has announced an open application

period for funding of acquisition, development, planning, implementation and technical assistance projects from the Keystone Recreation, Park and Conservation (Keystone) Fund. These Keystone grants will be administered by the Department's Bureau of Recreation and Conservation under their Community Grant Program, Rails-to-Trails Grant Program and Rivers Conservation Grant Program.

The Keystone Fund was established by passage of the Keystone Recreation, Park and Conservation Fund Act (Act 1993-50) signed on July 2, 1993. On November 2, 1993, the voters of this Commonwealth overwhelmingly approved a public referendum incurring bond indebtedness by the Commonwealth in the amount of \$50 million to provide for the funding of nature preserves and wildlife habitats and for improvements to and expansion of State parks, community parks and recreation facilities, historic sites, zoos and public libraries. The Keystone Fund is currently supported by a 15% allocation from the State Realty Transfer Tax revenues. Approximately \$9 million will be available in this round of funding under the Community Grant Program and \$1 million each in the Rails-to-Trails and Rivers Conservation grant programs.

An announcement of this open application period, fact sheet and information on how to obtain the application forms has been sent to Commonwealth municipalities, rails-to-trails organizations and rivers conservation organizations. Any municipality or organization that has not received the announcement package may request the information from the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, 6th Floor Rachel Carson State Office Building, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 783-2656. The deadline for submission of completed grant applications to the Department is 5 p.m. on October 30, 1998. No submissions will be accepted by fax.

Local government officials, organizations or individuals seeking additional information about these Keystone programs may contact the Bureau of Recreation and Conservation at the above address and telephone number.

Persons with a disability who wish to submit an application for Keystone funding and require assistance should contact Darrel Siesholtz at the above number to discuss how the Department may best accommodate their needs. TTY or TDD users call (800) 654-5984.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 98-1319. Filed for public inspection August 14, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

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

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

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

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

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

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

PA 0039004. Sewage. **Upper Gwynedd Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

This application is for renewal of an NPDES permit to discharge treated sewage from Upper Gwynedd Towamencin Municipal Authority's sewage treatment plant, in Towamencin Township, **Montgomery County**. This is an existing discharge to Towamencin Creek.

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

The proposed effluent limits for Outfall 003 and Outfall 001 (only during emergency), based on an average flow of 6.5 mgd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	4.0		8.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine (issuance through year 2) (year 3 through expiration)	0.5 0.014		1.2 0.047
Total Copper Cyanide Free	monitor/report monitor/report		

The proposed effluent limits for Outfalls 004, 005, 006 and 007 which are stormwater outfalls are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	monitor/report	monitor/report
COD	monitor/report	monitor/report
Oil and Grease	monitor/report	monitor/report
pH	monitor/report	monitor/report
Total Suspended Solids	monitor/report	monitor/report
Total Kjeldahl Nitrogen	monitor/report	monitor/report
Total Phosphorus	monitor/report	monitor/report
Iron (Dissolved)	monitor/report	monitor/report

Other Conditions:

The EPA waiver is not in effect.

Conditions for future permit modification.

Implementation of industrial pre-treatment program requirements.

Effective disinfection.

Special Test Methods for certain pollutants.

Final water quality based effluent limitations for Total Residual Chlorine.

Whole Effluent Toxicity Test Requirement

PA 0027103. Sewage. **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999.

This application is for renewal of an NPDES permit to discharge treated sewage from the DELCORA Wastewater Treatment Plant in the City of Chester, **Delaware County**. This is an existing discharge to the Delaware River, Zone 4.

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

The proposed effluent limits for Outfall 001, based on an average flow of 44 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	45	60
BOD ₅ (Percent Removal)	89 1/4		
CBOD ₂₀	10,500 lbs/day		
Suspended Solids	30	45	60
Chlorodibromomethane	monitor/report		
Dichlorobromomethane	monitor/report		
Fecal Coliform	200 colonies/100 ml as a geometric average within limits of 6.0—9.0 standard units at all times		
pH			
Total Residual Chlorine (years 1 and 2)	1.0		2.5
(years 3, 4 and 5)	0.5		1.3
Oil and Grease	15		30
Whole Effluent Toxicity Ceriodaphnia Dubia		monitor/report (TUc)	
Whole Effluent Toxicity Fathead Minnow		monitor/report (TUc)	
1,2 Dichloroethane	monitor/report		
Tetrachloroethylene	monitor/report		
Trichloroethylene	monitor/report		
Total Copper	monitor/report		
Total Lead	monitor/report		
Total Zinc	monitor/report		
Ammonia as N	monitor/report	monitor/report	
Total Kjeldahl Nitrogen	monitor/report	monitor/report	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrite as N	monitor/report	monitor/report	
Nitrate as N	monitor/report	monitor/report	

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0063827. Sewerage. **West Penn Pines Mobile Home Park**, 39 Cornerstone Drive, Mohrsville, PA 19541.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Lizard Creek in West Penn Township, **Schuylkill 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 Northampton Borough Water Authority located on Lehigh River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.086 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N		
(5-1 to 10-31)	6.0	12.0
(11-1 to 4-30)	18.0	36.0
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine:		
1st Month to 36th Month	monitor and report	
37th Month to Expiration	0.70	1.50

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0083747. SIC: Code 2421, Industrial waste. **Weaber, Inc.**, Route 241 South, R. D. 4, Box 1255, Lebanon, PA 17042.

This application is for issuance of an NPDES permit for an existing discharge of treated sanitary waste and stormwater to Gingrich Run, in South Annville Township, **Lebanon County**.

The receiving stream is classified for trout stocking, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was American Water Works located in South Hanover Township, Lebanon County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.015 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0—9.0 at all times	
Dissolved Oxygen		5.0 at all times	
Total Residual Chlorine			
(Interim)	monitor and report	XXX	XXX
(Final)	<0.1	XXX	<0.2
Total Suspended Solids	30.0	XXX	60.0
CBOD ₅	25.0	XXX	50.0
NH ₃ -N			
(5-1 to 10-31)	1.5	XXX	3.0
(11-1 to 4-30)	4.5	XXX	9.0
Fecal Coliform			
(5-1 to 9-30)	200.0	XXX	XXX
(10-1 to 4-30)	2,000.0	XXX	XXX

The proposed Interim effluent limits for Outfall 002 for a design flow of 24.5 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			
Total Suspended Solids		monitor and report	
Dissolved Oxygen		monitor and report	
pH		monitor and report	
Total Lead		monitor and report	
Total Zinc		monitor and report	
Total Aluminum		monitor and report	
Total Arsenic		monitor and report	
Total Boron		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Beryllium		monitor and report	
Total Copper		monitor and report	

The proposed Final effluent limits for Outfall 002 for a design flow of 24.5 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	10.0	20.0	25.0
Total Suspended Solids	10.0	20.0	25.0
Dissolved Oxygen		5.0 at all times	
pH		6.0—9.0 at all times	
Total Lead	0.003	0.006	0.0075
Total Zinc	0.075	0.150	0.188
Total Aluminum	0.200	0.400	0.500
Total Arsenic	0.00002	0.00004	0.00005
Total Boron	monitor and report	monitor and report	
Total Iron	0.300	0.600	0.750
Total Manganese	0.050	0.100	0.125
Total Beryllium	0.004	0.008	0.010
Total Copper	0.011	0.022	0.028

The proposed Interim effluent limits for Outfall 003 for a design flow of 3.74 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			
Total Suspended Solids		monitor and report	
Dissolved Oxygen		monitor and report	
pH		monitor and report	
Total Lead		monitor and report	
Total Zinc		monitor and report	
Total Aluminum		monitor and report	
Total Arsenic		monitor and report	
Total Boron		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Beryllium		monitor and report	
Total Copper		monitor and report	

The proposed Final effluent limits for Outfall 003 for a design flow 3.74 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	10.0	20.0	25.0
Total Suspended Solids	10.0	20.0	25.0
Dissolved Oxygen		5.0 at all times	
pH		6.0—9.0 at all times	
Total Lead	0.003	0.006	0.0075
Total Zinc	0.075	0.150	0.188
Total Aluminum	0.200	0.400	0.500
Total Arsenic	0.00002	0.00004	0.00005
Total Boron	monitor and report	monitor and report	
Total Iron	0.300	0.600	0.750
Total Manganese	0.050	0.100	0.125
Total Beryllium	0.004	0.008	0.010
Total Copper	0.011	0.022	0.028

The proposed Interim effluent limits for Outfall 004 for a design flow of 2.97 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			
Total Suspended Solids		monitor and report	
Dissolved Oxygen		monitor and report	
pH		monitor and report	
Total Lead		monitor and report	
Total Zinc		monitor and report	
Total Aluminum		monitor and report	
Total Arsenic		monitor and report	
Total Boron		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Beryllium		monitor and report	
Total Copper		monitor and report	

The proposed Final effluent limits for Outfall 004 for a design flow of 2.97 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	10.0	20.0	25.0
Total Suspended Solids	10.0	20.0	25.0
Dissolved Oxygen		5.0 at all times	
pH		6.0—9.0 at all times	
Total Lead	0.003	0.006	0.0075
Total Zinc	0.075	0.150	0.188
Total Aluminum	0.200	0.400	0.500
Total Arsenic	0.00002	0.00004	0.00005
Total Boron	monitor and report	monitor and report	
Total Iron	0.300	0.600	0.750
Total Manganese	0.050	0.100	0.125
Total Beryllium	0.004	0.008	0.010
Total Copper	0.011	0.022	0.028

The proposed Interim effluent limits for Outfall 005 for a design flow of 14.5 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			
Total Suspended Solids		monitor and report	
Dissolved Oxygen		monitor and report	
pH		monitor and report	
Total Lead		monitor and report	
Total Zinc		monitor and report	
Total Aluminum		monitor and report	
Total Arsenic		monitor and report	
Total Boron		monitor and report	
Total Iron		monitor and report	
Total Manganese		monitor and report	
Total Beryllium		monitor and report	
Total Copper		monitor and report	

The proposed Final effluent limits for Outfall 005 for a design flow of 14.5 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	10.0	20.0	25.0
Total Suspended Solids	10.0	20.0	25.0
Dissolved Oxygen		5.0 at all times	
pH		6.0—9.0 at all times	
Total Lead	0.003	0.006	0.0075
Total Zinc	0.075	0.150	0.188
Total Aluminum	0.200	0.400	0.500
Total Arsenic	0.00002	0.00004	0.00005
Total Boron	monitor and report	monitor and report	
Total Iron	0.300	0.600	0.750
Total Manganese	0.050	0.100	0.125
Total Beryllium	0.004	0.008	0.010
Total Copper	0.011	0.022	0.028

The EPA waiver is in effect.

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

PA 0215856. Industrial waste. SIC: 4941, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717.

This application is for issuance of an NPDES permit to discharge untreated groundwater from Blairsville Municipal Authority in Well No. 2 in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Trout Run, classified as a cold 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 Blairsville Reservoir, located at Blairsville, 0.14 mile below the discharge point.

Outfall 001: new discharge, design flow of 0.173 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	monitor and report				
Iron	monitor and report				
Manganese	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions:

The EPA waiver is in effect.

PA 0028011. Sewage. **Sun Company, Inc. (R&M)**, 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103.

This application is for renewal/transfer of an NPDES permit to discharge treated sewage from the Zelienville Station Service Plaza Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brush Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority located on the Beaver River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	6			12
Phosphorus	0.5			1.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0033405. Sewage. **Thomas R. Berch**, 1434 Greensburg Pike, West Newton, PA 15089.

This application is for renewal of an NPDES permit to discharge treated sewage from the Sewickley Pines Manor STP in Sewickley Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of .015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.2			4.4
(11-1 to 4-30)	5.0			10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.1			.22
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0091413. Sewage. **North Strabane Township Municipal Authority**, 192B Route 519 South, Canonsburg, PA 15317.

This application is for an amendment of an NPDES permit to discharge treated sewage from Eighty Four Industrial Park in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Little Chartiers Creek, which are classified as a high quality warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Authority.

Outfall 001: expanded discharge, design flow of .035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10	15		20
Suspended Solids	15	23		30
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	6.0	9.0		12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.3			0.6
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0216160. Sewage. **Eighty-Four Mining Company**, R. D. 2, Route 519, P. O. Box 284, Eighty Four, PA 15330.

This application is for renewal of an NPDES permit to discharge treated sewage from the Livingston Portal Sewage Treatment Plant in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pigeon Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company, Aldrich Station, on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	monitor and report			
1st month—36th month	1.4			3.3
37th month—expiration				
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0222691. Industrial waste. **United Refining Company.**

This application is for a new NPDES Permit, to discharge treated Industrial Waste to Glade Run in Glade Township, **Warren County**. This is an existing discharge.

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

The proposed discharge limits for Outfall No. 001 based on a design flow of .00864 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
Benzene	.001	.002	.0025
Total BETX#	.1	.2	.25
Ethylbenzene	XX	XX	XX
Toluene	XX	XX	XX
(T)Xylenes	XX	XX	XX
Fluorene	XX	XX	XX
Naphthalene	XX	XX	XX
Phenanthrene	XX	XX	XX
Dissolved Iron	7.0	14	17.5
Total Suspended Solids	30	60	75
Oil and Grease	15		30
pH	within limits of 6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

PA 0027341. Industrial waste. SIC: 3211, **PPG Industries, Inc.**, Kebert Industrial Park, Meadville, PA 16335.

This application is for renewal of an NPDES Permit, to discharge industrial waste and stormwater to an unnamed tributary to Conneaut Outlet in Greenwood Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Franklin General Authority on French Creek located at Franklin, approximately 28.46 miles below point of discharge.

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

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
This discharge shall consist solely of noncontact cooling water (Monitoring Points 201 and 101) and uncontaminated stormwater runoff.			

The proposed discharge limits for Outfall No. 101 and 102 based on a design flow of 0.030 800 mgd are:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	monitoring only		
Temperature	monitoring only		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002, 003 and 004 based on a design flow of n/a mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	This discharge shall consist of uncontaminated stormwater only		

The EPA waiver is in effect.

PA 0222607. Sewage. **David Q. Steele**, R. R. 1, Box 96B, Wilcox, PA 15870.

This application is for a new NPDES Permit, to discharge treated sewage to East Branch Clarion River in Jones Township, **Elk County**. This is a new discharge.

The receiving water is classified for the following uses: high quality—cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western Pennsylvania Water Company—Clarion on the Clarion River located at Clarion, approximately 54 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0004 mgd are:

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

The EPA waiver is in effect.

PA 0005321. Sewage. **Universal Rundle Corporation**, East Cherry Street Extension, New Castle, PA 16102.

This application is for a renewal of an NPDES permit, to discharge treated sewage to the Shenango River in Taylor Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickley on the Beaver River located at River Mile 7.56, approximately 12.5 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.006500 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0222631. Sewage. **Esther Allen**, 417 Chestnut Street, Pleasantville, PA 16341.

This application is for a new NPDES Permit to discharge treated sewage to the Unnamed Tributary to Pine Creek in Oil Creek Township, **Venango County**. This is a new discharge.

The receiving water is classified for the following uses: high quality—cold water fishes (proposed), 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 Municipal Water Company located at Emlenton, approximately 60 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of .0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	XX	XX
pH	6.0—9.0 at all times	

XX—Monitor and Report on AMRs.

The EPA Waiver is in effect.

PA 0222640. Sewage. **Helen R. Lauer SRSTP**, P. O. Box 13, Endeavor, PA 16322.

This application is for a new NPDES Permit to discharge treated sewage to the Unnamed Tributary to East Hickory Creek in Hickory Township, **Forest County**. This is a minor discharge from an SRSTP.

The receiving water is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company intake on the Allegheny River located at Emlenton, approximately 60 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after disinfection) based on a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX	
CBOD ₅	10	20
TSS	20	40
Fecal Coliform	200/100 ml as a geometric average	
Total Residual Chlorine	XX	
pH	6.0—9.0 at all times	

XX = monitor and report

PA 0000078. Industrial waste, SIC: 2033, **Welch Foods, Incorporated**, South Lake Street, North East, PA 16428.

This application is for revocation and reissuance of an NPDES permit to discharge untreated industrial waste to an unnamed tributary of Sixteen Mile Creek in North East Township, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water and migratory fishery and water supply. There are no potable water intakes to be considered for the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics.

The final effluent limits, based on a total waste flow of approximately 1.8 mgd, are (mg/l unless specified otherwise):

The temperature limits are based on a variance granted by the Department after the applicant completed a Chapter 316(a) Alternate Thermal Effluent Limitation Study.

Outfall 001

<i>Parameter</i>	<i>Effluent Concentrations (mg/l)</i>		
	<i>Daily Average</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅		5	10
Total Suspended Solids		20	40
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
Temperature			
January 1-31	55°F		
February 1-29	57°F		
March 1-31	59°F		
April 1-15	63°F		
April 16-30	70°F		
May 1-15	76°F		
May 16-30	83°F		
June 1-15	84°F		
June 16-30	86°F		
July 1-31	86°F		
August 1-15	89°F		
August 16-31	86°F		
September 1-15	83°F		
September 16-30	81°F		
October 1-15	80°F		
October 16-31	77°F		
November 1-15	70°F		
November 16-30	60°F		
December 1-31	56°F		
pH	6.0—9.0 standard units at all times		

Outfalls 101, 102 and 103: These outfalls consist of stormwater runoff only.

The EPA waiver is in effect.

PA 0222658. Sewage. **Stop-N-Go of Western PA**, Stop-N-Go Plaza, 1559 Route 228, Cranberry Township, PA 16066.

This application is for a new NPDES Permit to discharge treated sewage to the unnamed tributary to Brush Creek in Cranberry Township, **Butler County**. This is a new discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority, Eastvale Plant on the Beaver River located at Eastvale, approximately 27 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 (after chlorine contact tank) based on a design flow of 0.0016 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
CBOD ₅	10		20
Total Suspended Solids	20		40
Ammonia-Nitrogen (05-01 to 10-31)	7.5		15
(11-01 to 04-30)	23		45
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
Fecal Coliform	200/100 ml as a geometric average all year		
Total Residual Chlorine	1.5		3.5
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

APPLICATIONS—NPDES MINOR RENEWALS

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0080039	Carroll Valley Sewer and Water Authority 5685 Fairfield Road P. O. Box 718 Fairfield, PA 17320	Adams Carroll Valley Borough	Toms Creek	TRC
PA 0080365	Crestwood Estates MHP P. O. Box 74 East Petersburg, PA 17520	Lancaster Salisbury Township	UNT of Pequea Creek	TRC

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or 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 *Pennsyl-*

vania 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 proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received for industrial waste and sewage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. To review any of these applications, contact Mary DiSanto at (717) 705-4732.

A. 2190403 (98-1) Sewage submitted by the **Borough of Shippensburg**, 60 West Burd Street, Shippensburg, PA 15257 in Southampton Township, **Franklin County** to construct a sludge dewatering facility and a second sludge pad as part of its wastewater treatment facilities was received in the Southcentral Region on July 24, 1998.

A. 2298405. Sewage submitted by **Melvin J. Steward**, 7348 Trent Street, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County** to construct a small flow sewage treatment system to serve their residence was received in the Southcentral Region on July 27, 1998.

WQM Permit No. 1598416. Sewerage. **City of Coatesville Authority.** 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. This project is for the construction of a sanitary sewer line, forcemain and a pump station to serve West Sadsbury Pumping Station located in West Sadsbury Township, **Chester County.**

WQM Permit No. 4698425. Sewerage. **McNeil Consumer Products Co.,** 7050 Camp Hill Road, Ft. Washington, PA 19034. This project is for the construction of a wastewater treatment plant to a wastewater pumping station with force main to tie into Whitemarsh Township Sanitary sewer system located in Whitemarsh Township, **Montgomery County.**

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

A. 5698405. Sewerage. **Borough of Meyersdale,** 151 Center Street, Meyersdale, PA 15552. Application for the modification and operation of the Charles Street Pump Station located in Meyersdale Borough, **Somerset County.**

A. 5698406. Sewerage. **Matthew W. Hayman,** 319 West Main Street, Somerset, PA 15501. Application for the construction and operation of a single residence sewage treatment plant located in the Township of Somerset, **Somerset County** to serve the Hayman Residence.

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

WQM Permit No. 6298405. Sewage. **Suzanne C. Swanson, SRSTP,** P. O. Box 124, Russell, PA 16345. This project is for the construction of a Single Residence Sewage Treatment Plant in Elk Township, **Warren County.**

WQM Permit No. 6198404. Sewage. **Whitehall Campground, Church of God in Western Pennsylvania,** R. D. 1, Box 31, Emlenton, PA 16373. This project is for the modification of an existing sewage treatment facility in Richland Township, **Venango County.**

WQM Permit No. 4398416. Sewage. **Kathy Lane Sanitary Sewer Project, South Pymatuning Township Municipal Authority,** 2929 Tamarack Drive, Sharpsville, PA 16150. This project is for the construction of sanitary sewer lines and manholes in South Pymatuning Township, **Mercer County.**

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, (610) 832-6130.

A. 1598505. Public water supply. **Philadelphia Suburban Water Company,** 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposal involves the installation of a caustic soda, pH control and orthophosphate corrosion control system in West Brandywine Township, **Chester County.**

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

6498501. Public water supply. **Fox Ledge, Inc.,** Al Alessi, President, P. O. Box 89, Mt. Pleasant, PA 18453.

This proposal involves the addition of a 40,000 gallon Storage tank, cartridge filter, UV-disinfection, and bottling line. It is located in **Wayne County.**

Engineer: Michael J. Propst, P.E.

Southcentral Regional Office, Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.

A. 3498501. Public water supply. **Port Royal Municipal Authority,** Turbett Township, **Juniata County.** *Responsible Official:* Kevin R. Page, Superintendent, Port Royal Municipal Authority, P. O. Box 390, 111 East Eighth Street, Port Royal, PA 17082. *Type of Facility:* Relocation of existing chlorine station and installation of booster pump. *Consulting Engineer:* Charles E. Walls, P.E., Buchart-Horn, Inc., 1200 West College Avenue, State College, PA 16801.

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

M. A. The Department has received a construction permit application from **PA American Water Company** (800 West Hersheypark Drive, Hershey, PA 17033; Graham Township, **Clearfield County**) for rehabilitation for the interior and exterior coating systems on the Shady Acres Tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

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

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed.

TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Wissahickon Industrial Center, City of Philadelphia, **Philadelphia County**, Michael Gonshor, P.G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet Statewide health standards.

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

Trenholm Residence, Upper Mt. Bethel Township, **Northampton County**. Kevin P. Van Kuren, President, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Notice of Intent to Remediate (on behalf of his client, Steven H. Trenholm, 4079 Church Street, Portland, PA 18351) concerning the remediation of site soils suspected to be contaminated with polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylenes) compounds. The applicant proposes to remediate the site to meet the Statewide human health standard. A Final Report was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

Southcentral Regional Office, Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Goss Graphic Systems, Inc., Wyomissing Borough, **Berks County**. Goss Graphic Systems, Inc., 200 North Park Road, Wyomissing, PA 19610, has submitted a Notice of Intent to Remediate site groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet a combination of the site specific and Statewide health standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 10, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate 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. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Trans-Buck Properties Group, Bensalem Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with PCBs, lead and solvents. The site is located in a Special Industrial Area. The applicant's proposed remediation will address any immediate, direct, or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on July 16, 1998.

Southcentral Regional Office, Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 (717) 705-4705.

Goss Graphic Systems, Inc., Wyomissing Borough, **Berks County**. Goss Graphic Systems, Inc., 200 North Park Road, Wyomissing, PA 19610 has submitted a Notice of Intent to Remediate site groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet a combination of Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on April 10, 1997.

AIR QUALITY

Plan Approval and Operating Permit Applications Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that the Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121 through 143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

21-2013C: Fry Communications, Inc. (800 West Church Road, Mechanicsburg, PA 17055) for lithographic printing operation in Buildings 1 and 2 in Mechanicsburg Borough, **Cumberland County**.

21-320-010B: Fry Communications, Inc. (800 West Church Road, Mechanicsburg, PA 17055) for lithographic printing operation in Building 3 in Mechanicsburg Borough, **Cumberland County**.

22-305-001A: Kimmel's Coal and Packaging (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097) for a coal handling operation controlled by four (4) fabric filters in Wiconisco Township, **Dauphin County**.

28-304-011C: T. B. Woods, Inc. (440 North Fifth Street, Chambersburg, PA 17201) for the mold line sand system and shakeout controlled by a dust collector located in Chambersburg Borough, **Franklin County**.

36-309-055B: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) for operation of a lime plant and crushing equipment controlled by a baghouse at the facility located in East Earl Township, **Lancaster County**. This operation is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

36-310-023D: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562) for operation of a limestone milling plant in Paradise Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

67-301-080: Golden Lake Pet Memorial Gardens (210 Andersontown Road, Mechanicsburg, PA 17055) for an animal crematory incinerator with afterburner located in Monaghan Township, **York County**.

67-309-070D: Global Stone PenRoc, Inc. (P. O. Box 1967, York, PA 17405-1967) for limestone processing operation at the West Filler Plant in West Manchester Township, **York County**. This operation is subject to 40 CFR 60, Subpart 000, Standards of Performance for New Stationary Sources.

Northcentral Regional Office, Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637

17-00024: Al Hamilton Contracting Co. (R. D. 1, Box 87, Woodland, PA 16881) for coal processing operation in Bradford Township, **Clearfield County**.

17-00030: Clearfield Machine Co. (P. O. Box 992A, Clearfield, PA 16830) for equipment used in manufacturing gray iron in Clearfield, **Clearfield County**.

17-00026: Curwensville Area School District (650 Beech Street, Curwensville, PA 16833) for operation of boilers in Curwensville Borough, **Clearfield County**.

59-00012: Dietrichs Milk Products, LLC (P. O. Box 102, Middlebury Center, PA 16935) for equipment used in the production of dry/condensed/evaporated milk in Middlebury Center, **Tioga County**.

49-00038: F. B. Leopold Co., Inc. (8th Street and Glen Gery Road, P. O. Box 128, Watsontown, PA 17777) for coal sizing operation in Delaware Township, **Northumberland County**.

41-00038: Glenn O. Hawbaker, Inc. (450 East College Avenue, Bellefonte, PA 16823) for production of asphalt in Fairfield, **Lycoming County**.

49-00037: H. Warshaw & Sons, Inc. (P. O. Box 40, Milton, PA 17847) for dyeing and finishing textiles in Milton, **Northumberland County**.

17-00028: Hepburnia Coal Co. (P. O. Box I, Grampian, PA 16838) for coal processing operation in Greenwood Township, **Clearfield County**.

14-00018: HRI, Inc. (1750 West College Avenue, State College, PA 16804-0155) for production of asphalt in College Township, **Centre County**.

17-00025: K & F Wood Products, Inc. (P. O. Box A, Beccaria, PA 16616) for operation of boilers in Beccaria Township, **Clearfield County**.

17-00029: Lady Jane Collieries, Inc. (P. O. Box 306, Penfield, PA 15849) for coal preparation operation in Huston Township, **Clearfield County**.

41-00037: Met-Fab, Inc. (Jersey Shore Steel) (P. O. Box 5055, Jersey Shore, PA 17740) for operation of a burn-off oven in Loyalsock Township, **Lycoming County**.

12-00005: PADOT (Star Route, Box 263, Emporium, PA 15834) for operation of spray paint booth in Lumber Township, **Cameron County**.

17-00027: River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847) for a coal processing operation in Karthaus Township, **Clearfield County**.

17-00030: Sky Haven Coal Co., Inc. (R. D. 1, Box 180, Penfield, PA 15849) for a coal processing operation in Lawrence Township, **Clearfield County**.

08-00013: Tioga Point Crematory, Inc. (P. O. Box 575, Newark Valley, NY 13811) for operation of an incinerator in Athens, **Bradford County**.

41-00040: Williamsport Foundry Co., Inc. (164 Maynard Street, Williamsport, PA 17701) for equipment used in manufacturing gray iron in Williamsport, **Lycoming County**.

41-00039: Williamsport Municipal Water Authority (253 West Fourth Street, Williamsport, PA 17701) for operation of an air stripper in Williamsport, **Lycoming County**.

19-00014: Milestone Materials, Inc., Bloomsburg Stone Quarry (P. O. Box 231, Easton, PA 18044) for a limestone sizing operation in Hemlock Township, **Columbia County**.

41-00041: Lonza Inc. (3500 Trenton Ave., Williamsport, PA 17701) for equipment associated in manufacturing chemical preparations in Williamsport, **Lycoming County**.

41-00039: Williamsport Municipal Water Authority (253 West Fourth Street, Williamsport, PA 17701) for the operation of an air stripper in Williamsport, **Lycoming County**.

41-00014: Brodart Co., Montgomery (1609 Memorial Avenue, Williamsport, PA 17701) for surface coating operations in Montgomery Borough, **Lycoming County**.

41-00014: Brodart Co., McElhattan (1609 Memorial Avenue, Williamsport, PA 17701) for surface coating operations in Wayne Township, **Clinton County**.

19-00015: Milestone Materials, Inc., Bloomsburg Hot Mix Asphalt Batch Plant (P. O. Box 231, Easton, PA 18044) for production of asphalt paving mixtures and blocks in Hemlock Township, **Columbia County**.

19-00013: Milestone Materials, Inc., Mifflinville Hot Mix Asphalt Batch Plant (P. O. Box 231, Easton, PA 18044) for production of asphalt paving mixtures and blocks in Mifflinville, **Columbia County**.

14-00017: Supelco Inc. (Supelco Park, Bellefonte, PA 16823) for operation of combustion sources and chromatographic column production equipment in Spring Township, **Centre County**.

17-00017: Rescar of Pennsylvania, Inc. (7702 FM 1960 East, Suite 232, Humble, TX 77346) for surface coating operations in DuBois, **Clearfield County**.

59-0002A: CNG Transmission Corp. (445 West Main Street, Clarksburg, WV 26302) for operation of seven

natural gas fired internal combustion engines (#1 through #7) at the Sabinsville Compressor Station in Clymer Township, **Tioga County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

56-00081: Commonwealth Stone (1898 North Center Avenue, Somerset, PA 15501) for operation of a stone crushing operation at the Pilltown Quarry in Jenner Township, **Somerset County**.

30-00094: Texas Eastern Transmission Corp. (5444 Westheimer, Houston, TX 77056) for operation of a natural gas compressor station at Waynesburg Compressor Station in Franklin Township, **Greene County**.

11-00277: Northern Cambria School District (601 Joseph Street, Barnesboro, PA 15714) for operation of an elementary/middle school in Barnesboro Borough, **Cambria County**.

11-00280: Northern Cambria School District (601 Joseph Street, Barnesboro, PA 15714) for operation of a high school in Barnesboro Borough, **Cambria County**.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.

26-00405: Consolidated Natural Gas Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) for their North Summit Compressor Station located in **Greene County**. The facility's major sources include natural gas compressor engines which emit major quantities of NO_x.

03-00190: Standard Products Company (1655 Orr Avenue, Kittanning, PA 16201) for their Kittanning Borough Facility located in Kittanning Borough, **Armstrong County**. The facility's major sources include a spray coating operation and curing ovens which emit major quantities of Hazardous Air Pollutants.

65-00840: Consolidated Natural Gas Transmission Corporation (Mail Drop 5-2, 625 Liberty Avenue, Pittsburgh, PA 15222) for their South Oakford Compressor Station located in Hempfield Township, **Westmoreland County**. The facility's major source of emission include three internal combustion engines and other combustion sources which primarily emit NO_x. There are also several storage tanks at the facility which emit small quantities of VOCs.

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

24-00131: SGL Carbon Corp. (900 Theresia Street, St. Marys, PA 15857) located in St. Marys, **Elk County**. The facility's major emission sources include 55 carbon baking kilns and various material handling processes. The facility is a major facility due to its' potential to emit of Volatile Organic Compounds.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-0161: Pottstown Trap Rock Quarries, Inc. (394 Sanatoga Road, Pottstown, PA 19464) for modification of a batch asphalt plant in Lower Pottsgrove Township, **Montgomery County**.

150037: De La Rue Card Systems, Inc. (523 James Hance Court, Exton PA 19341) for construction of a non-heatset lithographic press in West Whiteland Township, **Chester County**.

15-0080: Blue & Beyond, Inc. (251 Norwood Road, Downingtown, PA 19335) for construction of a pet crematory in Downingtown Borough, **Chester County**.

23-0066: Pyropure, Inc. (5 Commerce Drive, Aston, PA 19014) for modification of three crucible and three rotary furnaces in Chester Township, **Delaware County**.

46-0079A: Naval Air Station Joint Reserve Base (Route 611, Code 89 Environmental Division, Willow Grove, PA 19090) for modification of a paint booth in Horsham Township, **Montgomery County**.

09-0003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) for modification of a flexographic printing press in Upper Southampton Township, **Bucks County**.

46-0172: Gemplus Corporation (101 Park Drive, Montgomeryville, PA 18934) for construction of a screen and lithographic printing press in Montgomery Township, **Montgomery County**.

09-0057: Ametek Inc., U. S. Gauge Division (900 Clymer Avenue, Sellersville, PA 18960) for modification of a degreaser in Sellersville Borough, **Bucks County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-05014C: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604) for installation of a replacement fabric filter on the existing dross handling system in Manheim Township, **Lancaster County**.

38-302-057: Keystone Protein Co. (P. O. Box 37, Fredericksburg, PA 17026) for operation of a #6 oil or natural gas-fired boiler 800 HP with a capability to burn #2 oil or propane as standby, replacing an existing boiler 400 HP, owner Fortyniner's Inc., in Bethel Township, **Lebanon County**.

38-313-020: Lebanon Chemical Corp. (1600 East Cumberland Street, South Lebanon, PA 17042) for modification dryer, direct heat, natural gas-fired with a new Pug Mill in South Lebanon Township, **Lebanon County**.

67-05032A: Harley-Davidson Motor Co. (1425 Eden Road, York, PA 17402) for modification of control devices existing buffing and polishing operations in Springettsbury Township, **York County**.

67-03034: Brockway Standard Inc. (599 Davies Drive, York, PA 17402) for installation of new can component manufacturing lines in York City, **York County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

32-055B: GPU Generation, Inc. (1001 Broad Street, Johnstown, PA) for operation of Boilers 1 & 2 at Homer City Station in Center Township, **Indiana County**.

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

42-179A: Keystone Thermistor Corp. (Congress Street, Mt. Jewett, PA 16740) for construction of a vapor degreaser (Trichloroethylene solvent—6.99 ft² Vapor-liquid interface area) in Mt. Jewett, **McKean County**. This application is Subject to 40 CFR Part 63, Subpart T.

25-981A: Thunder Port Industries, Inc. (Pennsylvania Avenue, Corry, PA 16407) for installation of a spray booth for the painting of locomotives in Corry, **Erie County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

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

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

54-0005: Wheelabrator Frackville Energy Co., Inc. (Morea Road, P. O. Box 392, Frackville, PA 17931-0392) in Mahanoy Township, **Schuylkill County**. This modification to the RACT Operating Permit will establish lower NO_x emission standards. This RACT Operating Permit will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's State Implementation Plan (SIP).

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for 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. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52, and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity, and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

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

Coal Applications Received:

569310104. Permit Renewal, Future Industries, Inc. (P. O. Box 157, Meyersdale, PA 15552), commence-

ment, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 129.0 acres, receiving stream unnamed tributaries to Buffalo Creek and Buffalo Creek, application received July 28, 1998.

56960106. Permit Revision, Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650), from woodland to wildlife habitat, in Lincoln Township, **Somerset County**, affecting 351.6 acres, receiving stream North Branch Quemahoning Creek and Homer Run, application received July 28, 1998.

32980107. Fossil Fuel, Inc. (R. D. 2, Box 73, Marion Center, PA 15759), commencement, operation and restoration of bituminous strip-auger mine in Grant Township, **Indiana County**, affecting 120.0 acres, receiving stream unnamed tributaries to Little Mahoning Creek and Little Mahoning Creek (topographic drainage only), application received July 24, 1998.

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

17980116. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 158 acres, receiving streams: Sulphur Run and an unnamed tributary to Sulphur Run, application received July 13, 1998.

17960110. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc., and a Change in Permit Acreage from 60.7 to 70.5, Bigler Township, **Clearfield County**, receiving streams: unnamed tributaries to Banian Run and unnamed tributary to Clearfield Creek, application received July 10, 1998.

17930124. Al Hamilton Contracting Co. (R. D. 1, Box 87, Woodland, PA 16881), transfer of an existing bituminous surface mine-auger permit from James I. Cowfer Contracting, Inc., Woodward and Decatur Townships, **Clearfield County** affecting 346 acres, receiving streams: unnamed tributary to Little Beaver Run and North Branch of Morgan Run, application received July 16, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33860114. Ed Hanslovan Coal Co., Inc. (R. D. 2, Box 230, Morrisdale, PA 16858) Renewal of an existing bituminous strip and auger operation in Washington and Snyder Townships, **Jefferson County** affecting 497.9 acres. Receiving streams: Four unnamed tributaries to Rattlesnake Run. Application received July 27, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

35840203T. CSY, Inc. (1000 South State Street, Clarks Summit, PA 18411), transfer of an existing coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** from Coalbrook Iron & Metal Co., Inc., affecting 61.5 acres, receiving stream—none. Application received July 16, 1998.

54980201. A/C Fuels Company (P. O. Box 97, State Route 54, Nesquehoning, PA 18240), commencement, operation and restoration of an anthracite surface mine/refuse disposal/bank removal/refuse reprocessing operation including Fly Ash Disposal, in Kline, Hazle and Banks Townships, **Schuylkill, Luzerne and Carbon Counties**, affecting 197.5 acres, receiving stream—Hunkydory Creek and Catawissa Creek. Application received July 21, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Applications Received*

33980305. Glenn Brothers Quarry (P. O. Box 281, Corsica, PA 15829-0281) Commencement, operation and restoration of a sandstone operation in Clover and Union Townships, **Jefferson County** affecting 6.8 acres. Receiving stream: Simpson Run. Application received July 21, 1998.

33900307. Robert J. Cole (P. O. Box 678, Falls Creek, PA 15840) Revision to an existing clay operation to add an additional 1.5 acres of shale removal in Washington Township, **Jefferson County** affecting 41.5 acres. Receiving streams: Unnamed tributary to Beaverdam Run and Beaverdam Run. Application received July 27, 1998.

*Pottsville District Office, 5 West Laurel Boulevard,
Pottsville, PA 17901-2454.*

7776SM1A3C2. Martin Stone Quarries, Inc., (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit #PA0611883 to Colebrookdale Township, **Berks County**, receiving stream—unnamed tributary to Swamp Creek. Application received July 21, 1998.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401 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 (800) 654-5984.

Application 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.

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

E46-815. Encroachment. **Upper Dublin Township**, 801 Loch Alsh Avenue, Fort Washington, PA 19034. To remove an existing pedestrian bridge and to construct and maintain a prefabricated bridge with an underclearance of 10.5 feet cross Sandy Run (TSF) located directly upstream of the Jenkintown Road culvert crossing (Ambler, PA Quadrangle N: 0.5 inch; W: 5.8 inches) in Upper Dublin Township, **Montgomery County**.

E46-483A. Encroachment. **Toll Brothers Inc.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006. To reissue and amend Water Obstruction and Encroachment permit, E46-483, for the Blue Bell Country Club Subdivision to include the following activities associated with the proposed Shinecock and Willowbend Villages, also known as Pod Q & P respectively:

1. To relocate approximately 880 linear feet of an unnamed tributary to the West Branch of Stony Creek (TSF) by installing and maintaining approximately 1,200 linear feet of 42-inch RCP stream enclosure which will be used to extend an existing roadway culvert which conveys flow under North Wales Road.

2. The placement and maintenance of two stormwater outfall structures adjacent to an unnamed tributary to the West Branch of Stony Creek.

The site is located approximately 2,000 feet northwest of the intersection of North Wales Road and SR 73, (Lansdale, PA Quadrangle N 10.5 inches; W: 7.25 inches) in Whitpain Township, **Montgomery County**.

E46-814. Encroachment. **Upper Hanover Township**, 1704 Pillsbury Rd., P. O. Box 27, East Greenville, PA 18041. To remove the existing 3-span concrete T-beam bridge which spans the 100 year floodway of the Northwest Branch of the Perkiomen Creek (CWF) and to construct and maintain a concrete box beam bridge having an 80 foot span and 7.5 foot underclearance with roadway approaches impacting 0.01 acre of wetland at this location to provide a safer structure for traveling public. The site is located approximately 100 feet north of the intersection of Papermill Road and Bowers Mill Road (East Greenville, PA Quadrangle N: 0.4 inch; W: 4.85 inches) in Upper Hanover Township, **Montgomery County**.

E46-816. Encroachment. **Lower Salford Township**, 474 Main Street, Harleysville, PA 19438. To construct and maintain a low flow culvert road crossing in and along the West Branch of Skippack Creek (TSF). The proposed 8-foot wide stream crossing will utilize five 24-foot long, 24-inch diameter HDPE storm pipes placed in and along the existing stream bed, with a 1 foot minimum depth of concrete fill over the culverts, and rip-rap erosion control protection upstream and downstream of the culverts. The project site is located immediately south of the intersection of Sunneytown Pike and Stover Road, adjacent to Meadowbrook Plaza (Perkiomenville, PA Quadrangle N: 3.5 inches; W: 0.6 inch) in Lower Salford Township, **Montgomery County**.

E46-817. Encroachment. **Elizabeth Johnson and Sebastian Bartorillo**, 132 Mill Road, Norristown, PA 19401. To construct and maintain three 24-inch diameter concrete piers in the assumed floodway of an unnamed tributary to Stony Creek to support a second floor expansion for a dwelling at 132 Mill Road (Lansdale, PA Quadrangle N: 3.0 inches; W: 9.65 inches) in East Norriton Township, **Montgomery County**.

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

EA35-001NE. Encroachment. **Pennsylvania Department of Environmental Protection**, Bureau of Waterways Engineering, P. O. Box 8460, Harrisburg, PA 17105-8460. To remove an abandoned railroad bridge over Mill Creek. The project is located approximately 800 feet north of the intersection of the Main Street Bridge in Moosic Borough. (Avoca, PA Quadrangle N: 18.62 inches;

W: 16.12 inches), in Moosic Borough, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E39-342. Encroachment. **R. J. Corman**, R. R. Material Sales, 333 Linden Street, Allentown, PA 18101. To construct and maintain approximately 815 linear feet of 6 foot high chain link fence within the floodway of Jordan Creek (TSF, M Tuff). The project is located along the left bank of Jordan Creek between Linden and Gordon Streets (Allentown East, PA Quadrangle N: 19.7 inches; W: 12.3 inches), in the City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-355. Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To remove the existing structure and to construct and maintain a 36-inch diameter RCP stormwater outfall structure along the right bank of the Little Lehigh Creek (HQ-CWF). The project is located at the intersection of S. R. 2055 (South 8th Street) and Little Lehigh Creek (Allentown East, PA Quadrangle N: 17.7 inches; W: 13.4 inches) in the City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E54-251. Encroachment. **Ralf Bzura**, 1160 Sunset Drive, Orwigsburg, PA 17961. To place fill within the floodway of Mahannon Creek (CWF) and within 0.07 acre of PEM wetlands, for the purpose of constructing a residential/commercial development, known as the Federal Square Land Development. The project is located on the south side S. R. 0443, along the west side of Mahannon Creek (Orwigsburg, PA Quadrangle N: 5.4 inches; W: 15.2 inches) in the Borough of Orwigsburg, **Schuylkill County** (Philadelphia District, U. S. Army Corps of Engineers).

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E06-516. Encroachment. **Brian O'Neil**, 37 Haas Road, Mertztown, PA 19539. To place fill in 0.04 acre of wetlands adjacent to the channel of a tributary to the West Branch of Perkiomen Creek at a point upstream of Forge Dale Road (Manatawny, PA Quadrangle N: 8.8 inches; W: 1.6 inches) for the purpose of constructing a driveway in District Township, **Berks County**.

E07-295. Encroachment. **Julius Moyer**, 856 Puzzle-town Road, Duncansville, PA 16635. To remove an existing bridge and to construct and maintain a single span steel foot bridge across Poplar Run to access an existing residential site located on the north side of SR 3003 about 1.9 miles west of its intersection with Old Route US 220 (Hollidaysburg, PA Quadrangle N: 2.3 inches; W: 13.5 inches) in Freedom Township, **Blair County**.

E07-296. Encroachment. **Penn State University—Altoona Campus**, Rick Wareham, 3000 Ivyside Park, Altoona, PA 16601. To place fill in de minimis acres of wetlands for the purpose of constructing a 6,100 square foot new Continuing Education Building and associated vehicle parking area located on the south side of Ivyside Drive at its intersection with Park Avenue (Altoona, PA Quadrangle N: 7.05 inches; W: 4.8 inches) in Altoona City, **Blair County**.

E22-388. Encroachment. **Gregory Tomassetti**, P. O. Box 208, Enola, PA 17025. To place fill in 0.18 acre of wetlands adjacent to the channel of a tributary to Paxton Creek at a point upstream of Ranger Road (Harrisburg, PA Quadrangle N: 16.0 inches; W: 7.2 inches) in Lower Paxton Township, **Dauphin County**.

E28-257. Encroachment. **Dauphin County General Authority**, Whitetail Golf Course, Sidney Reese, 530 S. Harrisburg Street, Harrisburg, PA 17113. To construct and maintain a 2-foot diameter reinforced concrete pipe (RCP) culvert at the channel of an unnamed tributary to Licking Creek for the purpose of constructing a golf cart crossing located about 2,700 feet downstream of the Whitetail Ski Dam "A" (Mercersburg, PA Quadrangle N: 2.26 inches; W: 6.0 inches) in Montgomery Township, **Franklin County**.

E36-655. Encroachment. **Randall Bowman**, 164 E. Black Creek Road, East Earl, PA 17519. To remove the existing structure and to construct and maintain a bridge consisting of a concrete deck and having a 20-foot clear span with a 6-foot underclearance across Black Creek for access to an existing single family residence located along Black Creek Road (T-823) (Terre Hill, PA Quadrangle N: 8.3 inches; W: 0.5 inch) in Caernarvon Township, **Lancaster County**.

E36-656. Encroachment. **Warwick Township**, David Zimmerman, 315 Clay Rd., Lititz, PA 17543. To construct and maintain a concrete diversion structure across Santo Domingo Creek to divert stream flow to an off-stream forebay area for periodic sediment load removal. The permit also authorizes excavation of 0.18 acre of wetlands and the placement of fill to construct approximately 500 feet of low earthen berm along the left channel bank to create an 2.8 acre wetland impoundment area. An outfall structure consisting of two 24-inch pipe culverts will be constructed from the impoundment area to discharge flow back into the streams. The purpose of the wetlands restoration/creation project located approximately 1,000 feet north of Market Street is to improve water quality in the Lititz Run Watershed (Lititz, PA Quadrangle N: 7.5 inches; W: 7.5 inches) located in Warwick Township, **Lancaster County**.

E38-120. Encroachment. **Crossgates, Inc.**, Donald Smith, 3555 Washington Road, McMurray, PA 15317. To fill 0.912 acre of wetlands and 2,710 linear feet of an intermittent channel to Forge Creek for construction of a 1.1 million square foot warehouse/distribution facility consisting of three truck courts, an office building and a 1,200 car parking lot on Lot 1. The five lot Northport Industrial Park will be located at the northeastern corner of Fisher Avenue and Bordnersville Road about 1/2 mile west of Interchange 30 of Interstate 81 (Indiantown Gap, PA Quadrangle N: 13.75 inches; W: 3.75 inches) in Union Township, **Lebanon County**. The permittee will provide 1.19 acres of replacement wetlands.

E44-095. Encroachment. **Jeffrey Spickler**, 300 Twin Hollow Road, McVeytown, PA 17051. To maintain a 6.0 foot diameter culvert pipe in an unnamed tributary to Musser Run constructed under DEP General Permit No. 8 (Temporary Road Crossing) No. 08-44-97-105, to provide access to a private residential home site located about 300 feet south of US Route 22/522, about 0.6 mile south of its intersection with SR 4007 (Newton Hamilton, PA Quadrangle N: 17.1 inches; W: 5.1 inches) in Oliver Township, **Mifflin County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third Street, Suite 101, Williamsport, PA 17701

E41-428. Encroachment. **Muncy Creek Twp. Supervisors**, P. O. Box 336, Muncy, PA 17756. To realign the channel of Little Muncy Creek and to construct and maintain stream bank stabilization for the protection of public and private property from flood damage. The

realignment work shall consist of the removal of gravel deposition that shall not exceed a maximum length of 500 feet, a maximum width of 80 feet and a maximum depth of 5 feet. The stream bank stabilization work shall consist of installing 1,700 feet of earthen fill, riprap and vegetative measures along the embankment of T-869 that will not impact wetlands while impacting 1,700 feet of waterway. The project is located along the southern right-of-way of SR 0442 approximately 1.8 miles west of the intersection of T-869 and SR 0442 (Hughesville, PA Quadrangle N: 11.3 inches; W: 12.3 inches) in Muncy Creek Township, **Lycoming County**. Stream classification is a Cold Water Fishery.

ENVIRONMENTAL ASSESSMENT

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

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D36-134EA. Environmental Assessment. **Millport Conservancy** (737 E. Millport Road, Lititz, PA 17543-9104). To breach and abandon the Millport Roller Mills Dam across Lititz Run for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 1,100 feet northwest of the intersection of Millport Road and Warwick Road (Lititz, PA Quadrangle N: 2.20 inches; W: 1.15 inches) in Warwick Township, **Lancaster County**.

EA63-001CO. Environmental Assessment. **Roger L. Rainey** (347 Rainey Road, Eighty Four, PA 15330). To construct and maintain a non-jurisdictional dam across a tributary to South Branch Pigeon Creek (WWF) to supply water for livestock. The proposed dam will be located approximately 2,200 feet southeast of the intersection of Rainey Road and T-760 (Hackett, PA Quadrangle N: 3.45 inches; W: 14.70 inches) in Somerset Township, **Washington 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 (Department) 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 (800) 654-5984.

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

Permits Issued

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

Permit No. 1195201, Amendment No. 1—T1. Industrial Waste, **Bar Technologies, Inc.**, 1001 Main St., Gate 3, Johnstown, PA 15909. Production of Steel Manufacturing Continuous Casting located in the Borough of Franklin, **Cambria County** to Johnstown Plant.

Permit No. 0497403, Amendment No. 1. Sewage, **Black's Mobile Home Park**, R. D. 2, Big Knob Road, Lot 38, Rochester, PA 15074. Substitution of the Purestream, Inc. steel tanks in place of the concrete treatment tanks located in the Township of New Sewickley, **Beaver County** to serve the Black's Mobile Home Park Sewage Treatment Plant.

Permit No. 463S35, Amendment No. 1. Sewage, **Brownsville Area School District**, R. D. 1, Box 202, Grindstone, PA 15442. Installation of Flow Equalization Tank and Sludge Holding Tank located in the Township of Luzerne, **Fayette County** to serve the Central Elementary School.

Permit No. 1197403. Sewage, **Forest Hills Municipal Authority**, Box 111, South Fork, PA 15956. Construction of Treatment Plant, Pump Station and Interceptors located in the Township of Conemaugh, **Cambria County** to South Fork Region.

Permit No. 1197404. Sewage, **Forest Hills Municipal Authority**, Box 111, South Fork, PA 15956. Construction of Pump Station and Collector Sewers located in the Township of Conemaugh, **Cambria County** to serve the South Fork, Summerhill, Ehrenfeld and Wilmore Boroughs and Adams, Summerhill, Richland and Croyle Townships.

Permit No. 2698401. Sewage, **Redstone Township Sewer Authority**, R. D. 1, Box 210-C, Grindstone, PA 15442. Construction of Wastewater Collection, Conveyance and Treatment Facilities located in the Township of Redstone, **Fayette County** to serve the Cardale, Allison, Merittstown and Republic Areas of Redstone Township.

Permit No. 3298401. Sewage, **John and Lynae Williams**, 308 North Main Street, Punxsutawney, PA 15760. Construction of a Sewage Treatment Plant located in the Township of Armstrong, **Indiana County** to serve the Maple Valley Personal Care Home STP.

Permit No. 5696402. Sewage, **Jenner Area Joint Sewer Authority**, P. O. Box 202, Jennerstown, PA 15547. Construction of Sanitary Sewers and Pump Stations

located in the Borough of Boswell, **Somerset County** to serve the Gray and Acosta Sewers.

NPDES Permit No. PA0027481—Amendment No. 1. Industrial waste, **Pennsylvania Power Company**, One East Washington Street, New Castle, PA 16103 is authorized to discharge from a facility located at Bruce Mansfield Plant, Shippingport Borough, **Beaver County**.

NPDES Permit No. PA0090948, Amendment No. 1. Industrial waste, **CBF, Inc.**, Landfill Management, R. D. 1, Box 266, McClellandtown, PA 15458 is authorized to discharge from a facility located at German Township, **Fayette County**.

NPDES Permit No. PA0026905. Sewage, **Connellsville Municipal Authority**, P. O. Box 925, Municipal Lane, Connellsville, PA 15425 is authorized to discharge from a facility located at Connellsville STP, City of Connellsville, **Fayette County** to Youghiogheny River.

NPDES Permit No. PA0027570. Sewage, **Western Westmoreland Municipal Authority**, 12441 Route 993, North Huntingdon, PA 15642-0366 is authorized to discharge from a facility located at Brush Creek Sewage Treatment Plant, North Huntingdon Township, **Westmoreland County**.

NPDES Permit No. PA0037109. Sewage, **Helvetia Coal Company**, P. O. Box 729, Indiana, PA 15701 is authorized to discharge from a facility located Lucerne No. 9 Sewage Treatment Plant, Conemaugh Township, **Indiana County** to Marshall Run.

NPDES Permit No. PA0206067. Sewage, **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676 is authorized to discharge from a facility located at Mon Valley/Fayette Expressway Northern Toll Plaza STP, California Borough, **Washington County** to South Branch of Maple Creek.

NPDES Permit No. PA0215929. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701 is authorized to discharge from a facility located at Mudlick Run Shaft/Portal STP, Washington Township, **Indiana County** to Mudlick Run.

NPDES Permit No. PA0217883. Sewage, **Encotech, Inc.**, P. O. Box 305, Eighty Four, PA 15330 is authorized to discharge from a facility located at Encotech STP, North Strabane Township, **Washington County** to Drainage Swale Tributary to Little Chartiers Creek.

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

NPDES Permit No. PA0222445. Sewage. **Boyles, Pepperman & Main (L. Scott Pepperman)**, 178C

Eccles Road, Sugar Grove, PA 16350 is authorized to discharge from a facility located in Sugar Grove, **Warren County** to an unnamed tributary to Stillwater Creek.

NPDES Permit No. PA0002500. Industrial waste. **Kane Magnetics International**, 700 Elk Avenue, Kane, PA 16735-1068 is authorized to discharge from a facility located in Kane Borough, **McKean County** to an unnamed tributary to West Run.

NPDES Permit No. PA0034592. Sewage. **Laurel Jr./Sr. High School, Laurel School District**, R. R. 4, Box 30, New Castle, PA 16101-9705 is authorized to discharge from a facility located in Hickory Township, **Lawrence County** to an unnamed tributary to Big Run.

NPDES Permit No. PA0041564. Sewage. **S-2 Properties**, P. O. Box 24509, Pittsburgh, PA 16234 is authorized to discharge from a facility located in Lancaster Township, **Butler County** to an unnamed tributary to Hereford Manor Lake.

NPDES Permit No. PA0100625. Industrial waste. **TA Operating Corporation/Truckstops of America**, 245 Allegheny Boulevard, Brookville, PA 15825 is authorized to discharge from a facility located in Brookville Borough, **Jefferson County** to Clement Run.

WQM Permit No. 2098410. Sewerage, **Kathleen A. and Ronald A. Suich, SRSTP**, Reash Church Road, Cochranon, PA 16314. Construction of Kathleen A. and Ronald A. Suich SRSTP located in Fairfield Township, **Crawford County**.

WQM Permit NO. 1098404. Sewerage, **Michael A. Traficante, SRSTP**, 276 Knickerbocker Dr., Pittsburgh, PA 15235. Construction of Michael A. Traficante SRSTP located in Penn Township, **Butler County**.

WQM Permit No. 3398201. Industrial waste. **TA Operating Corporation/Truckstops of America**, 245 Allegheny Boulevard, Brookville, PA 15825. This project is for the construction and operation of a wastewater treatment facility located in Brookville Borough, **Jefferson County**.

INDIVIDUAL PERMITS

(PAS)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10S017-2	Outletter Associates 285 Crossings Outlet Square Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek
PAS10S062	Triple Net Investments II, LP 171 Rt. 173, Suite 201 Asbury, NJ 08802	Monroe County Coolbaugh Township	Red Run
PAS10U092	Gary J. Strausser 602 Village at Stones Crossing Easton, PA 18045	Northampton County Forks Township	Bushkill Creek and Delaware River

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U086	Kravco Co. 234 Mall Blvd. King of Prussia, PA 19406	Northampton County Palmer Township	Tributary to Bushkill Creek

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices, and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

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

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

List of NPDES and/or other General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type PAG 2

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>
Mt. Pleasant Township Adams County	PAR-10067	Dr. William R. Bast 162 Schoolhouse Road Littlestown, PA 17340	Alloway Creek	Adams County CD 57 N. Fifth Street Gettysburg, PA 17325 (717) 334-0636
Middlesex Township Cumberland County	PAR-10-H173	Nicholas Skarlotos Crystal Lake Estates 1105 Otterbein Church Road Newburg, PA 17240	Hogestown Run	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAR-10-H176	First Industrial Develop. Service Hampden North 6360 Flank Drive, Suite 1100 Harrisburg, PA 17112	Trindle Spring Run	Cumberland County CD 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Southampton Franklin County	PAR-10-M153	G & C Associates 9974 Molly Pitcher Highway Shippensburg, PA 17257	Rowe Run	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-7201
Washington Township Franklin County	PAR-10-M155	Sky Hawk Land Development Co. 268 Buxh Street Suite 711 San Francisco, CA 94104	West Branch Little Antietom	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-7201
Bethel Township Fulton County	PAR-10-2809	H B Mellott Estates, Inc. Route 1, Box 25 Warfordsburg, PA 17267	UNT to Little Tonoloway Creek	Fulton County CD 216 N. Second Street McConnellsburg, PA 17233 (717) 485-3547
Perry County Juniata County Snyder County	PAR-10-5121	PA Dept. of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Susquehanna River	Perry County CD P. O. Box 36 36 W. Main Street New Bloomfield, PA 17068 (717) 582-8988
Hemlock Township Columbia County	PAR102133	Rick Robinholt c/o Balco Development Inc. 55 Schoolhouse Rd. Bloomsburg, PA 17815	Hemlock Creek	Columbia County CD 702 Sawmill Rd., Suite 105 Bloomsburg, PA 17815
Lackawanna County Archbald Borough	PAR10N065	Kim Giombetti, John Laboranti Louis Mancuso Sunrise Estates 207 Daystrom Avenue Archbald, PA 18403	Unnamed Trib. to Lackawanna River	Lackawanna CD (717) 281-9495

General Permit Type PAG 3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Summit Township Butler County	PAR218308	Ervin Industries, Inc. 681 East Butler Rd. Butler, PA 16002	Bonnie Brook and Unnamed Tributary of Bonnie Brook	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR208316	Lincoln Foundry, Inc. P. O. Box 8156 1600 Industrial Drive Erie, PA 16505	Lake Erie	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

General Permit Type PAG 4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Farmington Township Warren County	PAG048522	Mark D. Peters 943 Jackson Run Rd. Warren, PA 16365	Unnamed Tributary to Kiantone Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Fairfield Township Crawford County	PAG048525	Kathleen A. & Ronald A. Suich 511 W. Arrowhead Ct. Louisville, CO 80027	Unnamed Tributary of Rock Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942
Penn Township Butler County	PAG048514	Michael A. Traficante 276 Knickerbocker Dr. Pittsburgh, PA 15235	Unnamed Tributary of Thorn Creek	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Northcentral Regional Office, Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0530.

Lamar and Porter Townships, **Clinton County** and Walker Township, **Centre County**.

Project Description: In 1995 these municipalities formed a regional authority, the East Nittany Valley Joint Municipal Authority, to construct a new 400,000 gallon per day wastewater treatment facility and a new regional sewage collection system to serve portions of the three municipalities. This newly approved update modifies that project to eliminate the new sewage treatment plant.

Instead, a pump station and force main will be constructed to convey the collected wastewater through Mill Hall Borough's existing collection/conveyance system to the City of Lock Haven's existing wastewater treatment facility. Discharge of the collected wastewater will be to Bald Eagle Creek. As part of the project, the Mill Hall interceptor and pump station and Lock Haven's Woods Avenue sewer main will be upgraded.

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

Regional Office—Water Management Program Manager, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110.

Charter Behavioral Health System at Cove Forge Rehabilitation by Chester Engineers, on the north side of L. R. 07039, 1/4 mile northeast of L. R. 07039 and T-454.

Project Description: The plan provided for approval of a revision to the official sewage plan of Woodbury Township, **Blair County**. The project involves the construction of a sewage collection system with a 25,000 gallon per day package treatment plant to serve the facility.

Any required NPDES Permits or Water Management Permits must be obtained in the name of owner.

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

Conemaugh Township Sewage Treatment Plant, approximately 1,500 feet northwest of S. R. 286, at the confluence of Blacklegs Creek and the Kiskimintas River, Conemaugh Township, **Indiana County**.

Project: Approval of the official Sewage Facilities Plan Update for Conemaugh Township, Indiana County. Project involves construction of a .0875 mgd sewage treatment facility in Conemaugh Township with collection and conveyance facilities to serve the western part of Conemaugh Township adjacent to Blacklegs Creek and the Kiskimintas River. Treatment facility will discharge to Blacklegs Creek. The Department's review of the Sewage Facilities Plan Update has not identified any significant environmental impacts resulting from this review.

Somerset Township, **Somerset County**. **Matthew Hayman Single Residence Sewage Treatment Plant**. On the west side of Township Road 622 approximately 0.5 mile south of intersection of TR622 and SR1002. Latitude 40 Degrees 00' 47" and Longitude 78 Degrees 58' 53".

Project Description: Approval of a revision to the Official Sewage Plan of Somerset Township, Somerset County. Project involves construction of a small flow sewage treatment facility to serve a proposed single family residential dwelling located along a private drive off of TR 622.

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, (610) 832-6130.

Permit No. 0998502. Public Water Supply. **Doylestown Township Municipal Authority**, David Jones, 425 Wells Road, Doylestown, PA 18901. Construction of an above ground water booster pump station and interconnection water systems of Doylestown Township Municipal Authority and the Neshaminy Manor Center in Doylestown Township, **Bucks County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Carroll Engineer Corporation, Michael McRee, 949 Easton Road, Warrington, PA 18976

Permit to Construct Issued: July 27, 1998.

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

Permit No. 3998501. Public water supply. **Upper Saucon Township**, (Zinc Mine—City of Bethlehem Water Blending Facility), Bernard Rodgers, Township Manager, Upper Saucon Township, 5500 Camp Meeting Road, Center Valley, PA 18711. This proposal involves constructing a water blending facility. Hard water from the Zinc Mine Well will be blended with water from the City of Bethlehem. Construction will include a building, piping to interconnect the two water sources, an 8,000 gallon water storage tank to allow mixing of the water, and a pump to return the blended water to the distribution system. Also included are the necessary valve, meters, electric supply, distribution and control system. In addition, the method of disinfecting the Zinc Mine Well water will be changed from sodium hypochlorite to liquid chlorine. It is located in Upper Saucon Township, **Lehigh County**.

Permit to Operate: July 13, 1998.

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

A. 4496453-MA2. The Department issued an operating permit application to **Augusta Boys, Inc.** (R. D. 1, Box 132B, Sunbury, PA 17801; Ralpho Township, **Northumberland County**) for registration of two identical NAMA approve drinking water vending machines owned and operated by Augusta Boys, Inc.

A. M.A. The Department issued a construction permit application to **Boone Nursing Home, Inc.** (3298 Ridge Road, Bloomsburg, PA 17846; Scott Township, **Centre County**) to change pH adjustment chemical from lime to potash.

A. M.A. The Department issued a minor amendment permit application to **Porter Township Municipal Authority** (P. O. Box 57, Lamar, PA 16848; Porter Township, **Clinton County**) for request for succession of water rights from the 64 Water Company under Water Allocation #WA-732A.

A. M.A. The Department issued a construction permit application to **PA American Water Company** (105 Sodom Road, Milton, PA 17847-9762; Borough of Milton, **Northumberland County**) for permit of three additional treatment chemicals at both the Milton and White Deer Creek Filter Plants.

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

Permit No. 2675501-A1. Public water supply. **Mountain Water Association**, Box 297, Fairchance, PA 15436-0297.

Type of Facility: Brownfield Hollow Storage Tank.

Permit to Construct Issued: July 14, 1998.

Permit No. 5687502. Public water supply. **Hutchinson Property Development Group, Inc.**, 120 West Hutchinson Avenue, Pittsburgh, PA 15218.

Type of Facility: Ligonier Highlands Water System.

Permit to Operate Issued: July 14, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

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

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports.

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

Trenholm Residence, Upper Mt. Bethel Township, **Northampton County**. Kevin P. Van Kuren, President, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 has submitted a Final Report (on behalf of his client, Steven H. Trenholm, 4079 Church Street, Portland, PA 18351) concerning the remediation of site soils suspected to be contaminated with polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylenes) compounds. The report is intended to document remediation of the site to meet the Statewide human health standard. A Notice of Intent to Remediate was simultaneously submitted. See additional *Pennsylvania Bulletin* notice.

Pennsylvania Power & Light Company (PP&L) Distribution Pole #52430N25109, Summit Hill Borough, **Carbon County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

Pennsylvania Power & Light Company (PP&L) Distribution Pole #63219S50608. Allen Township, **Northampton County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard. This site was previously misidentified as being located in Lehigh County.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 4

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 §§ 6026.101—6026.908) and Chapter 250, Administration of Land Recycling Program

Provisions of Chapter 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act 2 (Land Recycling and Environmental Remediation Standards Act) remediation standards. Plans and reports required by provisions of Act 2 for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

Southcentral Regional Office, Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Martin Dubbs Residence, Dover Township, York County. Martin Dubbs, 4380 Pine Hill Road, Dover, PA 17315 submitted a final report concerning the remediation of site soil contaminated with PAHs and PHCs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on July 28, 1998.

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

Lafarge Corporation—Lot 3, Northampton Borough, Northampton County. Lafarge Corporation, 4000 Town Center, Suite 200, Southfield, MI 48075 submitted a final report concerning the remediation of site media contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons, and lead. The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on July 9, 1998.

Pennsylvania Power & Light Company (PP&L)—Distribution Pole #52430N25109, Summit Hill Borough, Carbon County. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a final report concerning the remediation of site soils contaminated with polychlorinated biphenyls (PCBs). The final report demonstrated attainment of the Statewide human health standard, and was approved by the Department on August 3, 1998.

SOLID AND HAZARDOUS WASTE

RESIDUAL WASTE PROCESSING FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit No. WMGR038SE002. T. T. Recycling Corp., 551-F Springfield Street, Coopersburg, PA 18036. This approval was granted for a determination of applicability under the Waste Tire General Permit No. WMGR038 for processing of waste tires and their use in the manufacturing of concrete blocks (future cubes) at a facility located in Springfield Township, Bucks County. The determination of applicability was approved in the Southeast Regional Office on July 28, 1998.

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

Permit I. D. No. 301301. Knickerbocker Pit Ash Demonstration, Reading Anthracite Company, 200 Mohantongo Street, Pottsville, PA 17901. A permit authorizing the construction and operation of a residual solid waste demonstration facility, located in Mahanoy Township, Schuylkill County. This permit allows for the demonstration of a new technology, not previously used in Pennsylvania, for the use of residual waste coal ash from the Schuylkill Energy Resources Co-Generation Plant to reclaim the 44 acre Knickerbocker Pit. The coal ash will be piped into the dry Knickerbocker Pit, discharged and used to reclaim the pit in such a manner as to promote public safety and reduce acid mine drainage. The permit was issued in the Regional Office on July 21, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit No. 100148. Waste Management of PA, Inc. 1121 Bordentown Road, Morrisville, PA 19067 was issued a permit modification as part of a settlement agreement. In accordance with the settlement agreement reached between Waste Management of PA, Inc. and the Department in the matter of EHB Docket No. 98-006-MG (consolidated with 98-007-MG, 98-008-MG, 98-009-MG and 98-025-MG), it was agreed that the Department would modify language in Condition 11 of the GROWS, Inc. December 18, 1997 permit modification that is subject to the aforementioned appeal. The revised language states that processed construction and demolition waste is waste and not a recyclable material and counts towards the average daily volume (ADV) of the facility, and the waste is subject to the host municipality benefit fee(s) of Act 101.

Permit No. 101494. Waste Management of PA, Inc. 1121 Bordentown Road, Morrisville, PA 19067 was issued a permit modification as part of a settlement agreement. In accordance with the settlement agreement reached between Waste Management of PA, Inc. and the Department in the matter of EHB Docket No. 98-006-MG (consolidated with 98-007-MG, 98-008-MG, 98-009-MG and 98-025-MG), it was agreed that the Department would modify language in Condition 11 of the Tullytown Resource Recovery Facility December 18, 1997 permit modification that is subject to the aforementioned appeal. The revised language states that processed construction and demolition waste and MSW incinerator ash are wastes and not recyclable materials and count towards the average daily volume (ADV) of the facility, and the wastes are subject to the host municipality benefit fee(s) of Act 101.

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

Permit I. D. No. 100020. Eastern Waste of Bethlehem, Inc. Landfill. Eastern Waste of Bethlehem, Inc., 2335 Applebutter Road, Bethlehem, PA 18015. A permit approving the Permit Reissuance/Transfer of the former City of Bethlehem Landfill, located in Lower Saucon Township, **Northampton County**, from the City of Bethlehem to Eastern Waste of Bethlehem, Inc. The permit reissuance provides for municipal waste disposal under Permit I. D. #100020, which was originally issued on November 9, 1993. Unless specifically referenced in this permit, this action does not change or modify any of the permit conditions contained in the original City of Bethlehem Landfill Permit. The permit was issued in the Regional Office on July 17, 1998.

AIR QUALITY

OPERATING PERMITS

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.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-322-009: Waste Management Disposal Serv. of PA (1425 Sell Road, Pottstown, PA 19464) issued for

operation of a Landfill Gas Combustion in West Pottsgrove Township, **Montgomery County**.

15-0027: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) issued August 3, 1998, for operation of a Facility VOCs/NOx RACT in Tredyffrin Township, **Chester County**.

PLAN APPROVALS

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

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-0075: American Bank Note Co. (680 Blair Mill Road, Horsham, PA 19044) issued July 30, 1998, for operation of a 3-Color Rotogravure Printing Press in Horsham Township, **Montgomery County**.

15-0066: Nutra-Soil, Inc. (324 East Baltimore Pike, Avondale, PA 19311) issued August 3, 1998, for operation of a Mushroom Compost Dryer in London Grove Township, **Chester County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

36-310-023E: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562) issued July 31, 1998, for modification of an agriculture limestone production plant in Paradise Township, **Lancaster County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

38-03010: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) issued July 31, 1998, for installation of a stone crushing plant controlled by wet suppression in South Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

67-309-042C: The J. E. Baker Co. (P. O. Box 189, York, PA 17405) issued July 31, 1998, for modification of the periodic kiln operation controlled by an afterburner in West Manchester Township, **York County**.

67-309-083A: Baker Refractories (P. O. Box 1189, York, PA 17405) issued July 31, 1998, for installation of a lime pellet dryer controlled by a fabric filter in West Manchester Township, **York County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

11-005B: Bar Technologies, Inc. (227 Franklin Street, Suite 300, Johnstown, PA 15901) issued for installation of a bloom/billet caster at the Johnstown Plant in Franklin Borough, **Cambria County**.

37-299A: IMS Steel Services, Inc. (Cherry Street, New Castle, PA 16102) issued July 29, 1998, for operation of a slag processing plant in Taylor Township, **Lawrence County**.

25-069B: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) issued July 31, 1998, for installation of a new dust collector for the nickel plant fluid bed reactor in Erie, **Erie County**.

61-012A: OMG Americas, Inc. (2 Mile Run Road, Franklin, PA 16323) issued July 31, 1998, for construction of reactors and storage tanks in Sugarcreek Borough, **Venango County**.

33-159A: Brookville Mining Equipment (175 Evans Street, Brookville, PA 15825) issued July 10, 1998, for construction of a surface coating operation in Pinecreek Township, **Jefferson County**.

42-183A: Ferrontec, Inc. (300 Chestnut Street, Bradford, PA 16701) issued July 28, 1998, for operation of a spray dryer exhaust in Bradford, **McKean County**.

25-980A: Menasha Packaging Corp. (5800 Bundy Drive, Erie, PA 16509) issued July 13, 1998, for operation of a scrap paper collection and handling system in Erie, **Erie County**.

37-296A: Select Industries, Inc. (420 Cascade Street, New Castle, PA 16107) issued July 24, 1998, for operation of a lithographic coating operation in New Castle, **Lawrence County**.

Plan Approvals extensions 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.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-399-101A: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) issued July 30, 1998, for operation of eight Lithographic Printing Presses in Upper Hanover Township, **Montgomery County**.

23-312-172B: Epsilon Products Co. (Post Road and Blueball Avenue, Marcus Hook, PA 19061) issued July 30, 1998, for operation of No. 2 Polypropylene Manufacturing in Marcus Hook Borough, **Delaware County**.

09-0035: Coltec Industrial Products, Inc. (23 Friends Lane, Newtown, PA 18940) issued July 31, 1998, for operation of a VOC/NOx RACT facility in Newtown Township, **Bucks County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-5083A: Williams Metalfinishing, Inc. (P. O. Box 2029, Sinking Spring, PA 19608) issued July 31, 1998, to authorize temporary operation of the batch vapor degreaser covered under this Plan Approval until November 30, 1999, at their Sinking Spring Plant in Sinking Spring Borough, **Berks County**. This source is subject to 40 CFR 63, Subpart T, National Emission Standards for hazardous Air Pollutants for Source Categories.

06-319-077B: General Battery Corp. (P. O. Box 13995, Reading, PA 19612-3995) issued July 11, 1998, to authorize temporary operation of the casting operation controlled by two wet scrubbers covered under this Plan Approval until November 7, 1998, at their SLI Plant in Muhlenberg Township, **Berks County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

21-02005A: Pennsylvania Department of Corrections, SCI Camp Hill (P. O. Box 598, Camp Hill, PA 17001-0598) issued July 20, 1998, to authorize temporary operation of the three boilers controlled by a baghouse covered under this Plan Approval until November 17, 1998, in Lower Allen Township, **Cumberland County**.

36-302-184: Esbenshade's Greenhouses, Inc. (546 East 28th Division Highway, Lititz, PA 17543) issued August 1, 1998, to authorize temporary operation of the one wood fired boiler controlled by multicyclone covered under this Plan Approval until November 28, 1998, in Elizabeth Township, **Lancaster County**.

36-310-023D: Compass Quarries, Inc. (47 McIlvaine Road, Paradise, PA 17562) issued July 24, 1998, to authorize temporary operation of the limestone milling plant covered under this Plan Approval until November 20, 1998, in Paradise Township, **Lancaster County**.

36-313-030E: Warner-Lambert Co. (400 West Lincoln Avenue, Lititz, PA 17543) issued June 20, 1998, to authorize temporary operation of the pharmaceutical manufacturing facility covered under this Plan Approval until October 17, 1998, in Lititz Borough, **Lancaster County**.

38-318-031: Aluminum Co. of America (3000 State Drive, Lebanon, PA 17042) issued June 23, 1998, to authorize temporary operation of a laminator controlled by a catalytic incinerator covered under this Plan Approval until October 20, 1998, in South Lebanon Township, **Lebanon County**.

67-02004: P. H. Glatfelter Co. (228 South Main St., Spring Grove, PA 17362) issued July 22, 1998, to authorize temporary operation of the shake-down of sources and air cleaning device covered under this Plan Approval until November 19, 1998, in Spring Grove Borough, **York County**.

67-306-006A: P. H. Glatfelter Co. (228 South Main St., Spring Grove, PA 17362) issued June 23, 1998, to authorize temporary operation of the circulating fluidized bed boiler controlled by electrostatic precipitator covered under this Plan Approval until October 21, 1998, in Spring Grove Borough, **York County**. This source is subject to 40 CFR 60, Subpart Db, Standards of Performance for New Stationary Sources.

67-310-004F: Medusa Minerals Co. (P. O. Box 220, Thomasville, PA 17364) issued July 20, 1998, to authorize temporary operation of a secondary crusher and screening circuit covered under this Plan Approval until November 26, 1998, in Jackson Township, **York County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

09-0013: Wheelabrator Falls, Inc. (1201 New Ford Road, Morrisville, PA 19067) issued July 27, 1998, for Facility VOC in Falls Township, **Bucks County**.

23-0004: American Ref-Fuel Co. of DV, L. P. (10 Highland Avenue, Chester, PA 19013) issued July 28, 1998, for Facility VOC RACT in City of Chester, **Delaware County**.

46-0063A: Univerisal Packaging Corp., Formerly Flexofirst, Inc. (1196 Easton Road, Horsham, PA 19044) issued July 31, 1998, for Facility Synthetic Minor VOC/NOx RACT in Horsham Township, **Montgomery County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Coal Applications Issued:

32980101. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701), commencement, operation and restoration of a bituminous strip mine in Brushvalley and Center Townships, **Indiana County**, affecting 140.0 acres, receiving stream unnamed tributary to Brush Creek and unnamed tributary to Yellow Creek, application received January 20, 1998, permit issued July 29, 1998.

56920106. Permit Revision. Cooney Brothers Coal Company (P. O. Box 246, Cresson, PA 16630), to allow for disposal of breaker rock in Shade Township, **Somerset County**, affecting 276.0 acres, receiving stream unnamed tributary to Hinson Run, unnamed tributary to Shade Creek, unnamed tributary to Stony Creek, application received March 6, 1998, application issued July 28, 1998.

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

26830201R. Carbon Fuel Resources, Inc. (P. O. Box 275, West Leisenring, PA 15489), Renewal permit issued for continued reclamation of a coal refuse reprocessing site located in Dunbar Township, **Fayette County**, affecting 86.7 acres. Receiving streams: unnamed tributary to Opossum Run. Renewal application received May 26, 1998. Renewal permit issued July 28, 1998.

26743202. Carbon Fuel Resources, Inc. (P. O. Box 275, West Leisenring, PA 15489). Permit revised to allow for hauling in and reprocessing satellite piles to achieve the approved final contour plan at a bituminous surface mining site located in Dunbar and North Union Township, **Fayette County**, affecting 113 acres. Receiving streams: unnamed tributary to Rankin Run and Rankin Run. Application received June 18, 1998. Revision issued July 31, 1998.

03880110. McKay Coal Company, Inc. (R. D. 2, Templeton, PA 16259). Permit revised to add 33.5 acres to the permit area and reclaim 12-15 acres of abandoned highwall/pit at a bituminous surface/auger mine located in Mahoning Township, **Armstrong County**, affecting 151 acres. Receiving streams: unnamed tributaries to Cathcart Run and Mudlick Creek. Application received April 23, 1998. Revision issued July 31, 1998.

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

17813093. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 16849), renewal of an existing bituminous surface mine, refuse disposal, preparational plant, shale mining and auger mining permit in Lawrence Township, **Clearfield County** affecting 112.5 acres, receiving streams: unnamed tributary to Wolf Run to West Branch Susquehanna River, application received May 20, 1998, permit issued July 24, 1998.

17820181. Larson Enterprises, Inc. (P. O. Box 96, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit to Cooper Township, **Clearfield County** affecting 181 acres, receiving streams: unnamed tributary to Sulphur Run, to Sulphur Run, and Sulphur Run, to Moshannon Creek to West Branch Susquehanna River to Susquehanna River, application received May 12, 1998, permit issued July 22, 1998.

17860135. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801), revision to an existing bituminous surface mine permit for a Change in Permit acreage from 348.0 to 361.4 acres, receiving streams: Laborde Branch, Sugarcamp Run to Luthersburg Branch to Laborde Branch, tributaries to Stony Run and Stony Run to Laborde Branch to Sandy Lick Creek to Redbank Creek to the Allegheny River, application received March 23, 1998, permit issued July 22, 1998.

17663136. EnerCorp, Inc. (R. D. 2, Box 236, Morrisdale, PA 16858), revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 177.2 to 202.0 acres, Graham Township, **Clearfield County**, receiving streams: Flat Run and Mons Run both to Alder Run to West Branch Susquehanna River to Susquehanna River, application received December 18, 1997, permit issued July 27, 1998.

57970101. Capitol Coal Company, Inc. (P. O. Box 1, Mildred, PA 18632), commencement, operation and restoration of a bituminous surface mine permit in Colley Township, **Sullivan County** affecting 128.4 acres, receiving streams: Loyalsock Creek to West Branch Susquehanna River, application received November 12, 1997, permit issued July 27, 1998.

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

Small Industrial Minerals Applications Issued:

32980801. William Paul Sharp, Sr. (Box 131, Shelocta, PA 15774), commencement, operation and restoration of a small industrial minerals mine in Armstrong Township, **Indiana County**, affecting 5 acres, receiving stream unnamed tributary to Crooked Creek to Crooked Creek, application received June 24, 1998, issued July 28, 1998.

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

Noncoal Permits Issued

02910301R. Collier Stone Company (80 Noblestown Road, Carnegie, PA 15106). NPDES Permit Renewal (PA0203114) issued for an existing large noncoal quarry located in Collier Township, **Allegheny County**. Receiving streams: Scott Run and Robinson Run. NPDES renewal application received March 23, 1998. NPDES renewal permit issued July 28, 1998.

30921701. PA Department of Corrections (2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598). NPDES renewal issued for an Industrial Waste/Non-OSM permit located in Franklin Township, **Greene County**, affecting 64 acres. Receiving streams: unnamed tributary

to South Fork of Tenmile Creek. Application received July 1, 1998. Renewal issued August 3, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

7775SM4C4. Allentown Cement Company, Inc. (P. O. Box 619, Blandon, PA 19510-0619), correction to an existing quarry operation in Oley Township, **Berks County** affecting 143.4 acres, receiving stream—Manatawny Creek. Correction issued July 30, 1998.

6376SM2A1C2. York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405), correction to an existing quarry operation to add an NPDES discharge point and to renew NPDES Permit No. PA0594474 in Jackson Township, **York County**, receiving stream—Little Conewago Creek. Correction issued July 30, 1998.

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

Coal Applications Returned

17860114. Mustang Coal & Contracting Corporation (P. O. Box 188, Houtzdale, PA 16651-0188), revision to an existing bituminous surface mine permit for a Change in Land Use from premining use of forestland to postmining use of pastureland and land occasionally cut for hay, Woodward and Bigler Townships, **Clearfield County** affecting 76 acres, application received June 25, 1998, application returned July 27, 1998.

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

Small Industrial Mineral Authorizations Granted

59982801. Scott Fay/Fred J. Robbins (R. D. 1, Box 43, Tioga, PA 16946), commencement, operation and restoration of a Small Industrial Mineral (Gravel) permit in Lawrence Township, **Tioga County** affecting 5 acres, receiving streams: Mutton Lamb Creek to Tioga River, application received June 29, 1998, authorization granted July 29, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

64980804. Paul R. Gustin (Box 105, Preston Park, PA 18455), commencement, operation and restoration of a small bluestone quarry operation in Preston Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Authorization granted July 28, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

General Permits

16920107-GP101-01. C & K Coal Company (P. O. Box 69, Clarion, PA 16214) Application for a general permit to install and use a temporary road crossing 1,000 feet south of an unnamed tributary to the Clarion River intersection with T-305 in Perry Township, **Clarion County**. Receiving streams: Unnamed tributaries to Cherry Run and unnamed tributaries to the Clarion River. Application received May 4, 1998. Permit granted July 6, 1998.

16920107-GP101-02. C & K Coal Company (P. O. Box 69, Clarion, PA 16214) Application for a general permit to install and use a temporary road crossing 1,500 feet southeast of an unnamed tributary to the Clarion River intersection with T-830 in Perry Township, **Clarion County**. Receiving streams: Unnamed tributaries to Cherry Run and unnamed tributaries to the Clarion River. Application received May 4, 1998. Permit Granted July 6, 1998.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received 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)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 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 the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

E51-139A. Encroachment Permit. **Delaware Avenue Enterprises, Inc.**, P. O. Box 8100, Philadelphia, PA 19101. To amend Permit No. E51-139 for the construction of a multi-purpose marine terminal facility in and along the Delaware River by performing the following activities:

1. To install sheetpiling and nine cells of bulkhead along the pier head line waterward of the property. This includes approximately 1,040 linear feet along the western edge of the channel, 470 linear feet along the northern edge of pier 103 and 500 linear feet along the southern edge of pier 108;

2. To place fill in approximately 2.0 acres of deep water habitat in addition to the previously approved 2.3 acres of fill placement;

3. To extend and modify an existing stormwater pipe and outfall structure within the project area and generally along the Bigler Street right-of-way.

4. Dredge approximately 27,700 cubic yards of material from 3.8 acres of waters of the Commonwealth riverward of the existing pier head line. Dredging is greatly reduced from the previously approved 197,760 cubic yards of material from 5.7 acres of the Delaware River channel

This facility is located immediately upstream of the Walter Whitman Bridge and encompasses piers 103 through 108 (Philadelphia, PA-NJ Quadrangle N: 5.9 inches; W: 1.5 inches) in the **City and County of Philadelphia**.

E15-567. Encroachment Permit. **Pickering Valley Landscape, Inc.**, P. O. Box 950, Glenmoore, PA 19343. To operate and maintain an existing irrigation intake structure and 4-inch P.V.C. intake piping, which are located along the northern bank of the East Branch of the Brandywine Creek and in the 100 year floodway, at a point approximately 150 feet upstream from the S. R. 82 bridge (Wagontown, PA Quadrangle, N: 19.25-inch; W: 8.5-inch) in West Nantmeal Township, **Chester County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-789. Encroachment Permit, **Mr. & Mrs. Allan Gehret**, 50 W. Indian Lane, Port Indian, PA 19403-3226. To construct and maintain approximately 165 linear feet of reinforced concrete bulkhead along the Schuylkill River (WWF-MF) to provide bank stabilization along the Gehret Property located at 50 W. Indian Lane (Valley Forge USGS Quadrangle N: 21.1 inches; W: 3.5 inches) in West Norriton Township, **Montgomery County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E46-799. Encroachment Permit. **Dr. Irving Eney**, 6349 Broad Neck Road, Chestertown, MD 21620. To perform the following activities associated with the East Norriton Crossing Shopping Center:

1. To construct and maintain dual span CMP arch bridge having 8.92-foot by 16.00-foot and 9.42-foot by 20.75-foot openings for a road crossing of the East Branch Stony Run;
2. To perform regrading along the floodway of the East Branch Stony Run;
3. To cap and tap an existing spring.

This site is located at the northern corner of the intersection of Germantown Pike (S. R. 422) and DeKalb Pike (S. R. 202) (Lansdale, PA Quadrangle N: 3.2 inches; W: 8.8 inches) in East Norriton Township, **Montgomery County**. The permittee has agreed to provide 0.08 acre of wetland replacement.

Southcentral Regional Office, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E06-510. Encroachment. **Heidelberg Township**, Russ Rogers, P. O. Box 241, Robesonia, PA 19551. To remove an existing structure and to construct and maintain a bridge having a clear span of 30 feet and an underclearance of 5 feet across the channel of Spring Creek at a point at Heidelberg Road (Sinking Spring, PA Quadrangle N: 18.0 inches; W: 13.3 inches) in Heidelberg and Lower Heidelberg Townships, **Berks County**. This permit also includes 401 Water Quality Certification.

E22-382. Encroachment. **Ken Walker**, 1610 Hemlock Lane, Dauphin, PA 17018. To construct an elevated porch, to maintain an existing elevated deck, to remove a 12-foot × 24-foot block room and to construct an elevated 24-foot × 40-foot addition to an existing residence along the channel of Stony Creek at a point along Hemlock Lane (Halifax, PA Quadrangle N: 2.1 inches; W: 0.3 inch) in Middle Paxton Township, **Dauphin County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E31-145. Encroachment. **PA Dept. of Transportation**, District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing bridge and to construct and maintain concrete adjacent box beam bridge having a normal clear span of 34.88 feet and an underclearance of 4.4 feet across an unnamed tributary to Three Spring Creeks and to remove sediment deposits in about 210 feet of the stream channel located on SR 0655, Section 003 Segment 0080, Offset 1151, about 1.5 miles south of its intersection with SR 0994 (Saltillo, PA Quadrangle N: 9.7 inches; W: 3.0 inches) in Clay Township, **Huntingdon County**. This permit also includes 401 Water Quality Certification.

E36-647. Encroachment. **Reverend Joseph Coyne**, St. Catherine of Sienna Parish, 15 E. Church Street, Quarryville, PA 17566. To construct and maintain a 15-inch outfall pipe with a concrete endwall and a riprap protection apron along the left downstream bank of a tributary to Stewart Run. The purpose of the outfall is to discharge stormwater from an onsite detention basin for a new church facility to be located on the east side of the Robert Fulton Highway (SR 222) (Wakefield, PA Quadrangle N: 21.5 inches; W: 3.5 inches) in East Drumore Township, **Lancaster County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E67-617. Encroachment. **East Manchester Township**, John Brown, 5080 N. Sherman Street, Mount Wolf, PA 17347. To remove an existing structure and to construct and maintain a 10-foot high by 18-foot wide by 28-foot long concrete box culvert on Gut Road (T-949) over an unnamed tributary to the Susquehanna River located 1 mile south of Wago Road (York Haven, PA Quadrangle N: 12.9 inches; W: 6.8 inches) in East Manchester Township, **York County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E67-622. Encroachment—Chapter 106. **Glen Rock Sewer Authority**, Edward Long, P. O. Box 116, Glen Rock, PA 17327. To construct and maintain additions to the existing Glen Rock Sewer Authority Wastewater Treatment Plant located in the floodplain of the South Branch of the Codorus Creek including part of the administration building, aeration tanks, aerobic digesters and a generator/blower pad. The site is located west of Main Street 0.4 mile north of Church Street (Glen Rock, PA Quadrangle N: 8.9 inches; W: 15.8 inches) in Shrewsbury Township, **York County**.

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

E14-318. Encroachment. **DCNR**, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a single span glulam timber bridge with a total clear span of 9.200 meters, skew of 85 degrees, and a minimum underclearance of 0.849 meter across White Deer Creek (2) to realign White Deer Creek starting at a point 20 meters upstream of the bridge located on McCall Dam Road immediately downstream of the McCall Dam Picnic Area (Carroll, PA Quadrangle N: 3.1; W: 7.6) in Miles Township, **Centre County**.

E18-255. Encroachment. **Gary L. Sampsel**, Box 364, Lamar, PA 16848. To operate and maintain a shed approximately 14 feet by 20 feet raised and supported by 6 inch by 6 inch post in the floodway of Fishing Creek (Beech Creek, PA Quadrangle N: 3.0 inches; W: 4.8

inches) in Lamar Township, **Clinton County**. This permit was issued under section 105.13(e) "small projects."

E59-358. Encroachment. **Gordon and Ester Brace**, 249 S. Elk Run Rd., Mainesburg, PA 16932. To construct and maintain an overflow channel approximately 500 feet long and to replace, stabilize and maintain a gravel dike approximately 300 feet in length along Elk Run (Roseville, PA Quadrangle N: 11.0 inches; W: 12.2 inches) in Sullivan Township, **Tioga County**.

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

E03-369. Encroachment. **Arthur V. Whittaker**, 6676 Shawbutte Drive, Poland, OH 44514. To operate and maintain approximately 180 feet of rock bank protection along the right bank of the Allegheny River (WWF) near River Mile 65.4 (East Brady, PA Quadrangle N: 19.8 inches; W: 10.4 inches) in Washington Township, **Armstrong County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

04-255. Encroachment. **PA Department of Transportation**, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To remove the existing bridge (13th Street Bridge) and to construct and maintain an arch bridge having a span of 36.0 feet with an underclearance of 11.0 feet across Blockhouse Run (WWF). The bridge is located on 13th Street, SR 1022, Section B02, Segment 0020, Offset 0621, just east of the intersection of SR 1022 and SR 1039 (Beaver, PA Quadrangle N: 19.9 inches; W: 7.4 inches) in New Brighton Borough, **Beaver County**. This permit also authorizes the installation of temporary cofferdams.

E30-186. Encroachment. **PA Department of Transportation**, P. O. Box 459, Uniontown, PA 15401-0459. To remove the existing ford crossings and to construct and maintain two low flow crossings, consisting of 12 1.5-foot diameter, 18-foot long concrete pipes at each crossing in Castile Run (WWF) on S. R. 1014, Segment 0080, Offset 1785, and Segment 0800, Offset 0760 (Mather, PA Quadrangle N: 15.7 inches; W: 8.2 inches) in Morgan Township, **Greene County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E32-391. Encroachment. **PA Department of Transportation**, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701. To place and maintain 1,369 cubic yards of fill within the floodplain of the Conemaugh River (WWF) for the purpose of increasing the vertical clearance of a railroad bridge over S. R. 0056. The project is located along S. R. 0056 at its intersection with S. R. 0711 (New Florence, PA Quadrangle N: 8.4 inches; W: 3.6 inches) in East Wheatfield Township, **Indiana County**.

E63-427. Encroachment. **Eighty Four Development Corporation**, Eighty Four Commerce Park, P. O. Box 789, Washington, PA 15301. To construct and maintain a stream enclosure in an unnamed tributary to Chartiers Creek (HQ-WWF) consisting of approximately 2,144.0 linear feet of a 48-inch diameter RCP culvert, to extend and maintain the existing 30-inch diameter culvert to

place and maintain fill in approximately 0.19 acre of wetlands and a 1.7 acre pond associated with said stream, and to construct and maintain approximately 2,280.0 linear feet of relocated stream channel for the purpose of constructing an expansion to the Franklin Mall. The project is located east of the intersection of Interstate Route 70 and Ridgewood Drive (Washington West, PA Quadrangle N: 5.3 inches; W: 4.5 inches) in North Franklin Township, **Washington County**. This permit also authorized the construction of 0.25 acre of replacement wetland.

E63-451. Encroachment. **PA Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing bridge and to construct and maintain a bridge having a span of 91.6 feet with an underclearance of 9.0 feet across Little Chartiers Creek (WWF). The project is located on S. R. 1002, Segment 0030, Offset 0000, just downstream from the Canonsburg Lake (WWF) (Alcoa Dam) and approximately 3,500 feet west of the intersection of US Route 19 and S. R. 1002 (Canonsburg, PA Quadrangle N: 4.7 inches; W: 1.9 inches) in North Strabane Township and Peters Township, **Washington County**. This permit also authorizes the installation of a temporary causeway consisting of three 36-inch diameter culverts. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

ENVIRONMENTAL ASSESSMENT

Environmental Assessment Approvals and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D56-005EA. Environmental Assessment. **Windber Area Authority** (1700 Stockholm Avenue, Windber, PA 15963-2061). To breach and remove a jurisdictional dam across Clear Shade Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 2.0 miles upstream of the confluence of Dark Shade Creek and Clear Shade Creek (Windber, PA Quadrangle N: 4.45 inches; W: 4.55 inches) in Shade and Ogle Townships, **Somerset County**.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 1998 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Bibbens	518 Westfield Drive Exton, PA 19341	Testing
Joseph Cocciardi	4 Kacey Court Mechanicsburg, PA 17055	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Ralph D'Angelo	474 Burnley Lane, Drexel Hill, PA 19026	Testing
Patricia DiFilippo	1554 Bondsville Road Downingtown, PA 19335	Testing
Howard Everett, Jr.	1807 Ticonderoga Drive Jamison, PA 18929	Testing
Kenneth Leath	P. O. Box 10095 State College, PA 16805	Testing
Clarence Sisco Cape Atlantic, Inc.	P. O. Box 954 Blue Bell, PA 19422	Testing
VG Tech	307 Dogwood Lane Wallingford, PA 19086	Mitigation
Radon Testing Corporation of America	2 Hayes Street Elmsford, NY 10523	Laboratory

[Pa.B. Doc. No. 98-1320. Filed for public inspection August 14, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Draft Technical Guidance—Substantive Revision

DEP ID: 550-2100-003 Title: Oil and Gas Well Drilling Permit Applications and Related Approvals Description: Brings program policy up-to-date with current laws, regulations, policies and practices. Deadline for Submittal of Comments: September 14, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-004 Title: Transfer of Well Permit Registration Description: This policy guides Department staff in reviewing applications to transfer oil and gas well

drilling permits and is now separated from 550-2100-003. Deadline for Submittal of Comments: September 14, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-005 Title: Redrilling Incidental to Authorized Plugging of an Abandoned Well Description: This policy applies as guidance for decisions by DEP's oil and gas management program and is now separated from 550-2100-003. Deadline for Submittal of Comments: September 14, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-006 Title: Coal Pillars Description: This policy applies as guidance for decisions by DEP's oil and gas management program and is now separated from 550-2100-003. Deadline for Submittal of Comments: September 14, 1998 Contact: Frank Bialas at (717) 772-2199

DEP ID: 550-2100-007 Title: Approval of Brine Road Spreading Plans Description: This policy applies as guidance for decisions by DEP's oil and gas management program and is now separated from 550-2100-003. Deadline for Submittal of Comments: September 14, 1998 Contact: Frank Bialas at (717) 772-2199

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1321. Filed for public inspection August 14, 1998, 9:00 a.m.]

Draft Unified Watershed Assessment Process; Notice of Availability

The Department of Environmental Protection (Department), Bureau of Watershed Conservation, is proposing to prepare a unified watershed assessment and establish restoration priorities.

On July 30, 1998, the Department and the USDA Natural Resources Conservation Service submitted an initial draft assessment to the Environmental Protection Agency. A final submission is due October 1, 1998. Draft grant funding guidance for the Section 319 Nonpoint Source Management Program proposes to allocate significant additional funds for fiscal year 1999 to those states that have completed the unified assessment process and identified priority watersheds for restoration.

To identify restoration priorities, the Commonwealth has begun collecting information from various agencies and groups on the status of watershed initiatives and other efforts underway in their watersheds. The development of the Commonwealth's final restoration priorities will consider and coordinate with other priority-setting mechanisms, including but not limited to: USDA Environmental Quality Incentives Program; abandoned mine land programs; Section 319 Nonpoint Source Management Program; DCNR Rivers Conservation Program; various watershed initiatives and other information.

The Department invites comments on the draft assessment, particularly on the assessment process and specific criteria to use to set priorities. Comments on watershed scale, feasibility of restoration and identification of priorities for restoration, protection, monitoring and assessment are also needed.

The draft assessment is available on the Department's web site at <http://www.dep.state.pa.us> (choose Subjects/Water Management/Bureau of Watershed Conservation/Nonpoint Source Management). To obtain a hard copy, call the Division of Watershed Support at (717) 787-5259. Persons interested in submitting written comments should send the comments to Michael D. Sherman, Chief, Division of Watershed Support, P. O. Box 8555, Harrisburg, PA 17105-8555 by close of business on September 15, 1998. Comments may also be submitted electronically to Michael Sherman in care of Glenda Ferree at ferree.glenda@al.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1322. Filed for public inspection August 14, 1998, 9:00 a.m.]

Proposed Revisions to General Plan Approval and General Operating Permits for Portable Nonmetallic Mineral Processing Plants; BAQ-PGPA/GP-3

The Department of Environmental Protection (Department) proposes to revise the general plan approval and operating permit for Portable Nonmetallic Mineral Processing Plants, BAQ-PGPA/GP-3.

As originally issued, the general permit did not address the operation of engines used to power many nonmetallic mineral processing plants. Nonmetallic mineral processing plants may either be run by electric motors or diesel engines. The Department has determined that the majority of these plants use diesel engines. Nitrogen oxide emissions from the engines are large enough to, in certain instances, trigger major new source review requirements. General permits cannot be used to cover major new source review requirements.

Proposed revisions to the Portable Nonmetallic Mineral Processing Plants general permit include the following:

Condition 2 would be revised to clarify and highlight the coverage of the engines and to limit actual emissions below maximum permitted facility emission levels. The purpose of the facility emission limitations is to restrict use of the general permit to nonmajor facilities. Proposed additions to the permit are boldfaced and proposed deletions are enclosed in square brackets.

"2. Applicability/Source Coverage Limitations—Approval herein granted under this Portable Nonmetallic Mineral Processing General Permit is limited to the erection, operation, and modification of portable nonmetallic mineral processing plants: a) **which are temporarily** (no longer than 24 months) located at construction sites; **or, b) which are located at sites for which [the applicant is in possession of] a valid mining permit or an air quality permit exists for the operation of a nonmetallic mineral processing plant; and [/or, c)] which will be located at these previously permitted sites for periods less than 5 years [at sites previously granted air quality permits for the operation of a nonmetallic mineral processing plant].** Nonmetallic mineral processing plants, as defined in 40 CFR 60.670 and 60.671, are designed to process nonmetallic minerals, and consist of affected units like crushers, grinders, screening operations, belt conveyors, bucket elevators, storage bins, bagging operations, and enclosed truck and rail car loading stations. **Nonmetallic mineral processing plants also include any engines required to operate this equipment."**

Nonmetallic mineral means any of the following minerals * * *

Operation under this Portable Nonmetallic Mineral Processing General Permit is restricted to facilities that limit emissions below the maximum permitted facility emission levels listed below.

Pollutant	Maximum Permitted Facility Emission Levels
CO	>100 TPY
NO _x	>100 TPY*
SO _x	>100 TPY
VOC _s	>50 TPY*
PM ₁₀	>100 TPY

***>25 TPY for Severe nonattainment area including Bucks, Chester, Delaware, Montgomery and Philadelphia counties."**

Condition 5 of the general permit would be revised to clarify the circumstances. If, after the development of a general permit, the Department determines that the subject source cannot be adequately regulated by a general permit the Department could either modify, suspend or revoke the permit and possibly make it unavailable for further use. In other situations, the Department may determine that an individual permittee is not complying with applicable terms and conditions of a general permit, in which case the Department could withdraw its authorization to operate under the general permit. As currently drafted, the first paragraph of Condition 5 appears as a single sentence. The following revisions specify the circumstances under which the Portable Nonmetallic Mineral Processing Plants general permit is subject to revision, suspension or revocation. This condition also provides that a permittee's authorization to operate under the general permit may be suspended or revoked.

"5. Permit Modification, Suspension and Revocation—This Portable Nonmetallic Mineral Processing Plant General Permit may be modified, suspended or revoked if the Department determines that affected nonmetallic mineral processing plants cannot be **adequately** regulated under this general permit [, or the].

The Department may suspend or revoke the authorization to operate under this Portable Nonme-

tallic Mineral Processing Plant General Permit if a permittee fails to comply with applicable terms and conditions of the Portable Nonmetallic Mineral Processing Plant General Permit."

The following recordkeeping requirements would be added to Condition 8:

"8. *Monitoring, Recordkeeping and Reporting*—The permittee shall comply with applicable monitoring, recordkeeping and reporting requirements set forth in 25 Pa. Code Chapter 139 (relating to sampling and testing, the Air Pollution Control Act, the Clean Air Act, or the regulations thereunder applicable to the source) and 40 CFR 60.674 and 60.676. Records **maintained** under this general permit shall be kept for a period of 5 years and shall be made available to the Department upon its request. **In addition to the record keeping requirements in Condition 24, the permittee shall maintain records to demonstrate compliance with this Permit. At a minimum, those records shall include the following for each engine:**

a. The number of hours the engine is operated per month.

b. The amount of fuel used per month.

c. The degree of ignition retardation for spark ignition engine or injection retardation for compression ignition engine."

The Department proposes to modify Condition 13 of the general permit concerning prohibited uses. The use of this general permit is limited to the installation of nonmajor sources at minor facilities. Permitting regulations for major sources and facilities must be applied on a case-by-case basis.

"13. *Prohibited Use*—Any stationary air contamination source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration), 25 Pa. Code Chapter 127, Subchapter E (relating to new source review), and 25 Pa. Code Chapter 127, Subchapter G (relating to Title V operating permits), may not operate **or install** portable nonmetallic mineral processing plant under this Portable Nonmetallic Mineral Processing Plant General Permit."

The final proposed change is the addition of NO_x emission limitations that would apply to the operation of the engines. Subparagraph d has been added to Condition 16 as follows:

"16. *Limitations*—The operation of a portable nonmetallic mineral processing plant shall not at any time result in the emission of:

* * * * *

d. Oxides of nitrogen (NO_x), expressed as NO₂, in excess of 25 tons per year, if located in the Southeast Pennsylvania air basin (includes the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia), or 100 tons per year, if located in areas outside of the Southeast Pennsylvania air basin, but is not subject to 25 Pa. Code Chapter 127, Subchapter E (relating to new source review):

i. Engines shall be set and maintained at the maximum possible ignition/injection timing retardation, but, at a minimum, not less than four (4) degree retardation relative to standard timing.

ii. In the absence of site specific stack test results, the NO_x emissions may be calculated using:

A. Emission factors from the Environmental Protection Agency's publication AP-42, Compilation of Air Pollution Emission Factors; or,

B. Other emission estimates approved by the Department."

The Department requests written comments on the proposed revisions to the Portable Nonmetallic Mineral Processing Plant General Permit. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Douglas L. Leshner, Chief, Title V/NSR Section, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed general plan approval and operating permit. Public comments must be submitted to the Department within 45 days of the dates of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted. Comments may be submitted electronically by e-mailing lesner.douglas@a1.dep.state.pa.us.

Copies of the proposed revisions to the general permits as now written may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the general permit at <http://www.dep.state.pa.us>. Choose Public Participation, then Proposals Open for Comment, then Draft—Other Proposals, then General Air Quality Permit for Portable Nonmetallic Mineral Processing Plants.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1323. Filed for public inspection August 14, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee is scheduled to hold a meeting on September 16, 1998, from 10 a.m. to 1 p.m. in Room E-100 of the Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or for persons with a disability who desire to attend the meeting and require an auxiliary aide service or other accommodation to do so, contact William J. Neil, Chief, Program Development Section, Division of Health Risk Reduction at (717) 787-5900. TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1324. Filed for public inspection August 14, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Cigarette Tax Notice

Under section 227-A of the Fiscal Code (72 P. S. § 227-A) (relating to administration powers and duties), the Department hereby announces the lowest cost of the stamping agent, wholesaler, and retailer, respectively, effective upon publication of this notice, as follows:

	<i>Premium Brands</i> (a.k.a. Kings & Regulars)	<i>Generic Brands</i>
Cost of the Stamping Agent (for sales to wholesalers)	\$18.04	\$15.34
Cost of the Wholesaler (for sales to retailers)	\$18.77	\$15.96
Cost of the Retailer (for sales to retail customers)	\$19.89	\$16.92

The Department considers these costs as presumptive minimum costs. Cigarette stamping agents, wholesalers and retailers are prohibited from selling cigarettes at a price lower than their respective presumptive minimum costs. These costs are listed on a per carton basis, 10 packs of cigarettes per carton, 20 cigarettes per pack. To determine the presumptive minimum price per pack of cigarettes, one should divide the costs listed above by 10 and round to the nearest hundredth of a percent. For example, the presumptive minimum price of a pack of cigarettes sold by a retailer to a consumer is \$1.99 for premium brands (\$19.89/10), \$1.70 for generic brands (\$16.92/10).

Cigarette dealers who either sell cigarettes under a different packaging setup (that is, eight packs per carton) or sell cigarettes that do not qualify as premium or generic brands (that is, sub-generic, foreign or specialty cigarettes) as described above are prohibited from selling cigarettes at a price lower than the cost of the stamping agent, cost of the wholesaler, or cost of the retailer, respectively, as further defined and explained in the Department's cigarette tax regulations, 61 Pa. Code, Article III.

Cigarette dealers wishing to prove a cost different from the Department's presumptive costs stated above must follow the procedures listed under 61 Pa. Code Chapter 76 (relating to Unfair Sales of Cigarettes).

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1325. Filed for public inspection August 14, 1998, 9:00 a.m.]

Pennsylvania Solid Gold Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 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 Solid Gold.

2. *Price:* The price of a Pennsylvania Solid Gold instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Solid Gold instant lottery game ticket will contain one play area featuring one "Winning Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWELV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 19 (NINTN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWELV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and Gold Bar Symbol (GLDBR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$8.⁰⁰ (EGT DOL), \$16\$ (SIXTN), \$24\$ (TWY FOR), \$40\$ (FORTY), \$80\$ (EIGHTY), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$24, \$40, \$80, \$1,000 and \$50,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,040,000 tickets will be printed for the Pennsylvania Solid Gold instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50,000 (FTY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (GLDBR) and a prize play symbol of \$80\$ (EIGHTY) appears under the Gold Bar Symbol (GLDBR) play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (GLDBR) and a prize play symbol of \$40\$ (FORTY) appears under the Gold Bar Symbol (GLDBR) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (GLDBR) and a prize play symbol of \$24\$ (TWY FOR) appears under the Gold Bar Symbol (GLDBR) play symbol, on a single ticket, shall be entitled to a prize of \$24.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (GLDBR) and a prize play symbol of \$16\$ (SIXTN) appears under the Gold Bar Symbol (GLDBR) play symbol, on a single ticket, shall be entitled to a prize of \$16.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$16\$ (SIXTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$16.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8⁰⁰ (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (GLDBR)

and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the Gold Bar Symbol (GLDBR) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Gold Bar Symbol (GLDBR) and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the Gold Bar Symbol (GLDBR) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *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>Match Any of Your Numbers to Either Winning Number With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
\$1 x 2	\$2	1:11.54	436,800
\$2	\$2	1:37.50	134,400
\$2 (GB)	\$2	1:25	201,600
\$1 x 4	\$4	1:32.61	154,560
\$1 x 2 + \$2	\$4	1:44.12	114,240
\$2 x 2	\$4	1:53.57	94,080
\$4	\$4	1:250	20,160
\$4 (GB)	\$4	1:83.33	60,480
\$1 x 8	\$8	1:375	13,440
\$1 x 4 + \$4	\$8	1:750	6,720
\$4 x 2	\$8	1:750	6,720
\$8	\$8	1:1,500	3,360
\$2 x 8	\$16	1:375	13,440
\$2 x 4 + \$4 x 2	\$16	1:750	6,720
\$1 x 4 + \$4 + \$8	\$16	1:750	6,720
\$16	\$16	1:1,500	3,360
\$16 (GB)	\$16	1:1,500	3,360
\$2 x 6 + \$4 + \$8	\$24	1:750	6,720
\$4 x 2 + \$16	\$24	1:750	6,720
\$8 + \$16	\$24	1:750	6,720
\$2 x 2 + \$4 x 3 + \$8	\$24	1:1,500	3,360
\$24	\$24	1:1,500	3,360
\$24 (GB)	\$24	1:750	6,720
\$4 x 6 + \$8 x 2	\$40	1:3,000	1,680
\$8 x 3 + \$16	\$40	1:3,000	1,680
\$8 x 5	\$40	1:3,000	1,680
\$8 + \$16 x 2	\$40	1:3,000	1,680
\$16 + \$24	\$40	1:3,000	1,680
\$40	\$40	1:3,000	1,680
\$40 (GB)	\$40	1:1,200	4,200
\$8 x 6 + \$16 x 2	\$80	1:10,000	504
\$40 x 2	\$80	1:10,000	504
\$80	\$80	1:10,000	504

<i>Match Any of Your Numbers to Either Winning Number With Prize(s) Of:</i>	<i>Win</i>
\$80 (GB)	\$80
\$1,000	\$1,000
\$50,000	\$50,000

(GB) = Gold Bar Auto Win

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 5,040,000 Tickets</i>
1:6,000	840
1:60,000	84
1:420,000	12

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Solid Gold, prize money from winning Pennsylvania Solid Gold 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 the Pennsylvania Solid Gold instant lottery game, 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.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V of (relating to State Lotteries) and the provisions contained in this notice.

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

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 98-1326. Filed for public inspection August 14, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Washington County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following finding:

The Pennsylvania Turnpike Commission plans to construct the Southern Beltway Project between PA Route 60 in Findlay Township, Allegheny County and U.S. Route 22 in Robinson Township, Washington County.

The project consists of the construction of a six-mile, four-lane, tolled expressway on new location that begins at the existing Pittsburgh International Airport Interchange on PA Route 60 in Findlay Township, Allegheny County, and extends in a southwesterly direction to a new interchange with U.S. Route 22 midway between the Route 980 and Bavington Interchanges in Robinson Township, Washington County. Intermediate interchanges will be located at the junction of Bald Knob Road, Ridge Road,

and Burgettstown Road just north of the Washington County line, and at U.S. Route 30. U.S. Route 30 is to be widened at the interchange to include a turning lane and, if necessary, traffic signals.

The proposed project would not use land from any recreation area, wildlife and/or waterfowl refuge, historic site, State forest land, State game land, wilderness area, or public park.

The proposed project right-of-way will involve the filling of 3.26 hectares (8 acres) of wetlands, and may impact habitat for several transient and migratory bird species, including the Pennsylvania-listed endangered short-eared owl, the northern harrier, blue grosbeak, and Henslow's sparrow. Impacts to wetlands will be mitigated through replacement. Wetland replacement sites will be identified in consultation with the Pennsylvania Department of Environmental Protection (PADEP), U.S. Army Corps of Engineers (USACOE), and U.S. Environmental Protection Agency (USEPA). Wetland replacement areas will be designed and constructed to replace wetland functions lost.

The Turnpike Commission has developed measures to minimize impacts to the habitat for not only the short-eared owl, but also other grassland bird species. These minimization and mitigation measures are clearly detailed in the Record of Decision for the project.

Effects on streams and floodplains will be addressed through the requirements of PADEP's Chapter 105 and Chapter 106 regulations and Executive Order 11988 (Floodplain Management). Chapter 105 and Section 404 permits will be obtained prior to construction, and a National Pollutant Discharge Elimination System (NPDES) Permit application will be developed and approved. All property acquisition will be handled in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and Title VI of the Civil Rights Act.

Additional waste site investigations as outlined in the Environmental Impact Statement (EIS) will be completed during final design of the project. If necessary, clean up, removal, and disposal will be carried out in accordance with appropriate State and Federal regulations and in cooperation with PADEP and USEPA.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize harm.

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

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1327. Filed for public inspection August 14, 1998, 9:00 a.m.]

**Retention of Engineering Firms
Centre County
Project Reference No. 08430AG2235**

The Department of Transportation will retain an engineering firm to provide final design for S.R. 0080, Section B15 (the Viaduct bridges over Moshannon Creek) in Centre County. The project is located at the Clearfield/Centre county line.

S.R. 0080, Section B15 project is the replacement of the superstructure for two (2) adjacent 8 span 1400 feet long bridges. The existing curb to curb distance is 31 feet for the bridges. The proposed project will widen the bridges to current design standards. This project will also involve replacement of the abutments, modification of the existing pier caps, and scour protection design for the piers. Traffic for S.R. 0080, Section B15 will be maintained utilizing temporary crossovers and daylight flagging operations as necessary. A conceptual traffic control plan will be supplied to the final design consultant. The estimated construction cost is \$5.1 million. This project will be done in metric units.

The engineering firm will be required to perform surveys; preliminary design/Step 9; final roadway design; structure design/plans; signing, pavement marking and delineation design/plans; erosion and sedimentation control plan; traffic control plan; geotechnical engineering; and the construction plans, specifications, and estimates.

The letters of interest, at a minimum, should indicate how the selected firm will accomplish the tasks outlined and provide the services as detailed. The anticipated duration of the agreement is fifteen (15) months.

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

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of firm.
- c. Specialized experience, previous experience, technical competence of individuals who constitute the firm.
- d. Project approach proposed by the firm to accomplish requirements of this final design assignment.
- e. Current workload and capacity of firm to perform work.
- f. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George Khoury, P.E. District Engineer, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordenez, P.E., District 2-0, at (814) 765-0439.

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

**Centre County
Project Reference No. 08430AG2236**

The Department of Transportation will retain an engineering firm to provide final design services (Part I) and construction consultation/shop drawing review (Part II) for S.R. 0080, Section B09 (I-80 Restoration from Yarnell to Bellefonte Interchange, including Milesburg interchange improvements) in Boggs, Spring and Marion Townships, Centre County.

S.R. 0080, Section B09 is the restoration of S.R. 0080 between Yarnell (milepost 154) and the Bellefonte Interchange (milepost 164) for a distance of ten (10) miles (sixteen (16) kilometers) and the improvement of Milesburg Interchange ramp geometrics. The roadway will be restored using I4R criteria. The project consists of ten (10) miles (sixteen (16) kilometers) of interstate restoration, ramp improvements, and six (6) multi-span bridges. Traffic for S.R. 0080 will be maintained using temporary crossovers. Traffic for S.R.'s 0220/1006 will be maintained using lane closures and flagging operations as necessary. The design and construction is to remain within the existing right-of-way. The estimated construction cost is \$21 million.

For Part I, the engineering firm will be required to perform surveys; preliminary design/Step 9; final roadway design; structure design/plans; signing, pavement marking and delineation design/plans; erosion and sedimentation control plan; traffic control plan; geotechnical engineering; and the construction plans, specifications, and estimates. Part II will include construction consultation/shop drawing review. This project will be performed in metric units.

The letters of interest, at a minimum, will indicate how the selected firm will accomplish the tasks outlined and provide the services as detailed. The anticipated duration of the agreement is two (2) years for Part I.

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

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of firm.
- c. Specialized experience, previous experience, technical competence of individuals who constitute the firm.
- d. Project approach proposed by the firm to accomplish the requirements of this final design assignment.
- e. Current workload and capacity of firm to perform work.
- f. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised project(s).

The District's copy of the Letter of Interest and required forms (see general requirements and information

section) shall be sent to: Mr. George Khoury, P.E. District Engineer, Engineering District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

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

**Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties
Project Reference No. 08430AG2237**

The Department of Transportation will retain an engineering firm for an Open-End Contract for various environmental services on various projects located in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$500 thousand.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the 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. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of firm.
- c. Projected workload for the next two (2) calendar years.
- d. Available staffing for this assignment and the ability to meet the Department's needs.
- e. 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 employed by the firm shall be considered.

The work and services required under this Contract may encompass a wide range of environmental studies with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, major projects, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materi-

als, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations; and construction monitoring of environmental features. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The 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.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Chester and Montgomery Counties
Project Reference No. 08430AG2238**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately nineteen (19) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services for S.R. 0202, Section 402, Chester and Montgomery Counties. This project consists of the widening and reconstruction of the existing four lane limited access facility, T.R. 202 including new concrete paving, soundwalls, structure rehabilitation, wetlands, signing and drainage while maintaining the existing traffic in Tredyffrin and Upper Merion Townships.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

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

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience in concrete paving, soundwalls, structure rehabilitation, wetlands and drainage.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Understanding of Department's requirements, policies and specifications.
- e. Ability to provide one (1) "CDS" operator or person capable of inputting data into a personal computer (TCIS Classification).

f. Ability to provide two (2) licensed nuclear operators (TCI 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.

A minimum of four (4) individuals submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

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 Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	3 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	13 (8)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

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

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

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36
(TCI)	\$34.43
(TA)	\$23.67

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

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

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

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

- a. Two (2) 35MM cameras with capabilities to provide quality pictures
- b. Two (2) pagers
- c. Two (2) cellular phones
- d. Two (2) nuclear densometer gauges/license and means to transport them on demand

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

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

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	4
TCI	14

No resumes are required for the TA Classification.

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

Any technical questions concerning the requirements for this project should be directed to: Mr. Jeffrey Wendel, District 6-0 at (610) 688-1700.

Any 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 are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060 Note: The Zip Code for express Mailing is 17101-1900

The Letter of Interest and required information must be received within twenty (20) 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 twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

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

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

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

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

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information *must be* packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal

identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do *not* include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for *each* subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255

must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-1328. Filed for public inspection August 14, 1998, 9:00 a.m.]

Transportation Accessibility in Rural Locations Forums

The Department of Transportation, in conjunction with the Governor's Disability Policy Team, will be holding public forums to gather comments on transportation accessibility in rural locations of the Commonwealth. These Forums will be videoconferenced with PennDOT's Central Office in Harrisburg. Comments will be accepted verbally, written, or other means of information transfer.

Oral presentations at these Forums will be given a time allowance of approximately 10 minutes per person. These meetings will be held on August 28 at 9 a.m. at PennDOT District 3-0 in Montoursville, PA; September 2 at 8 a.m. at PennDOT District 9-0 in Hollidaysburg, PA. If you have any questions about the Forums or need directions to these locations, please call (717) 787-0787 for information.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 98-1329. Filed for public inspection August 14, 1998, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Brush Wellman, Inc. v. DEP; EHB Doc. No. 98-131-MG

Brush Wellman, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to same for a facility in Shoemakersville, Berks Co., PA.

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

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

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 98-1330. Filed for public inspection August 14, 1998, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of August 18, 1998, Meeting

The August 18, 1998, Environmental Quality Board meeting has been cancelled. The next meeting is scheduled for September 15, 1998, in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 98-1331. Filed for public inspection August 14, 1998, 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, July 30, 1998, and took the following actions:

Regulation Approved:

Corrections #19-2: Administration (amends 37 Pa. Code §§ 91.5 and 93.3).

Department of Revenue #15-385: Calculation of Title Insurance Company Gross Premiums (adds 61 Pa. Code § 162.11).

Department of Revenue #15-404: Super 6 Lotto (adds 61 Pa. Code §§ 870.1—870.17).

State Real Estate Commission #16A-563: Examination Fees (amends 49 Pa. Code § 35.203).

Department of Public Welfare #14-444: General Eligibility Provisions; Allowances and Benefits; Resources; Income (amends 55 Pa. Code Chapters 141, 175, 177 and 183).

Environmental Quality Board #7-317: Air Quality Amendments (RBI #2) (amends 25 Pa. Code Chapters 128, 129, 131 and 139).

Environmental Quality Board #7-306A: Stream Redesignations (French Creek, et al.—Part A) (amends 25 Pa. Code Chapter 93).

Commissioners Present: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

Department of Corrections—Administration; Regulation No. 19-2

Order

On September 10, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Corrections (Department). This rulemaking amends 37 Pa. Code §§ 91.5 and 93.3. The authority for this regulation is section 506 of The Administrative Code of 1929 (71 P. S. § 186). The proposed regulation was published in the September 20, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 22, 1998.

The Department is deleting burdensome requirements in 37 Pa. Code § 91.5 regarding requests for media interviews of inmates in institutions. In its place, the Department is adding less burdensome provisions to 37 Pa. Code § 93.3 which will allow news media representatives essentially the same visiting privileges as immediate family members and members of the public.

We have reviewed this regulation and find it to be in the public interest. The amendments will make media visits less burdensome for both the media and the Department. In addition, the amendments are expected to save \$5,000 per year in administrative costs.

Therefore, It Is Ordered That:

1. Regulation No. 19-2 from the Department of Corrections, as submitted to the Commission on June 22, 1998, 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; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

Department of Revenue—Calculation of Title Insurance Company Gross Premiums; Regulation No. 15-385

Order

On August 20, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking adds 61 Pa. Code § 162.11. The authority for this regulation is section 408(a) of the Tax Reform Code (72 P. S. § 7408(a)). The proposed regulation was published in the August 30, 1997 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 24, 1998.

The Department is adding section 162.11 to 61 Pa. Code to clarify the method of calculating gross premiums subject to taxation on title insurance policies. The clarification is needed to resolve inequities resulting from two different fee schedules used to calculate gross premiums subject to taxation. The Department estimates an annual tax savings for the regulated community of \$1.2 million, and an equal loss in tax revenues for the Commonwealth. The Department estimates a total refund of \$2.7 million to six appellants/litigants in 1997.

We have reviewed this regulation and find it to be in the public interest. The amendment will clarify the calculation of gross premiums subject to taxation which was the subject of litigation.

Therefore, It Is Ordered That:

1. Regulation No. 15-385 from the Department of Revenue, as submitted to the Commission on June 24, 1998, 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; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

Department of Revenue—Super 6 Lotto; Regulation No. 15-404

Order

On July 9, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Revenue). This rulemaking adds 61 Pa. Code §§ 870.1—870.17. The authority for this regulation is section 3761-6 of the State Lottery Law (72 P. S. § 3761-6). Notice of proposed rulemaking was omit-

ted for this regulation. It will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation establishes the procedures and rules for administering and playing a new lottery game to be called "Super 6 Lotto." This new game will replace two existing lottery games called the "Keystone Jackpot" and "Wild Card Lotto." To play Super 6 Lotto, a player pays \$1 for three plays. Each single play is a selection of six numbers in a row. The range of possible numbers that can be played is 1 to 69. Drawings for the new game will be held twice a week. First prize is at least \$3 million in annuity value. Some players have a two-fold complaint. The new game restricts the opportunity for the player to select numbers to one out of three plays while the odds against winning are increased. Revenue states that there will be no significant adverse fiscal impact on the Commonwealth.

We have reviewed this regulation and find it to be in the public interest. The new game is designed to rejuvenate ticket sales in Pennsylvania and increase revenues for programs that benefit senior citizens. Moreover, this regulation conforms to the provisions of the State Lottery Law and the Regulatory Review Act.

Therefore, It Is Ordered That:

1. Regulation No. 15-404 from the Department of Revenue, as submitted to the Commission on July 9, 1998, 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; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

State Real Estate Commission—Examination Fees; Regulation No. 16A-563

Order

On July 9, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the State Real Estate Commission (SREC). This rulemaking amends 49 Pa. Code § 35.203. The authority for this regulation is found in sections 403 and 407(a) of the Real Estate Licensing and Registration Act (act) (63 P.S. §§ 455.403 and 455.407(a)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The regulation reduces fees for the licensing examinations for brokers, cemetery brokers, salespersons, builder-owner salespersons and rental listing referral agents. The licensing examination fees will be reduced from \$49.50 to \$45.

We have reviewed this regulation and find it to be in the public interest. The act requires that examinations for licensure be prepared and administered by a professional testing organization under contract to SREC. The reduced fees represent the actual contractual rate for National Assessment Institute Block to develop, administer and grade the licensing examination.

Therefore, It Is Ordered That:

1. Regulation No. 16A-563 from the State Real Estate Commission, as submitted to the Commission on July 9, 1998, 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; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

Department of Public Welfare—General Eligibility Provisions; Allowances and Benefits; Resources; Income; Regulation No. 14-444

Order

On July 6, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 141, 175, 177 and 183. The authority for this regulation is found in sections 201(2) and 403(b) of the Public Welfare Code (62 P.S. §§ 201(2) and 403(b)); Act 20 of 1995 (62 P.S. § 432(10)); Act 35 of 1996 (Act 35)(62 P.S. § 432(10)); and Temporary Assistance for Needy Families (42 U.S.C.A. § 408(a)(5)). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Department is revising its regulations to require a minor parent to live with a parent, legal guardian or other responsible adult in order to qualify for benefits. The minor parent is exempt from this requirement if he or she meets one of the exceptions provided in Act 35 and there is no other adult-supervised supportive living arrangement available. The Department originally submitted this regulation on March 31, 1998, (DPW #14-443). However, the exceptions contained in the regulation were inconsistent with the exceptions contained in Act 35. The revised regulation corrects the inconsistencies.

We have reviewed this regulation and find it to be in the public interest. The revised final-omitted regulation brings the Department's regulations into compliance with State and Federal law.

Therefore, It Is Ordered That:

1. Regulation No. 14-444 from the Department of Public Welfare, as submitted to the Commission on July 6, 1998, 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; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

Environmental Quality Board—Air Quality Amendments (RBI#2); Regulation No. 7-317

Order

On June 16, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 128, 129, 131 and 139. The authority for this regulation is section 5 of the Air Pollution Control Act (35 P.S. § 4005). The proposed regulation was published in the June 28, 1997 *Pennsylvania Bulletin* with a 68-day public comment

period. The final-form regulation was submitted to the Commission on June 30, 1998.

The proposal deletes obsolete alternative emission limitations in Chapter 128. Also deleted are duplicative perchloroethylene requirements for dry cleaners which predate more recent Federal requirements. Provisions for storage tanks containing volatile organic compounds are revised to conform with Federal requirements for repair of defective floating seals. Finally, the proposal deletes ambient air quality standards and sampling and analysis technique for sulfates which are no longer needed and not required by Federal law.

We have reviewed this regulation and find it to be in the public interest. The proposal updates existing regulations by either deleting or modifying outdated requirements. The proposal is in conformance with Executive Order 1996-1 and the Department of Environmental Protection's Directive on Review of Existing Regulations and Technical Guidance.

Therefore, It Is Ordered That:

1. Regulation No. 7-317 from the Environmental Quality Board, as submitted to the Commission on June 30, 1998, 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; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
July 30, 1998

Environmental Quality Board—Stream Redesignations (French Creek, et al—Part A); Regulation No. 7-306A

Order

On March 10, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). It amends 25 Pa. Code Chapter 93 relating to water quality standards. The authority for this rulemaking is The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402), section 303(c) of the Federal Clean Water Act (33 U.S.C.A. § 1313) and section 1920-A of The Administrative Code of 1929, as amended (71 P.S. § 510-20). The proposed regulation was published in the March 22, 1997 *Pennsylvania Bulletin*, with a 45-day public comment period. The final-form regulation was submitted to the Commission on June 30, 1998.

This rulemaking involves the consideration of the classification of 15 streams or stream groups. Most have been redesignated to a classification which provides more stringent protection for those streams with environmental features that merit additional protection under the Department of Environmental Protection's Special Protection Waters (SPW) program. Ten of the streams or stream groups involved would be designated as SPW and two streams have received a designation under Chapter 93 for the first time. Three streams retain their current designations.

We have reviewed this regulation and find it to be in the public interest. The revisions will update the Chapter 93 classifications of the subject streams for better conformance with applicable Pennsylvania and Federal stream antidegradation laws.

Therefore, It Is Ordered That:

1. Regulation No. 7-306A from the Environmental Quality Board, as submitted to the Commission on June 30, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1332. Filed for public inspection August 14, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger of a Domestic Stock Life Insurance Corporation With and Into a Non-Domestic Stock Life Insurance Corporation

Conseco Life Insurance Company (Conseco Life), a stock life insurance company organized under the laws of the state of Indiana, filed an application to merge with Philadelphia Life Insurance Company (Philadelphia Life), a domestic stock life insurance company, with Conseco Life surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Company Act (40 P.S. § 991.1402 et. seq.) and the GAA Amendments Act of 1990 (15 P.S. § 21101 et seq.) Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; email <http://www.csmith@ins.state.pa.us>.

Under 15 P.S. § 21207(c) (Section 207(c) of the GAA Amendments Act of 1990), the Department will hold a public informational meeting regarding the proposed plan of merger submitted by Conseco Life. All policyholders and interested persons are invited to attend and participate.

1. *Date and Time:* September 3, 1998, beginning at 9 a.m.
2. *Location:* Ben Franklin Conference Room, 13th Floor, Strawberry Square, Harrisburg, PA.

3. *Format of Meeting:* The Department and Conseco Life will provide information about the review process and the proposed plan of merger. Following the presentations by the Department and Conseco Life, policyholders and interested persons will be invited to make comments about the proposed plan of merger. However, policyholders and interested persons in attendance will not be required to make comments. Attendance or nonattendance at the meeting will have no effect on the terms of the policyholders' insurance policies. The meeting will be recorded by a court reporter, and a transcript may be purchased directly from the court reporter.

4. *Legal Authority:* The public informational meeting will be held under the provisions of the GAA Amendments Act of 1990 (15 P.S. § 21101 et seq.)

5. *Questions Regarding the Specifics of the Plan of Merger:* Questions about the plan of merger or questions about an insurance policy should be directed to Conseco Life Insurance Company.

6. *Written Comments:* Persons who are unable to attend the public informational meeting or would prefer to submit written comments about Conseco Life's proposed plan of merger, may do so by mailing or delivering a copy of the comments to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or by e-mail at csmith@ins.state.pa.us. Please be advised that all comments received will be part of the public files regarding this proposal, and will be shared with Conseco Life for a response where appropriate.

7. *ADA Notice:* If, due to a disability, persons require the assistance of auxiliary aid or services to participate in or attend this public informational meeting, call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. Persons who are hearing impaired, should call the Department's TDD phone number (717) 783-3898.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1333. Filed for public inspection August 14, 1998, 9:00 a.m.]

Capital Blue Cross; Filing No. 98-N; Community-Rated Group Prescription Drug Program Rate Increase

Capital Blue Cross has requested to increase the rates for the Community-Rated Group Prescription Drug Program. The proposed average rate increase across all coverage options is 24.7%. This rate increase will produce an estimated additional annual income of \$1.0 million and will affect approximately 4,900 contracts. An effective date of January 1, 1999 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1334. Filed for public inspection August 14, 1998, 9:00 a.m.]

Capital Blue Cross; Filing No. 98-O; Community-Rated Group 65-Special Program Rate Increase

Capital Blue Cross has requested to increase the rates for the Community-Rated Group 65-Special Program. The proposed increase is an average of 16.0% across all coverage options. This rate change will produce an estimated additional annual income of \$1.0 million, and will affect approximately 8,300 contracts. An effective date of January 1, 1999 is requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional Office.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1335. Filed for public inspection August 14, 1998, 9:00 a.m.]

Erie Insurance Exchange; Erie Insurance Company; Private Passenger Automobile Rate Revision

On July 31, 1998, the Insurance Department received from Erie Insurance Exchange and Erie Insurance Company a filing for a rate level change for private passenger automobile insurance.

Erie Insurance Exchange requests an overall 6.9% decrease amounting to -\$46,209,900 annually, to be effective January 1, 1999 for new and renewal business. Erie Insurance Company requests an overall 12.6% decrease amounting to -\$7,022,500 annually, to be effective January 1, 1999 for new and renewal business.

Unless formal administrative action is taken prior to September 29, 1998 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 Chuck Romberger, CPCU, Pennsylvania Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at romberc@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1336. Filed for public inspection August 14, 1998, 9:00 a.m.]

Public Informational Meeting Regarding the Consolidation of Two Domestic Insurance Corporations

Millers Mutual Insurance Company (Millers Mutual) and Paradise Mutual Insurance Company (Paradise Mutual), both Pennsylvania domiciled mutual fire insurance companies, have filed an application to consolidate into a new mutual fire insurance company. The filing was made under the Insurance Holding Companies Act (40 P. S. § 991.1401 et seq.) and the GAA Amendments Act of 1990 (15 P. S. § 21101 et seq.). The consolidated company will be called Millers Mutual Insurance Company. Under 15 P. S. § 21207(c) (Section 207(c) of the GAA Amendments Act of 1990), the Insurance Department (Department)

will hold a public informational meeting regarding the proposed plan of consolidation. All policyholders and interested persons are invited to attend and participate.

1. *Date and Time:* August 27, 1998, beginning at 9 a.m.
2. *Location:* Ben Franklin Conference Room, 13th Floor, Strawberry Square, Harrisburg, PA.
3. *Format of Meeting:* The Department, Paradise Mutual and Millers Mutual will provide information about the review process and the proposed plan of consolidation. Following the presentations by the Department and the applicant companies, policyholders and interested persons will be invited to make comments about the proposed plan of consolidation. However, policyholders and interested persons in attendance will not be required to make comments. Attendance or nonattendance at the meeting will have no effect on the terms of the policyholders' insurance policies. The meeting will be recorded by a court reporter, and a transcript may be purchased directly from the court reporter.

4. *Legal Authority:* The public informational meeting will be held under the provisions of the GAA Amendments Act of 1990 (15 P. S. § 21101 et seq.).

5. *Questions Regarding the Specifics of the Plan of Consolidation:* Questions about the plan of consolidation or questions about Millers Mutual insurance policies should be directed to Robert L. Lyon at Millers Mutual Insurance Company (717) 232-3211. Questions regarding Paradise Mutual insurance policies should be directed to James Breighner (717) 632-0044.

6. *Written Comments:* Persons who are unable to attend the public informational meeting or would prefer to submit written comments about Millers Mutual's proposed plan of consolidation, may do so by mailing or delivering a copy of the comments to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or by e-mail at csmith@ins.state.pa.us. Please be advised that all comments received will be part of the public files regarding this proposal, and will be shared with Millers Mutual and/or Paradise Mutual for a response where appropriate.

7. *ADA Notice:* If, due to a disability, persons require the assistance of auxiliary aid or services to participate in or attend this public informational meeting, call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. Persons who are hearing impaired, should call the Department's TDD phone number (717) 783-3898.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1337. Filed for public inspection August 14, 1998, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

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

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

Appeal of John R. and Patricia K. Rowland; file no. 98-181-04756; Friends Cove Mutual Insurance Company; doc. no. P98-08-001; September 17, 1998, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files 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 procedure). 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) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1338. Filed for public inspection August 14, 1998, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Executive Board

Resolution #CB-98-161, Dated July 8, 1998. The Commonwealth of Pennsylvania entered into a Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees, AFL-CIO, Council 13, Pennsylvania AFSCME Corrections/Forensic United. The Collective Bargaining Agreement encompasses approximately 7,900 employees in the non-supervisory unit, certified by the Pennsylvania Labor Relations Board, PERA-R-776-C, R-1062-C, R-1066-C, PERA-U-88-476-E, PERA-U-86-477-E, PERA-U-89-500-E, Corrections Officers and Psychiatric Security Aides.

Resolution #CB-99-162, Dated June 26, 1998. The Commonwealth of Pennsylvania entered into a side letter with the American Federation of State, County, and Municipal Employees (AFSCME). The letter amends Article 16, Military Leave, of the AFSCME Master Agreement, Recommendation 16, Military Leave of the Memorandum of Understanding, and Article 13, Military Leave, of the Game Officers Agreement.

Governor's Office

Manual M530.3—Group Life Insurance Program, Revision Number 3, Dated July 7, 1998.

Management Directive No. 325.5—Single Audit Costs—State Level, Amended July 16, 1998.

Management Directive No. 325.7—Implementation of the Commonwealth's State Level Single Audit, Amended July 13, 1998.

Management Directive No. 515.18—Supplementary Employment—Amended July 7, 1998.

Management Directive No. 540.7—Employee Performance Review—Amended June 22, 1998.

Administrative Circular No. 98-20—Master Leasing Program—Dated June 29, 1998.

Administrative Circular No. 98-21—Automotive Fleet Preventive Maintenance Schedule—Dated July 7, 1998.

Administrative Circular No. 98-22—Availability of Commonwealth Telephone Directory—Dated July 17, 1998.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 98-1339. Filed for public inspection August 14, 1998, 9:00 a.m.]

**PENNSYLVANIA
INFRASTRUCTURE
INVESTMENT AUTHORITY
AND
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

**Clean Water State Revolving Fund Projects;
Federal FY 1998 and 1999 Project Priority List
and FY 1998 Intended Use Plan
and
Federal Hardship Grants Program for
Rural Communities**

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have received approval from the Environmental Protection Agency (EPA) of the final combined fiscal year 1998 and 1999 sewerage construction Project Priority List (PPL) and the final fiscal year 1998 Intended Use Plan (IUP) list of municipal sewerage projects to be considered for a construction loan from Pennsylvania's Federal fiscal year 1998 appropriation for the Clean Water State Revolving

Fund (CWSRF) program. EPA has also approved Pennsylvania's plans to use Federal hardship grants funding for rural communities.

A public hearing was held on October 22, 1997, for the purpose of receiving comments from the public regarding the combined FY 1998/99 CWSRF PPL and the FY 1998 IUP and the hardship grants program. Congress intended hardship grants to be administered in conjunction with the CWSRF loan program for eligible communities for construction of public sewerage projects. Specific eligibility criteria ensure that the hardship grants program funds are awarded to small and economically disadvantaged communities. Interested persons were invited to express their views on the priority rating or ranking of projects on the PPL and the IUP at the public hearing. Minor comments were also received from EPA. A summary of the testimony received is available for review by any interested person by contacting the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management at the address listed at the end of this notice.

The projects to be considered for a loan from the CWSRF must meet the Federal requirements for funding in accordance with Title II and Title VI of the Water Quality Act. Accordingly, the projects included in the IUP are rated under Pennsylvania's approved project priority rating system and are expected to meet the requirements applicable to use of the CWSRF loan funds. Projects listed on the FY 1998 IUP are on Pennsylvania's CWSRF PPL and are projects that have or are expected to proceed to construction in the near future. Other projects on the CWSRF sewerage construction PPL are projects that are in development or will be developed for future construction loan consideration. Any project removed from an IUP is maintained on the PPL unless otherwise completed.

The final combined FY 1998/99 CWSRF PPL and the final FY 1998 CWSRF IUP list of projects follow this notice. Copies of these lists, as well as the narrative portion of the CWSRF Intended Use Plan, are available for public review in the offices listed at the end of this notice. In addition, based on new or additional information related to project ratings or other relevant factors, prior fiscal year IUP lists have been revised and are available by contacting these same offices:

DEP—Southeast Region:
Water Management Program Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken,
PA 19428
(610) 832-6131

DEP—Northeast Region:
Water Management Program Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2553

DEP—Southcentral Region:
Water Management Program Manager
909 Elmerton Avenue, Harrisburg, PA 17110
(717) 705-4707

DEP—Northcentral Region:
Water Management Program Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3669

DEP—Southwest Region:
Water Management Program Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4000

DEP—Northwest Region:
Water Management Program Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6942

DEP—Bureau of Water Supply Management, Division of
Municipal Financial Assistance, Administrative Services
Section
11th Floor, RCSOB, 400 Market Street, Harrisburg,
PA 17105
(717) 787-6744

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI
Executive Director
Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
 AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 CLEAN WATER STATE REVOLVING FUND

**FINAL FY 1998 AND FY 1999 PROJECT PRIORITY LIST
 IN PRIORITY ORDER**

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 CLEAN WATER STATE REVOLVING FUND
 FINAL FY 1998 AND FY 1999 PROJECT PRIORITY LIST
 MARCH 31, 1998**

APPLICANT INFORMATION		NEEDS CATEGORIES			PROJECT INFORMATION	
HIGHLAND TWP (JAMES CITY) P. O. BOX 435 DEYOUNG PA 16725	COUNTY: ELK REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$200,000 IIIA: \$0 IIIB: \$0	IVA: \$197,555 IVB: \$0 V: \$0 ELIG. COST: \$397,555	PROJECT NO.: CS421551-01 PROJ. TYPE: STP, SS PROJECT RANKING: 1 NPDES NO. PA0221520		
WALKER TWP SUPR RD #1 BOX 201 Z THOMPSONTOWN PA 17094	COUNTY: JUNIATA REGION: SC HARDSHIP ELIG.?: YES	I: \$413,769 II: \$0 IIIA: \$0 IIIB: \$0	IVA: \$2,402,000 IVB: \$0 V: \$0 ELIG. COST: \$2,815,769	PROJECT NO.: CS421838-01 PROJ. TYPE: STP PS SS PROJECT RANKING: 2 NPDES NO.		
QUINCY SA 7575 MENTZER GAP ROAD WAYNESBORO PA 17268	COUNTY: FRANKLIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$2,100,000 IIIA: \$0 IIIB: \$0	IVA: \$5,354,000 IVB: \$0 V: \$0 ELIG. COST: \$7,454,000	PROJECT NO.: CS421946-01 PROJ. TYPE: STP PS SS INT PROJECT RANKING: 3 NPDES NO.		

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
NEW RINGGOLD BORO P. O. BOX 181 NEW RINGGOLD	PA 17960	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$285,000 II: \$0 III A: \$0 III B: \$0	IVA: \$357,000 IVB: \$358,000 V: \$0 ELIG. COST: \$1,000,000	PROJECT NO.: CS421944-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 4 NPDES NO.			
NORTH UNION TWP BOX 5 NUREMBERG	PA 18241	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$270,000 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$170,000 V: \$0 ELIG. COST: \$440,000	PROJECT NO.: CS421735-01 PROJ. TYPE: STP, INT PROJECT RANKING: 5 NPDES NO.			
BESSEMER MA P. O. BOX 789 BESSEMER	PA 16112	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: YES	I: \$1,912,800 II: \$1,275,200 III A: \$0 III B: \$0	IVA: \$3,188,000 IVB: \$0 V: \$0 ELIG. COST: \$6,376,000	PROJECT NO.: CS421540-01 PROJ. TYPE: STP SS PS PROJECT RANKING: 6 NPDES NO. PA0210471			
GEORGES CREEK MA R. D. 3 BOX 372 SMITHFIELD	PA 15478	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: YES	I: \$1,160,000 II: \$493,000 III A: \$0 III B: \$0	IVA: \$1,383,000 IVB: \$228,000 V: \$0 ELIG. COST: \$3,264,000	PROJECT NO.: CS421488-01 PROJ. TYPE: SS,INT,STP PROJECT RANKING: 7 NPDES NO.			
DUBLIN TWP SUPR HRC 75 BOX 240 FORT LITTLETON	PA 17223	COUNTY: FULTON REGION: SC HARDSHIP ELIG.?: YES	I: \$600,000 II: \$0 III A: \$0 III B: \$0	IVA: \$2,199,000 IVB: \$0 V: \$0 ELIG. COST: \$2,799,000	PROJECT NO.: CS421813-01 PROJ. TYPE: STP SS PS PROJECT RANKING: 8 NPDES NO.			
NORTH LEBANON TWP MA 725 KIMMERLINGS ROAD LEBANON	PA 17046	COUNTY: LEBANON REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,327,500 IVB: \$442,500 V: \$0 ELIG. COST: \$1,770,000	PROJECT NO.: CS421841-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 9 NPDES NO.			
DELANO TWP 140 HAZLE STREET DELANO	PA 18220	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$658,000 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$1,637,000 V: \$0 ELIG. COST: \$2,295,000	PROJECT NO.: CS421742-01 PROJ. TYPE: STPMOD, INT PROJECT RANKING: 10 NPDES NO.			
ROSS TWP SA P. O. BOX 255 SWEET VALLEY	PA 18656	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: YES	I: \$300,000 II: \$0 III A: \$0 III B: \$0	IVA: \$350,000 IVB: \$350,000 V: \$0 ELIG. COST: \$1,000,000	PROJECT NO.: CS421636-01 PROJ. TYPE: STP SS INT PROJECT RANKING: 11 NPDES NO.			
CENTER TWP (ROGERSVILLE) P. O. BOX 369 ROGERSVILLE	PA 15359	COUNTY: GREENE REGION: SW HARDSHIP ELIG.?: YES	I: \$754,000 II: \$0 III A: \$0 III B: \$0	IVA: \$3,705,000 IVB: \$408,000 V: \$0 ELIG. COST: \$4,867,000	PROJECT NO.: CS421487-01 PROJ. TYPE: SS, INT, STP PROJECT RANKING: 12 NPDES NO.			
BIG BEAVER MA 114 FORREST DRIVE DARLINGTON	PA 16115	COUNTY: BEAVER REGION: SW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,710,000 IVB: \$2,090,000 V: \$0 ELIG. COST: \$3,800,000	PROJECT NO.: CS421961-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 13 NPDES NO.			
BLACK CREEK TWP BOX 3 ROCKGLEN	PA 18246	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$1,277,000 II: \$0 III A: \$0 III B: \$0	IVA: \$1,674,000 IVB: \$365,000 V: \$0 ELIG. COST: \$3,316,000	PROJECT NO.: CS421724-01 PROJ. TYPE: SS STP INT PROJECT RANKING: 14 NPDES NO.			
THOMPSON BORO P. O. BOX 89 THOMPSON	PA 18465	COUNTY: SUSQUEHANNA REGION: NE HARDSHIP ELIG.?: YES	I: \$238,844 II: \$0 III A: \$0 III B: \$0	IVA: \$462,984 IVB: \$102,172 V: \$0 ELIG. COST: \$804,000	PROJECT NO.: CS421750-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 15 NPDES NO.			

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

CONEMAUGH TWP SUPR (TIRE HILL) R. D. 4 BOX A-20 JOHNSTOWN PA 15905	COUNTY: SOMERSET REGION: SW HARDSHIP ELIG.?: NO	I: \$9,750,000 II: \$0 III A: \$0 III B: \$0	IVA: \$2,167,000 IVB: \$990,000 V: \$0 ELIG. COST: \$12,907,000	PROJECT NO.: CS421479-01 PROJ. TYPE: INT, SS, STP PROJECT RANKING: 16 NPDES NO. PA0217301
CHESTNUT RIDGE AREA JMA BOX 7 ALUM BANK PA 15521	COUNTY: BEDFORD REGION: SC HARDSHIP ELIG.?: NO	I: \$1,864,800 II: \$0 III A: \$0 III B: \$0	IVA: \$3,463,200 IVB: \$0 V: \$0 ELIG. COST: \$5,328,000	PROJECT NO.: CS421955-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 17 NPDES NO.
FAWN TWP R. D. 2, BOX 365C TARENTUM PA 15084	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,173,150 IVB: \$959,850 V: \$0 ELIG. COST: \$2,133,000	PROJECT NO.: CS421793-01 PROJ. TYPE: SS INT PROJECT RANKING: 18 NPDES NO.
WILMINGTON TWP SA R. D. #5 BOX 469 NEW CASTLE PA 16105	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$27,000 IVB: \$0 V: \$0 ELIG. COST: \$27,000	PROJECT NO.: CS421969-01 PROJ. TYPE: SS PROJECT RANKING: 19 NPDES NO.
SPRING TWP SUPR 457 MUSSER LANE BELLEFONTE PA 16823	COUNTY: CENTRE REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$923,000 IVB: \$378,000 V: \$0 ELIG. COST: \$1,301,000	PROJECT NO.: CS421935-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 20 NPDES NO. PA0020486
CECIL TWP MA (HEND LAWR) R. D. 3 RTE 50 MUNICIPAL BLDG MCDONALD PA 15057	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$123,068 IVB: \$0 V: \$0 ELIG. COST: \$123,068	PROJECT NO.: CS421031-03 PROJ. TYPE: SS PROJECT RANKING: 21 NPDES NO.
CLARENDON BORO/MEAD TWP P. O. BOX 335 CLARENDON PA 16313	COUNTY: WARREN REGION: NW HARDSHIP ELIG.?: NO	I: \$2,091,492 II: \$0 III A: \$0 III B: \$0	IVA: \$6,660,108 IVB: \$0 V: \$0 ELIG. COST: \$8,751,600	PROJECT NO.: CS421550-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 22 NPDES NO.
ABBOTT TWP SUPR R. R. 1 BOX 75C GALETON PA 16922	COUNTY: POTTER REGION: NC HARDSHIP ELIG.?: YES	I: \$375,000 II: \$62,500 III A: \$0 III B: \$0	IVA: \$812,500 IVB: \$0 V: \$0 ELIG. COST: \$1,250,000	PROJECT NO.: CS421645-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 23 NPDES NO.
DUNBAR BORO 133 CONNELLSVILLE STREET DUNBAR PA 15431	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$312,000 IVB: \$45,000 V: \$0 ELIG. COST: \$357,000	PROJECT NO.: CS421491-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 24 NPDES NO. PA0093530
FALLS CREEK BORO 117 TAYLOR AVENUE FALLS CREEK PA 15840	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$4,200,000 IVB: \$0 V: \$0 ELIG. COST: \$4,200,000	PROJECT NO.: CS421542-01 PROJ. TYPE: SS PROJECT RANKING: 25 NPDES NO.
SANDYCREEK TWP R. R. 4 BOX 934 FRANKLIN PA 16323	COUNTY: VENANGO REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVB: \$2,758,505 IVB: \$0 V: \$0 ELIG. COST: \$2,758,505	PROJECT NO.: CS421826-01 PROJ. TYPE: SS, PS PROJECT RANKING: 26 NPDES NO.
DERRY TWP MA P. O. BOX 250 DERRY PA 15671	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,103,000 IVB: \$0 V: \$0 ELIG. COST: \$1,103,000	PROJECT NO.: CS421710-01 PROJ. TYPE: PS, SS PROJECT RANKING: 27 NPDES NO.

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
NORTH FAYETTE TWP 400 NORTH BRANCH ROAD OAKDALE	PA 15071	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$888,000 IVB: \$0 V: \$0 ELIG. COST: \$888,000	PROJECT NO.: CS421958-01 PROJ. TYPE: SS PROJECT RANKING: 28 NPDES NO.			
FRANKLIN TWP MSA 3001 MEADOWBROOK ROAD MURRYSVILLE	PA 15668	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$790,000 IVB: \$0 V: \$0 ELIG. COST: \$790,000	PROJECT NO.: CS421956-01 PROJ. TYPE: SS PROJECT RANKING: 29 NPDES NO. PA0025674			
NORTH UNION TWP MSA P. O. BOX 967 UNIONTOWN	PA 15401	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$437,000 IVG: \$0 V: \$0 ELIG. COST: \$437,000	PROJECT NO.: CS421791-01 PROJ. TYPE: SS PS PROJECT RANKING: 30 NPDES NO.			
CENTER TWP SA 224 CENTER GRANGE RD ALIQUIPPA	PA 15001	COUNTY: BEAVER REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$302,000 IVB: \$0 V: \$0 ELIG. COST: \$302,000	PROJECT NO.: CS421778-01 PROJ. TYPE: SS PROJECT RANKING: 31 NPDES NO. PA0037940			
CENTRE HALL/POTTER SA P. O. BOX 497 CENTRE HALL	PA 16828	COUNTY: CENTRE REGION: NC HARDSHIP ELIG.?: NO	I: \$2,344,300 II: \$0 III A: \$0 III B: \$0	IVA: \$4,353,700 IVB: \$0 V: \$0 ELIG. COST: \$6,698,000	PROJECT NO.: CS421657-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 32 NPDES NO.			
ALLEGHENY TWP M A 136 COMMUNITY BUILDING ROAD LEECHBURG	PA 15656	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,314,000 IVB: \$3,000,000 V: \$0 ELIG. COST: \$4,314,000	PROJECT NO.: CS422033-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 33 NPDES NO.			
PINE GROVE TWP ROUTE 4 BOX 260 A PINE GROVE	PA 17963	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,901,000 IVB: \$171,000 V: \$0 ELIG. COST: \$2,072,000	PROJECT NO.: CS421687-01 PROJ. TYPE: INT, SS PROJECT RANKING: 34 NPDES NO.			
SCHUYLKILL VALLEY SA 375 VALLEY STREET NEW PHILADELPHIA	PA 17959	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$2,795,720 II: \$0 III A: \$0 III B: \$300,000	IVA: \$4,863,169 IVB: \$2,188,601 V: \$0 ELIG. COST: \$10,147,490	PROJECT NO.: CS421749-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 35 NPDES NO.			
EAST BETHLEHEM TWP (FREDRICKSTOWN) BOX 44 VESTABURG	PA 15368	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: YES	I: \$1,533,000 II: \$0 III A: \$0 III B: \$0	IVA: \$4,122,000 IVB: \$386,900 V: \$0 ELIG. COST: \$6,041,900	PROJECT NO.: CS421497-01 PROJ. TYPE: STP, INT, PS PROJECT RANKING: 36 NPDES NO. PA0205753			
SHANNOCK VALLEY GEN SERV AUTH P. O. BOX 342 RURAL VALLEY	PA 16249	COUNTY: ARMSTRONG REGION: SW HARDSHIP ELIG.?: YES	I: \$1,000,000 II: \$0 III A: \$0 III B: \$0	IVA: \$3,162,000 IVB: \$1,500,000 V: \$0 ELIG. COST: \$5,662,000	PROJECT NO.: CS421494-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 37 NPDES NO. PA0216984			
MAPLETON AREA JMA P. O. BOX 415 HUNTINGDON	PA 17052	COUNTY: HUNTINGDON REGION: SC HARDSHIP ELIG.?: YES	I: \$0 II: \$1,568,791 III A: \$0 III B: \$0	IVA: \$1,443,477 IVB: \$0 V: \$0 ELIG. COST: \$3,012,268	PROJECT NO.: CS421877-01 PROJ. TYPE: STP SS PS INT PROJECT RANKING: 38 NPDES NO.			
BIG RUN BORO BOX 5 BIG RUN	PA 15715	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$632,867 II: \$0 III A: \$0 III B: \$0	IVA: \$2,099,133 IVB: \$0 V: \$0 ELIG. COST: \$2,732,000	PROJECT NO.: CS421771-01 PROJ. TYPE: STP SS PROJECT RANKING: 39 NPDES NO.			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
WEST BROWNSVILLE BORO 625 MIDDLE STREET WEST BROWNSVILLE	PA 15417	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,928,000 IVB: \$297,000 V: \$0 ELIG. COST: \$2,225,000	PROJECT NO.: CS421486-01 PROJ. TYPE: INT, PS, SS PROJECT RANKING: 40 NPDES NO.			
JAY TWP SA P. O. BOX 186 WEEDVILLE	PA 15868	COUNTY: ELK REGION: NW HARDSHIP ELIG.?: YES	I: \$315,000 II: \$0 III A: \$0 III B: \$0	IVA: \$1,785,000 IVB: \$0 V: \$0 ELIG. COST: \$2,100,000	PROJECT NO.: CS421976-01 PROJ. TYPE: STPMOD SS PROJECT RANKING: 41 NPDES NO. PA0104141			
NEWTON HAMILTON BORO P. O. BOX 65 NEWTON HAMILTON	PA 17075	COUNTY: MIFFLIN REGION: SC HARDSHIP ELIG.?: YES	I: \$700,000 II: \$0 III A: \$0 III B: \$0	IVA: \$650,000 IVB: \$450,000 V: \$0 ELIG. COST: \$1,800,000	PROJECT NO.: CS421829-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 42 NPDES NO.			
SMITHTON BORO MA P. O. BOX 288 SMITHTON	PA 15479	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$387,000 II: \$0 III A: \$0 III B: \$0	IVA: \$774,140 IVB: \$387,000 V: \$0 ELIG. COST: \$1,548,140	PROJECT NO.: CS421496-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 43 NPDES NO. PA0024881			
KEATING TWP P. O. BOX 103 EAST SMETHPORT	PA 16730	COUNTY: MCKEAN REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,120,944 IVB: \$0 V: \$0 ELIG. COST: \$1,120,944	PROJECT NO.: CS421556-01 PROJ. TYPE: SS, PS PROJECT RANKING: 44 NPDES NO.			
PLYMOUTH TWP 5 TOWERS ROAD SHAVERTOWN	PA 18708	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$830,000 IVB: \$0 V: \$0 ELIG. COST: \$830,000	PROJECT NO.: CS421940-01 PROJ. TYPE: SS PROJECT RANKING: 45 NPDES NO.			
BURGETTSTOWN SMITH TWP JSA P. O. BOX 207 BURGETTSTOWN	PA 15021	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$3,671,737 II: \$0 III A: \$0 III B: \$0	IVA: \$3,000,000 IVB: \$3,000,000 V: \$0 ELIG. COST: \$9,671,737	PROJECT NO.: CS420988-02 PROJ. TYPE: STP INT SS PROJECT RANKING: 46 NPDES NO. PA0216216			
CECIL TWP MA (MILLER RUN) R. D. 3 MUNICIPAL BUILDING MCDONALD	PA 15057	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$646,000 IVB: \$257,000 V: \$0 ELIG. COST: \$903,000	PROJECT NO.: CS421031-02 PROJ. TYPE: INT, SS PROJECT RANKING: 47 NPDES NO.			
PEGASUS SA 1296 CLAPBOARD RUN ROAD JOHNSTOWN	PA 15904	COUNTY: CAMBRIA REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$3,260,000 IVB: \$0 V: \$0 ELIG. COST: \$3,260,000	PROJECT NO.: CS421972-01 PROJ. TYPE: SS PS PROJECT RANKING: 48 NPDES NO.			
HAMILTON TWP SUPR (MORRIS RUN) R. D. 1 BOX 293 BLOSSBURG	PA 16912	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: YES	I: \$825,508 II: \$0 III A: \$0 III B: \$0	IVA: \$1,718,614 IVB: \$70,268 V: \$0 ELIG. COST: \$2,614,390	PROJECT NO.: CS422028-01 PROJ. TYPE: STP PS SS PROJECT RANKING: 49 NPDES NO.			
WAYNE TWP MA 1418 WAMPUM AVENUE RT 288 ELLWOOD CITY	PA 16117	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$506,000 IVB: \$279,450 V: \$0 ELIG. COST: \$785,450	PROJECT NO.: CS421828-01 PROJ. TYPE: SS INT PROJECT RANKING: 50 NPDES NO.			
PINEY TWP R. D. 1 BOX 202 SLIGO	PA 16255	COUNTY: CLARION REGION: NW HARDSHIP ELIG.?: YES	I: \$21,000 II: \$0 III A: \$0 III B: \$0	IVA: \$20,850 IVB: \$0 V: \$0 ELIG. COST: \$41,850	PROJECT NO.: CS421825-01 PROJ. TYPE: STP, SS PROJECT RANKING: 51 NPDES NO.			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
LEACOCK TWP 16 EACH WESTVIEW DRIVE INTERCOURSE PA 17534	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$2,500,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$500,000 V: \$0 ELIG. COST: \$3,000,000	PROJECT NO.: CS421839-01 PROJ. TYPE: STP, INT PROJECT RANKING: 52 NPDES NO. PA0084212					
REDSTONE TWP SUPR (REPUBLIC) R. D. 1 BOX 515 GRINDSTONE PA 15442	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: NO	I: \$2,797,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$2,797,000	PROJECT NO.: CS421504-01 PROJ. TYPE: SS, INT PROJECT RANKING: 53 NPDES NO.					
MENALLEN TWP SA P. O. BOX 576 NEW SALEM PA 15468	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$553,000 IVB: \$200,000 V: \$0 ELIG. COST: \$753,000	PROJECT NO.: CS422009-01 PROJ. TYPE: SS INT PS PROJECT RANKING: 54 NPDES NO.					
MACADOO BORO 23 NORTH HANCOCK ST MCADOO PA 18237	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$4,234,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,234,000	PROJECT NO.: CS421747-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 55 NPDES NO.					
SEWARD/ST CLAIR TWP SA R. D. 2 BOX 195 SEWARD PA 15954	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: YES	I: \$780,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,730,000 IVB: \$390,000 V: \$0 ELIG. COST: \$3,900,000	PROJECT NO.: CS421966-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 56 NPDES NO.					
PORT CLINTON BORO NORTH STREET PORT CLINTON BORO PA 19549	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$1,200,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,440,000 IVB: \$60,000 V: \$0 ELIG. COST: \$2,700,000	PROJECT NO.: CS421941-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 57 NPDES NO.					
KLINE TWP WOODSIDE TERRACE MCADOO PA 18237	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,424,000 IVB: \$181,000 V: \$0 ELIG. COST: \$1,605,000	PROJECT NO.: CS421745-01 PROJ. TYPE: SS, INT PROJECT RANKING: 58 NPDES NO.					
BANKS TWP 23 EAST OAK ST TRESCKOW PA 18254	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,004,000 IVB: \$0 V: \$0 ELIG. COST: \$1,004,000	PROJECT NO.: CS421739-01 PROJ. TYPE: PS SS PROJECT RANKING: 59 NPDES NO.					
PENN TWP (GRAMPIAN) R. D. 1 BOX 43 GRAMPIAN PA 16838	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$131,200 II: \$0 III: \$0 IIIB: \$0	IVA: \$426,400 IVB: \$98,400 V: \$0 ELIG. COST: \$656,000	PROJECT NO.: CS421557-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 60 NPDES NO.					
GILBERTON BORO MAIN ST MAIZEVELLE GILBERTON PA 17934	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$466,000 V: \$0 ELIG. COST: \$466,000	PROJECT NO.: CS421744-01 PROJ. TYPE: SS, INT, STP PROJECT RANKING: 61 NPDES NO.					
LONDONDERRY TWP 783 S GEYER CHURCH RD MIDDLETOWN PA 17057	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$4,140,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,140,000	PROJECT NO.: CS421574-01 PROJ. TYPE: STP, SS PROJECT RANKING: 62 NPDES NO. PA0082392					
SCOTT TWP SA R. D. 1 BOX 458 OLYPHANT PA 18447	COUNTY: LACKAWANNA REGION: NE HARDSHIP ELIG.?: NO	I: \$2,123,000 II: \$879,000 III: \$0 IIIB: \$0	IVA: \$8,039,000 IVB: \$259,000 V: \$0 ELIG. COST: \$11,300,000	PROJECT NO.: CS421672-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 63 NPDES NO. PA0063207					

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
JEFFERSON TWP SA R. R. 4 BOX 179 LAKE ARIEL	PA 18436	COUNTY: LACKAWANNA REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$3,727,500 III: \$0 IIIB: \$0	IVA: \$5,857,500 IVB: \$1,065,000 V: \$0 ELIG. COST: \$10,650,000		PROJECT NO.: CS421683-01 PROJ. TYPE: STP INT PS SS PROJECT RANKING: 64 NPDES NO.		
HOPEWELL TWP R. D. 1 BOX 95 JAMES CREEK	PA 16657	COUNTY: HUNTINGDON REGION: SC HARDSHIP ELIG.?: YES	I: \$461,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$606,000 IVB: \$0 V: \$0 ELIG. COST: \$1,067,000		PROJECT NO.: CS421571-01 PROJ. TYPE: STP, SS PROJECT RANKING: 65 NPDES NO. PA0082759		
LANCASTER TWP 1240 MAPLE AVENUE LANCASTER	PA 17603	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$744,000 IVB: \$0 V: \$0 ELIG. COST: \$744,000		PROJECT NO.: CS421514-01 PROJ. TYPE: SS PROJECT RANKING: 66 NPDES NO.		
NORTHERN BLAIR CO RSA R. R. 4 BOX 236A TYRONE	PA 16686	COUNTY: BLAIR REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$741,378 IVB: \$0 V: \$0 ELIG. COST: \$741,378		PROJECT NO.: CS421878-01 PROJ. TYPE: SS PROJECT RANKING: 67 NPDES NO.		
NORTHERN BLAIR CO RSA R. R. 4, BOX 236A TYRONE	PA 16686	COUNTY: BLAIR REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$381,422 IVB: \$0 V: \$0 ELIG. COST: \$381,422		PROJECT NO.: CS422012-01 PROJ. TYPE: SS PROJECT RANKING: 68 NPDES NO.		
RICE TWP 3000 CHURCH ROAD MOUNTAINTOP	PA 18707	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$185,000 IVB: \$0 V: \$0 ELIG. COST: \$185,000		PROJECT NO.: CS421901-01 PROJ. TYPE: SS PROJECT RANKING: 69 NPDES NO.		
DELMAR TWP (SMITHVILLE) R. D. 5 BOX 70A WELLSBORO	PA 16901	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: NO	I: \$59,600 II: \$14,900 III: \$0 IIIB: \$0	IVA: \$74,500 IVB: \$0 V: \$0 ELIG. COST: \$149,000		PROJECT NO.: CS421758-01 PROJ. TYPE: STP SS PROJECT RANKING: 70 NPDES NO.		
WILKES-BARRE TWP 150 WATSON ST WILKES-BARRE	PA 18702	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$400,000 IIIB: \$600,000	IVA: \$1,200,000 IVB: \$600,000 V: \$0 ELIG. COST: \$2,800,000		PROJECT NO.: CS421943-01 PROJ. TYPE: SS INT I/I SSR PROJECT RANKING: 71 NPDES NO.		
PORTAGE AREA SA 606 CAMBRIA STREET PORTAGE	PA 15946	COUNTY: CAMBRIA REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,106,000 IVB: \$474,000 V: \$0 ELIG. COST: \$1,580,000		PROJECT NO.: CS421797-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 72 NPDES NO.		
VANDERGRIFT BORO 151 LINCOLN AVENUE VANDERGRIFT	PA 15690	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$616,624 IVB: \$0 V: \$0 ELIG. COST: \$616,624		PROJECT NO.: CS422014-01 PROJ. TYPE: SS PROJECT RANKING: 73 NPDES NO.		
BRANCH TWP P. O. BOX 295 LLEWELLYN	PA 17944	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$2,500,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$5,300,000 IVB: \$0 V: \$0 ELIG. COST: \$7,800,000		PROJECT NO.: CS421725-01 PROJ. TYPE: STP SS INT PROJECT RANKING: 74 NPDES NO.		
CONYNGHAM TWP SUPR P. O. BOX 14 WILBURTON	PA 17888	COUNTY: COLUMBIA REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$3,535,895 IVB: \$2,366,773 V: \$0 ELIG. COST: \$5,902,668		PROJECT NO.: CS421801-01 PROJ. TYPE: PS, INT, SS PROJECT RANKING: 75 NPDES NO.		

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
JEDDO BORO R. D. BOX 1269 FREELAND	PA 18224	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IV A: \$1,200,000 IV B: \$1,100,000 V: \$0 ELIG. COST: \$2,300,000	PROJECT NO.: CS421891-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 76 NPDES NO.			
RICHMOND TWP 664 SHAW ROAD MANSFIELD	PA 16933	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IV A: \$897,375 IV B: \$0 V: \$0 ELIG. COST: \$897,375	PROJECT NO.: CS421979-01 PROJ. TYPE: SS PROJECT RANKING: 77 NPDES NO. PA0021814			
WASHINGTON TWP 13013 WELTY RD WAYNESBORO	PA 17266	COUNTY: FRANKLIN REGION: SC HARDSHIP ELIG.?: NO	I: \$4,105,000 II: \$0 III A: \$0 III B: \$0	IV A: \$242,000 IV B: \$0 V: \$0 ELIG. COST: \$4,347,000	PROJECT NO.: CS420865-01 PROJ. TYPE: STP MOD, SS, IN PROJECT RANKING: 78 NPDES NO. PA0080225			
BERWICK TWP 85 MUNICIPAL RD HANOVER	PA 17331	COUNTY: ADAMS REGION: SC HARDSHIP ELIG.?: NO	I: \$962,607 II: \$0 III A: \$0 III B: \$0	IV A: \$2,452,578 IV B: \$0 V: \$0 ELIG. COST: \$3,415,185	PROJECT NO.: CS421844-01 PROJ. TYPE: STP SS PROJECT RANKING: 79 NPDES NO.			
AVONDALE BORO P. O. BOX 263 AVONDALE	PA 19311	COUNTY: CHESTER REGION: SE HARDSHIP ELIG.?: NO	I: \$1,646,000 II: \$0 III A: \$0 III B: \$0	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$1,646,000	PROJECT NO.: CS421644-01 PROJ. TYPE: STPMOD PROJECT RANKING: 80 NPDES NO. PA0025488			
JACKSON/EAST TAYLOR SA R. D. 6 BOX 184 JOHNSTOWN	PA 15909	COUNTY: CAMBRIA REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IV A: \$10,440,800 IV B: \$2,610,200 V: \$0 ELIG. COST: \$13,051,000	PROJECT NO.: CS421752-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 81 NPDES NO.			
EPHRATA BORO 114 EAST MAIN ST EPHRATA	PA 17522	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$6,809,400 II: \$0 III A: \$0 III B: \$756,600	IV A: \$0 IV B: \$0 V: \$0 ELIG. COST: \$7,566,000	PROJECT NO.: CS421596-01 PROJ. TYPE: STP INT PS PROJECT RANKING: 82 NPDES NO.			
DECATUR TWP SUPR R. D. 2 MCCLURE	PA 17841	COUNTY: MIFFLIN REGION: SC HARDSHIP ELIG.?: YES	I: \$2,290,339 II: \$0 III A: \$0 III B: \$0	IV A: \$2,679,478 IV B: \$1,530,183 V: \$0 ELIG. COST: \$6,500,000	PROJECT NO.: CS421831-01 PROJ. TYPE: STP, INT, SS, PS PROJECT RANKING: 83 NPDES NO.			
SEVEN VALLEYS BORO P. O. BOX 277 SEVEN VALLEYS	PA 17360	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$300,000 II: \$0 III A: \$0 III B: \$0	IV A: \$1,500,000 IV B: \$800,000 V: \$0 ELIG. COST: \$2,600,000	PROJECT NO.: CS421939-01 PROJ. TYPE: STP SS PROJECT RANKING: 84 NPDES NO.			
AYR TWP SUPR P. O. BOX 212 MCCONNELLSBURG	PA 17233	COUNTY: FULTON REGION: SC HARDSHIP ELIG.?: YES	I: \$436,000 II: \$0 III A: \$0 III B: \$0	IV A: \$889,000 IV B: \$0 V: \$0 ELIG. COST: \$1,325,000	PROJECT NO.: CS421812-01 PROJ. TYPE: STP SS PROJECT RANKING: 85 NPDES NO. PA0020508			
SPARTANSBURG BORO BOX 222 SPARTANSBURG	PA 16434	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$490,000 III A: \$0 III B: \$0	IV A: \$834,980 IV B: \$0 V: \$0 ELIG. COST: \$1,324,980	PROJECT NO.: CS421999-01 PROJ. TYPE: SS PROJECT RANKING: 86 NPDES NO.			
TAYLOR TWP SUPR P. O. BOX 627 HUSTONTOWN	PA 17229	COUNTY: FULTON REGION: SC HARDSHIP ELIG.?: YES	I: \$593,000 II: \$0 III A: \$0 III B: \$0	IV A: \$505,000 IV B: \$0 V: \$0 ELIG. COST: \$1,098,000	PROJECT NO.: CS421922-01 PROJ. TYPE: STP SS PROJECT RANKING: 87 NPDES NO.			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
PENN TWP (STEPLAND MCBRIDE) 6498 OLD PLANK ROAD BUTLER	PA 16001	COUNTY: BUTLER REGION: NW HARDSHIP ELIG.?: NO	I: \$1,550,000 II: \$0 III A: \$0 III B: \$0	IVA: \$3,831,820 IVB: \$200,000 V: \$0 ELIG. COST: \$5,581,820	PROJECT NO.: CS421015-03 PROJ. TYPE: STP, SS PROJECT RANKING: 88 NPDES NO.			
PENN TWP (RENFREW AREA) 6498 OLD PLANK ROAD BUTLER	PA 16001	COUNTY: BUTLER REGION: NW HARDSHIP ELIG.?: NO	I: \$167,000 II: \$0 III A: \$0 III B: \$0	IVA: \$579,000 IVB: \$0 V: \$0 ELIG. COST: \$746,000	PROJECT NO.: CS421824-01 PROJ. TYPE: STP, SS PROJECT RANKING: 89 NPDES NO.			
GULICH TWP P. O. BOX 305 SMITHMILL	PA 16680	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$371,300 II: \$0 III A: \$0 III B: \$0	IVA: \$1,198,300 IVB: \$106,000 V: \$0 ELIG. COST: \$1,675,600	PROJECT NO.: CS421982-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 90 NPDES NO.			
CONEMAUGH TWP SUPR (JEROME) R. D. 4 BOX A-20 JOHNSTOWN	PA 15905	COUNTY: SOMERSET REGION: SW HARDSHIP ELIG.?: NO	I: \$1,470,970 II: \$0 III A: \$0 III B: \$0	IVA: \$2,075,000 IVB: \$750,000 V: \$0 ELIG. COST: \$4,295,970	PROJECT NO.: CS421918-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 91 NPDES NO.			
JENNER AREA JSA P. O. BOX 202 JENNERSTOWN	PA 15547	COUNTY: SOMERSET REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$882,400 IVB: \$220,600 V: \$0 ELIG. COST: \$1,103,000	PROJECT NO.: CS421950-01 PROJ. TYPE: INT, SS, PS PROJECT RANKING: 92 NPDES NO. PA5672403			
HAZLE TWP SUPR 1060 NORTH PEACE STREET HAZLETON	PA 18201	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$3,118,700 IVB: \$1,200,000 V: \$0 ELIG. COST: \$4,318,700	PROJECT NO.: CS421731-01 PROJ. TYPE: PS SS INT PROJECT RANKING: 93 NPDES NO.			
BUFFALO TWP MA 707 SOUTH PIKE ROAD SARVER	PA 16055	COUNTY: BUTLER REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$3,051,600 III A: \$0 III B: \$0	IVA: \$0 IVB: \$7,120,400 V: \$0 ELIG. COST: \$10,172,000	PROJECT NO.: CS421541-01 PROJ. TYPE: STP SS PS PROJECT RANKING: 94 NPDES NO. PA0221449			
FINDLAY TWP DRAWER W CLINTON	PA 15026	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$207,222 IVB: \$0 V: \$0 ELIG. COST: \$207,222	PROJECT NO.: CS421974-01 PROJ. TYPE: SS PROJECT RANKING: 95 NPDES NO.			
LEHIGH CO A P. O. BOX 3348 ALLENTOWN	PA 18106	COUNTY: LEHIGH REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$2,679,000 V: \$0 ELIG. COST: \$2,679,000	PROJECT NO.: CS421872-01 PROJ. TYPE: INT PS PROJECT RANKING: 96 NPDES NO.			
WEST FALLOWFIELD TWP R. D. 1 HARTSTOWN	PA 16131	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: YES	I: \$450,000 II: \$0 III A: \$0 III B: \$0	IVA: \$1,883,568 IVB: \$0 V: \$0 ELIG. COST: \$2,333,568	PROJECT NO.: CS421905-01 PROJ. TYPE: STP SS PROJECT RANKING: 97 NPDES NO.			
SULLIVAN TWP SUPR P. O. BOX 84 MAINESBURG	PA 16932	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: YES	I: \$420,000 II: \$70,000 III A: \$0 III B: \$0	IVA: \$910,000 IVB: \$0 V: \$0 ELIG. COST: \$1,400,000	PROJECT NO.: CS421936-01 PROJ. TYPE: STP SS PROJECT RANKING: 98 NPDES NO.			
HALLSTEAD/GREAT BEND JSA P. O. BOX 757 GREAT BEND	PA 18821	COUNTY: SUSQUEHANNA REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$900,000 IVB: \$0 V: \$0 ELIG. COST: \$900,000	PROJECT NO.: CS421817-01 PROJ. TYPE: SS, PS PROJECT RANKING: 99 NPDES NO. PA0060518			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
ULYSSES MA 522 MAIN ST P. O. BOX 392 ULYSSES PA 16948	COUNTY: POTTER REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$410,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$410,000	PROJECT NO.: CS421968-01 PROJ. TYPE: STPMOD PROJECT RANKING: 100 NPDES NO. PA0045993				
BENTON TWP/NICHOLSON TWP A P. O. BOX 29 FLEETVILLE PA 18420	COUNTY: LACKA/WYOMING REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$1,641,000 III: \$0 IIIB: \$3,290,000	IVA: \$0 IVB: \$181,000 V: \$0 ELIG. COST: \$5,112,000	PROJECT NO.: CS421986-01 PROJ. TYPE: STP INT SS REH PROJECT RANKING: 101 NPDES NO.				
FALLOWFIELD TWP MA P. O. BOX 55 CHARLEROI PA 15022	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$4,700,000 IVB: \$2,000,000 V: \$0 ELIG. COST: \$6,700,000	PROJECT NO.: CS422000-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 102 NPDES NO.				
MEADVILLE CITY 984 WATER STREET MEADVILLE PA 16335	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$14,300,000 III: \$0 IIIB: \$0	IVA: \$3,800,000 IVB: \$932,715 V: \$0 ELIG. COST: \$19,032,715	PROJECT NO.: CS420559-02 PROJ. TYPE: STP, PS, SS PROJECT RANKING: 103 NPDES NO. PA0026271				
SOUTH ANNVILLE TWP R. D. 4 BOX 454 LEBANON PA 17042	COUNTY: LEBANON REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$3,300,000 IVB: \$0 V: \$0 ELIG. COST: \$3,300,000	PROJECT NO.: CS421815-01 PROJ. TYPE: PS, SS PROJECT RANKING: 104 NPDES NO.				
CONESTOGA TWP P. O. BOX 98 CONESTOGA PA 17516	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$1,725,000 V: \$0 ELIG. COST: \$1,725,000	PROJECT NO.: CS421837-01 PROJ. TYPE: SS, PS PROJECT RANKING: 105 NPDES NO.				
FOSTER TWP (AGMAR ESTATES) R. R. BOX 1729 FREELAND PA 18224	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$1,080,000 V: \$0 ELIG. COST: \$1,080,000	PROJECT NO.: CS421888-01 PROJ. TYPE: INT PS PROJECT RANKING: 106 NPDES NO. PA0020435				
BERLIN TWP P. O. BOX 61 BEACH LAKE PA 18405	COUNTY: WAYNE REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$850,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$850,000	PROJECT NO.: CS421740-01 PROJ. TYPE: STPMOD PROJECT RANKING: 107 NPDES NO.				
WAYMART BORO MA P. O. BOX 224 WAYMART PA 18472	COUNTY: WAYNE REGION: NE HARDSHIP ELIG.?: YES	I: \$450,000 II: \$0 III: \$94,000 IIIB: \$0	IVA: \$0 IVB: \$88,000 V: \$0 ELIG. COST: \$632,000	PROJECT NO.: CS421903-01 PROJ. TYPE: STPMOD SSREH PROJECT RANKING: 108 NPDES NO. PA0046353				
MANOR TWP 26 MILLERSVILLE RD LANCASTER PA 17603	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$6,505,000 IVB: \$0 V: \$0 ELIG. COST: \$6,505,000	PROJECT NO.: CS421518-01 PROJ. TYPE: PS, SS PROJECT RANKING: 109 NPDES NO. PA0042269				
NORTHEASTERN SCHUYLKILL JMA R. D. 2 BOX 105-A BARNESVILLE PA 18214	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$1,465,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$4,697,000 IVB: \$175,400 V: \$0 ELIG. COST: \$6,337,400	PROJECT NO.: CS421947-01 PROJ. TYPE: STP PS SS PROJECT RANKING: 110 NPDES NO.				
PARRYVILLE BORO R. R. 3 BOX 3431 PALMERTON PA 18071	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: YES	I: \$490,600 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,420,000 IVB: \$330,000 V: \$0 ELIG. COST: \$3,240,600	PROJECT NO.: CS421633-01 PROJ. TYPE: STP MOD, SS, PS PROJECT RANKING: 111 NPDES NO.				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
VERNON TWP S A 10929 JACKSON AVENUE MEADVILLE	PA 16335	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$1,504,500 V: \$0 ELIG. COST: \$1,504,500	PROJECT NO.: CS422032-01 PROJ. TYPE: PS INT PROJECT RANKING: 112 NPDES NO.				
CENTRAL CARBON MA P. O. BOX 29 LEHIGHTON	PA 18235	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: YES	I: \$9,259,546 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$1,706,680 V: \$0 ELIG. COST: \$10,968,226	PROJECT NO.: CS421667-01 PROJ. TYPE: STP, PS, INT PROJECT RANKING: 113 NPDES NO. PA0020494				
PULASKI TWP MUNICIPAL BLDG R. D. 1 PULASKI	PA 16143	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$2,261,880 III A: \$0 III B: \$0	IVA: \$6,791,374 IVB: \$0 V: \$0 ELIG. COST: \$9,053,254	PROJECT NO.: CS421996-01 PROJ. TYPE: STP SS PROJECT RANKING: 114 NPDES NO.				
FRANKLIN TWP 900 FAIRYLAND ROAD LEHIGHTON	PA 18235	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$2,532,102 IVB: \$232,647 V: \$0 ELIG. COST: \$2,764,749	PROJECT NO.: CS421889-01 PROJ. TYPE: SS PS INT PROJECT RANKING: 115 NPDES NO.				
JIM THORPE BORO 101 CENTER AVENUE JIM THORPE	PA 18229	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$208,200 II: \$0 III A: \$0 III B: \$364,350	IVA: \$312,300 IVB: \$156,150 V: \$0 ELIG. COST: \$1,041,000	PROJECT NO.: CS421732-01 PROJ. TYPE: STPMOD SSREH PROJECT RANKING: 116 NPDES NO. PA0021873				
ARARAT TWP R. R. 1 BOX 23E THOMPSON	PA 18465	COUNTY: SUSQUEHANNA REGION: NE HARDSHIP ELIG.?: YES	I: \$750,000 II: \$0 III A: \$0 III B: \$0	IVA: \$750,000 IVB: \$0 V: \$0 ELIG. COST: \$1,500,000	PROJECT NO.: CS421723-01 PROJ. TYPE: STP SS PROJECT RANKING: 117 NPDES NO. PA0063321				
MAHONING TWP 2685 MAHONING DRIVE EAST LEHIGHTON	PA 18235	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$3,515,000 IVB: \$185,000 V: \$0 ELIG. COST: \$3,700,000	PROJECT NO.: CS421668-01 PROJ. TYPE: SS PS INT PROJECT RANKING: 118 NPDES NO. PA0062278				
KELLY TWP SUPR 1111 ZEIGLER ROAD LEWISBURG	PA 17837	COUNTY: UNION REGION: NC HARDSHIP ELIG.?: NO	I: \$403,000 II: \$0 III A: \$0 III B: \$0	IVA: \$590,000 IVB: \$127,000 V: \$0 ELIG. COST: \$1,120,000	PROJECT NO.: CS421933-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 119 NPDES NO.				
VALLEY TWP SUPR 500 MCCRACKEN ROAD DANVILLE	PA 17821	COUNTY: MONTOUR REGION: NC HARDSHIP ELIG.?: NO	I: \$458,000 II: \$0 III A: \$0 III B: \$0	IVA: \$1,159,000 IVB: \$261,000 V: \$0 ELIG. COST: \$1,878,000	PROJECT NO.: CS421938-01 PROJ. TYPE: STPMOD INT SS PROJECT RANKING: 120 NPDES NO. PA0035602				
CENTRE TWP MA 449 BUCKS HILL ROAD MOHRSVILLE	PA 19541	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$494,312 II: \$0 III A: \$0 III B: \$0	IVA: \$1,238,688 IVB: \$0 V: \$0 ELIG. COST: \$1,733,000	PROJECT NO.: CS422030-01 PROJ. TYPE: STP, SS PROJECT RANKING: 121 NPDES NO. PA0086771				
METAL TWP MA P. O. BOX 216 WILLOW HILL	PA 17271	COUNTY: FRANKLIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$246,400 III A: \$0 III B: \$0	IVA: \$967,000 IVB: \$0 V: \$0 ELIG. COST: \$1,213,400	PROJECT NO.: CS421814-01 PROJ. TYPE: STP, SS, PS PROJECT RANKING: 122 NPDES NO.				
ARMSTRONG TWP SUPR 2114 WHEATLAND AVE WILLIAMSPORT	PA 17701	COUNTY: LYCOMING REGION: NC HARDSHIP ELIG.?: NO	I: \$69,620 II: \$0 III A: \$0 III B: \$0	IVA: \$902,002 IVB: \$97,900 V: \$0 ELIG. COST: \$1,069,522	PROJECT NO.: CS421798-01 PROJ. TYPE: SS PS PROJECT RANKING: 123 NPDES NO.				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
BUFFALO TWP MSA R. R. 2 BOX 284 A LEWISBURG	PA 17837	COUNTY: UNION REGION: NC HARDSHIP ELIG.?: NO	I: \$102,225 II: \$0 III A: \$0 III B: \$0	IVA: \$766,625 IVB: \$153,325 V: \$0 ELIG. COST: \$1,022,175	PROJECT NO.: CS421934-01 PROJ. TYPE: STPMOD INT SS PROJECT RANKING: 124 NPDES NO. PA0115363				
ROSE TWP ROUTE 3 BOX 143 BROOKVILLE	PA 15825	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$932,180 IVB: \$60,000 V: \$0 ELIG. COST: \$992,180	PROJECT NO.: CS421914-01 PROJ. TYPE: SS PROJECT RANKING: 125 NPDES NO.				
CLINTON TWP R. R. 1, BOX 33 MONTGOMERY	PA 17752	COUNTY: LYCOMING REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$600,000 IVB: \$0 V: \$0 ELIG. COST: \$600,000	PROJECT NO.: CS422026-01 PROJ. TYPE: SS PROJECT RANKING: 126 NPDES NO.				
SERGEANT TWP BOX 1A CLERMONT SR MT JEWETT	PA 16740	COUNTY: MCKEAN REGION: NW HARDSHIP ELIG.?: YES	I: \$126,000 II: \$0 III A: \$0 III B: \$0	IVA: \$363,255 IVB: \$0 V: \$0 ELIG. COST: \$489,255	PROJECT NO.: CS421992-01 PROJ. TYPE: STP SS PROJECT RANKING: 127 NPDES NO.				
GIRTY'S RUN JSA 1097 NORTH AVE PITTSBURGH	PA 15209	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$17,000,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$17,000,000	PROJECT NO.: CS422001-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 128 NPDES NO.				
BEAVER FALLS CITY 715 FIFTEENTH ST BEAVER FALLS	PA 15010	COUNTY: BEAVER REGION: SW HARDSHIP ELIG.?: NO	I: \$3,559,800 II: \$0 III A: \$0 III B: \$2,373,200	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$5,933,000	PROJECT NO.: CS421869-01 PROJ. TYPE: STPMOD INT REH PROJECT RANKING: 129 NPDES NO. PA0026883				
NEW EAGLE BORO 157 MAIN STREET NEW EAGLE	PA 15067	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: YES	I: \$4,800,000 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,800,000	PROJECT NO.: CS422039-01 PROJ. TYPE: STP PROJECT RANKING: 130 NPDES NO. PA0029696				
LOWER TOWAMENSING TWP R. D. 2 BOX 211 A PALMERTON	PA 18071	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVB: \$2,700,000 IVB: \$300,000 V: \$0 ELIG. COST: \$3,000,000	PROJECT NO.: CS421686-01 PROJ. TYPE: PS, SS, INT PROJECT RANKING: 131 NPDES NO.				
JEANNETTE CITY MA P. O. BOX 168 JEANNETTE	PA 15644	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$3,000,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$3,000,000	PROJECT NO.: CS422002-01 PROJ. TYPE: SS REH PROJECT RANKING: 131 NPDES NO.				
HARRISON TWP SUPR 120 WEST MAIN STREET HARRISON VALLEY	PA 16927	COUNTY: POTTER REGION: NC HARDSHIP ELIG.?: YES	I: \$649,128 II: \$105,672 III A: \$0 III B: \$0	IVA: \$2,141,000 IVB: \$0 V: \$0 ELIG. COST: \$2,895,800	PROJECT NO.: CS421805-01 PROJ. TYPE: STP, SS PROJECT RANKING: 133 NPDES NO.				
LOGANVILLE BORO BOX 88 LOGANVILLE	PA 17342	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$581,000 III A: \$0 III B: \$0	IVA: \$1,337,000 IVB: \$762,000 V: \$0 ELIG. COST: \$2,680,000	PROJECT NO.: CS421516-01 PROJ. TYPE: STP, PS, SS PROJECT RANKING: 134 NPDES NO.				
PENN LAKE PARK BORO BOX 133 PENN LAKE WHITE HAVEN	PA 18661	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$619,500 II: \$0 III A: \$0 III B: \$0	IVA: \$1,978,500 IVB: \$0 V: \$0 ELIG. COST: \$2,598,000	PROJECT NO.: CS421671-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 135 NPDES NO.				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
ROULETTE TWP P. O. BOX 153 ROULETTE	PA 16746	COUNTY: POTTER REGION: NC HARDSHIP ELIG.?: YES	I: \$366,000 II: \$0 III A: \$0 III B: \$0	IVA: \$2,203,000 IVB: \$0 V: \$0 ELIG. COST: \$2,569,000		PROJECT NO.: CS421466-01 PROJ. TYPE: STP,SS PROJECT RANKING: 136 NPDES NO.		
PENN TWP SA P. O. BOX 458 HARRISON CITY	PA 15636	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$2,300,000 III B: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$2,300,000		PROJECT NO.: CS422004-01 PROJ. TYPE: SEWER REHAB PROJECT RANKING: 137 NPDES NO.		
LEESPORT BORO 349 N CENTRE AVE LEESPORT	PA 19533	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$1,026,000 II: \$0 III A: \$0 III B: \$0	IVA: \$406,000 IVB: \$0 V: \$0 ELIG. COST: \$1,432,000		PROJECT NO.: CS421577-01 PROJ. TYPE: STPMOD PROJECT RANKING: 138 NPDES NO. PA0070149		
NEW KENSINGTON CITY MSA 120 LOGANS FERRY ROAD NEW KENSINGTON	PA 15068	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$1,413,700	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,413,700		PROJECT NO.: CS422003-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 139 NPDES NO. PA0027111		
COALMONT BORO R. D. 1 SAXTON	PA 16678	COUNTY: HUNTINGDON REGION: SC HARDSHIP ELIG.?: YES	I: \$0 II: \$229,830 III A: \$0 III B: \$0	IVA: \$1,097,620 IVB: \$0 V: \$0 ELIG. COST: \$1,327,450		PROJECT NO.: CS421580-01 PROJ. TYPE: STP,SS,PS PROJECT RANKING: 140 NPDES NO. PA0084883		
MAXATAWNY TWP MA 663 NOBLE ST KUTZTOWN	PA 19530	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$552,253 IVB: \$759,657 V: \$0 ELIG. COST: \$1,311,910		PROJECT NO.: CS422020-01 PROJ. TYPE: SS PS PROJECT RANKING: 141 NPDES NO.		
PARADISE TWP R. D. 1 BOX 50 ABBOTTSTOWN	PA 17301	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$923,275 IVB: \$0 V: \$0 ELIG. COST: \$923,275		PROJECT NO.: CS421895-01 PROJ. TYPE: SS PROJECT RANKING: 142 NPDES NO.		
EAST SIDE BORO 53 N SHERMAN RD WHITE HAVEN	PA 18661	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVB: \$429,000 IVB: \$154,000 V: \$0 ELIG. COST: \$583,000		PROJECT NO.: CS421680-01 PROJ. TYPE: STP, SS PROJECT RANKING: 143 NPDES NO.		
ORWIGSBURG MA P. O. BOX 128 209 N WARREN ST ORWIGSBURG	PA 17961	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$0 IVB: \$321,300 V: \$0 ELIG. COST: \$321,300		PROJECT NO.: CS421987-01 PROJ. TYPE: INT SS PROJECT RANKING: 144 NPDES NO. PA0021547		
MILLCREEK TWP SA 3608 W 26TH ST P. O. BOX 8268 ERIE	PA 16505	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$16,286,000 IVB: \$400,000 V: \$0 ELIG. COST: \$16,686,000		PROJECT NO.: CS421714-01 PROJ. TYPE: INT PROJECT RANKING: 145 NPDES NO.		
FARRELL CITY 500 ROEMER BLVD FARRELL	PA 16121	COUNTY: MERCER REGION: NW HARDSHIP ELIG.?: NO	I: \$1,507,250 II: \$0 III A: \$0 III B: \$230,000	IVB: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,737,250		PROJECT NO.: CS422031-01 PROJ. TYPE: STP PROJECT RANKING: 146 NPDES NO. PA0027227		
ARNOLD CITY 1829 FIFTH AVE ARNOLD	PA 15068	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$350,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$350,000		PROJECT NO.: CS421962-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 147 NPDES NO.		

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
MARYSVILLE BORO P. O. BOX A 200 OVERCREST RD MARYSVILLE PA 17053	COUNTY: PERRY REGION: SC HARDSHIP ELIG.?: NO	I: \$3,360,000 II: \$0 III A: \$0 III B: \$480,000	IVA: \$0 IVB: \$480,000 V: \$480,000 ELIG. COST: \$4,800,000	PROJECT NO.: CS421835-01 PROJ. TYPE: STPMOD INT SS PROJECT RANKING: 148 NPDES NO.					
LEHIGH TWP 1069 MUNICIPAL ROAD WALNUTPORT PA 18088	COUNTY: NORTHAMPTON REGION: NE HARDSHIP ELIG.?: NO	I: \$2,470,000 II: \$0 III A: \$0 III B: \$0	IVA: \$4,587,000 IVB: \$0 V: \$0 ELIG. COST: \$7,057,000	PROJECT NO.: CS421685-01 PROJ. TYPE: STP,SS,PS PROJECT RANKING: 149 NPDES NO.					
MUDDY RUN A R. D. 1 BOX 51 FALLENTIMBER PA 16639	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: NO	I: \$1,197,728 II: \$0 III A: \$0 III B: \$0	IVA: \$6,446,512 IVB: \$1,725,640 V: \$0 ELIG. COST: \$9,369,880	PROJECT NO.: CS421981-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 150 NPDES NO.					
WEST SALEM TWP SUPR 610 VERNON ROAD GREENVILLE PA 16125	COUNTY: MERCER REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$2,146,500 IVB: \$0 V: \$0 ELIG. COST: \$2,146,500	PROJECT NO.: CS421860-01 PROJ. TYPE: SS PROJECT RANKING: 151 NPDES NO.					
POCONO TWP BOX 197 TANNERSVILLE PA 18372	COUNTY: MONROE REGION: NE HARDSHIP ELIG.?: NO	I: \$5,596,100 II: \$0 III A: \$0 III B: \$0	IVA: \$2,626,056 IVB: \$80,000 V: \$0 ELIG. COST: \$8,302,156	PROJECT NO.: CS421642-01 PROJ. TYPE: STP, SS PROJECT RANKING: 152 NPDES NO.					
TOBYHANNA TWP (BLAKESLEE) P. O. BOX 880 STATE AVE POCONO PINES PA 18350	COUNTY: MONROE REGION: NE HARDSHIP ELIG.?: NO	I: \$2,240,862 II: \$0 III A: \$0 III B: \$0	IVA: \$5,583,943 IVB: \$0 V: \$0 ELIG. COST: \$7,824,805	PROJECT NO.: CS421674-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 153 NPDES NO. PA0063533					
ALLEGHENY TWP S&WA 3131 OLD SIXTH AVENUE NORTH DUNCANSVILLE PA 16635	COUNTY: BLAIR REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$4,819,000 IVB: \$0 V: \$0 ELIG. COST: \$4,819,000	PROJECT NO.: CS421395-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 154 NPDES NO.					
E HANOVER TWP R. D. 2 BOX 4323 GRANTVILLE PA 17028	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$729,400 II: \$0 III A: \$0 III B: \$0	IVA: \$1,354,600 IVB: \$0 V: \$0 ELIG. COST: \$2,084,000	PROJECT NO.: CS421575-01 PROJ. TYPE: STP, INT, PS, SS PROJECT RANKING: 155 NPDES NO. N/A					
PLEASANT HILLS BORO 410 EAST BRUCETON ROAD PLEASANT HILLS PA 15236	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?:NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$968,630 IVB: \$0 V: \$0 ELIG. COST: \$968,630	PROJECT NO.: CS421960-01 PROJ. TYPE: INT REPLAC PROJECT RANKING: 156 NPDES NO.					
PHILADELPHIA WTR DEPT MUNICIPAL SERVICES BUILDING PHILADELPHIA PA 19107	COUNTY: PHILADELPHIA REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$16,300,000 III B: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$16,300,000	PROJECT NO.: CS421973-01 PROJ. TYPE: INT, SS PROJECT RANKING: 157 NPDES NO.					
JACKSON TWP R. D. 4, BOX 4308 SPRINGROVE PA 17362	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$1,004,000 II: \$0 III A: \$0 III B: \$0	IVA: \$3,585,000 IVB: \$0 V: \$0 ELIG. COST: \$4,589,000	PROJECT NO.: CS421566-01 PROJ. TYPE: STPMOD,INT,SS PROJECT RANKING: 158 NPDES NO. PA0080802					
EAST LAMPETER TWP 2205 OLD PHILADELPHIA PIKE LANCASTER PA 17602	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,626,000 IVB: \$0 V: \$0 ELIG. COST: \$1,626,000	PROJECT NO.: CS421510-01 PROJ. TYPE: PS, INT PROJECT RANKING: 159 NPDES NO.					

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
CALIFORNIA BORO SA P. O. BOX 696 CALIFORNIA	PA 15419	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$210,000 IVB: \$0 V: \$0 ELIG. COST: \$210,000	PROJECT NO.: CS420269-02 PROJ. TYPE: SS PROJECT RANKING: 160 NPDES NO. PA0022241				
HUSTON TWP SUPR P. O. BOX 38 PENFIELD	PA 15849	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$860,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,795,000 IVB: \$645,000 V: \$0 ELIG. COST: \$4,300,000	PROJECT NO.: CS421760-01 PROJ. TYPE: SS,STP,INT,PS PROJECT RANKING: 161 NPDES NO.				
GREENE TWP 8899 OLD WATTSBURG ROAD ERIE	PA 16510	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$9,830,410 IVB: \$0 V: \$0 ELIG. COST: \$9,830,410	PROJECT NO.: CS421995-01 PROJ. TYPE: SS PROJECT RANKING: 162 NPDES NO.				
WASHINGTON TWP P. O. BOX 27 SLATEDALE	PA 18079	COUNTY: LEHIGH REGION: NE HARDSHIP ELIG.?: NO	I: \$402,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$3,667,300 IVB: \$1,277,790 V: \$0 ELIG. COST: \$5,347,090	PROJECT NO.: CS421738-01 PROJ. TYPE: INT PS STPMOD PROJECT RANKING: 163 NPDES NO.				
DOUGLASS TWP BOS R. D. 2 BOX 503 1068 DOUGLASS DR BOYERTOWN	PA 19512	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,823,736 IVB: \$1,235,264 V: \$0 ELIG. COST: \$3,059,000	PROJECT NO.: CS421836-01 PROJ. TYPE: SS PS INT PROJECT RANKING: 164 NPDES NO. PA0022543				
GLASSPORT BORO FIFTH & MONONGAHELA AVE GLASSPORT	PA 15045	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,419,000 IVB: \$0 V: \$0 ELIG. COST: \$1,419,000	PROJECT NO.: CS422005-01 PROJ. TYPE: PS SS PROJECT RANKING: 165 NPDES NO. PA0021113				
PINE TWP/WOLF CREEK TWP 545 BARKEYVILLE ROAD GROVE CITY	PA 16127	COUNTY: MERCER REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,057,150 IVB: \$0 V: \$0 ELIG. COST: \$1,057,150	PROJECT NO.: CS421998-01 PROJ. TYPE: SS PROJECT RANKING: 166 NPDES NO.				
CASS TWP R. R. 2, BOX 2232 POTTSVILLE	PA 17901	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$6,529,430 IVB: \$0 V: \$0 ELIG. COST: \$6,529,430	PROJECT NO.: CS421989-01 PROJ. TYPE: SS PS PROJECT RANKING: 167 NPDES NO. PA0027693				
FOSTER TWP R. R. 2 BOX 2537 POTTSVILLE	PA 17901	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 IIA: \$0 IIIB: \$0	IVA: \$436,350 IVB: \$0 V: \$0 ELIG. COST: \$436,350	PROJECT NO.: CS421988-01 PROJ. TYPE: SS PROJECT RANKING: 168 NPDES NO. PA0027693				
COOLSPRING TWP/JACKSON TWP LATONKA DRIVE LAKE LATONKA	PA 16137	COUNTY: MERCER REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$2,208,288 III: \$0 IIIB: \$0	IVA: \$3,600,900 IVB: \$0 V: \$0 ELIG. COST: \$5,809,188	PROJECT NO.: CS421990-01 PROJ. TYPE: STP SS PROJECT RANKING: 169 NPDES NO.				
DICKSON CITY BORO BOROUGH BLDG DICKSON CITY	PA 18519	COUNTY: LACKAWANNA REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,500,000 IVB: \$225,000 V: \$0 ELIG. COST: \$1,725,000	PROJECT NO.: CS421726-01 PROJ. TYPE: INT, SS PROJECT RANKING: 170 NPDES NO.				
SOUTH STRABANE TWP SA 550 WASHINGTON ROAD WASHINGTON	PA 15301	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$1,200,000 V: \$0 ELIG. COST: \$1,200,000	PROJECT NO.: CS422029-01 PROJ. TYPE: INT PS PROJECT RANKING: 171 NPDES NO. PA0024783				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
EAST NITTANY VALLEY JMA P. O. BOX 314 LAMAR	PA 16848	COUNTY: CLINTON/CENTR REGION: NC HARDSHIP ELIG.?: YES	I: \$1,839,686 II: \$715,434 III: \$0 IIIB: \$0	IVA: \$9,050,504 IVB: \$1,842,376 V: \$0 ELIG. COST: \$13,448,000	PROJECT NO.: CS422027-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 172 NPDES NO.			
GREENFIELD TWP MA R. D. 1, BOX 748 CLAYSBURG	PA 16625	COUNTY: BLAIR REGION: SC HARDSHIP ELIB.?: NO	I: \$0 II: \$4,233,600 III: \$0 IIIB: \$0	IVA: \$5,174,400 IVB: \$0 V: \$0 ELIG. COST: \$9,408,000	PROJECT NO.: CS421949-01 PROJ. TYPE: STPMOD INT SS PROJECT RANKING: 173 NPDES NO.			
LOWER BUCKS CO JMA 7811 NEW FALLS ROAD LEVITTOWN	PA 19055	COUNTY: BUCKS REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$2,049,130 III: \$1,500,000 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$3,549,130	PROJECT NO.: CS421894-01 PROJ. TYPE: PS INT PROJECT RANKING: 174 NPDES NO. PA0026468			
WEST BUFFALO TWP R. D. 3 BOX 237 MIFFLINBURG	PA 17844	COUNTY: UNION REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,165,000 IVB: \$500,000 V: \$0 ELIG. COST: \$1,665,000	PROJECT NO.: CS421655-01 PROJ. TYPE: PS, INT, SS PROJECT RANKING: 175 NPDES NO. PA0028461			
DELTA BORO R. D. 3 BOX 470 DELTA	PA 17314	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$884,000 III: \$0 IIIB: \$0	IVA: \$729,000 IVB: \$0 V: \$0 ELIG. COST: \$1,613,000	PROJECT NO.: CS421755-01 PROJ. TYPE: STP SS PROJECT RANKING: 176 NPDES NO.			
KIDDER TWP P. O. BOX 576 LAKE HARMONY	PA 18624	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$500,000 IVB: \$900,000 V: \$0 ELIG. COST: \$1,400,000	PROJECT NO.: CS421942-01 PROJ. TYPE: INT PS SS PROJECT RANKING: 177 NPDES NO.			
FOSTER TWP R. D. BOX 1729 FREELAND	PA 18224	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,120,000 IVB: \$237,000 V: \$0 ELIG. COST: \$1,357,000	PROJECT NO.: CS421681-01 PROJ. TYPE: STP,PS,INT,SS PROJECT RANKING: 178 NPDES NO.			
CRESSON BORO P. O. BOX 75, 623 SECOND STREET CRESSON	PA 16330	COUNTY: CAMBRIA REGION: SW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$532,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$532,000	PROJECT NO.: CS421859-01 PROJ. TYPE: SS REH PROJECT RANKING: 179 NPDES NO.			
WORTHINGTON BORO R. D. 2 BOX 28 WORTHINGTON	PA 16262	COUNTY: ARMSTRONG REGION: SW HARDSHIP ELIG.?: YES	I: \$2,985,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$2,985,000	PROJECT NO.: CS421481-01 PROJ. TYPE: STP,INT,SS PROJECT RANKING: 180 NPDES NO.			
MIDDLEBURG M A 568 HILL STREET P. O. BOX 415 MIDDLEBURG	PA 17842	COUNTY: SNYDER REGION: NC HARDSHIP ELIG.?: YES	I: \$1,509,000 II: \$309,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,818,000	PROJECT NO.: CS421764-01 PROJ. TYPE: STP,SS PROJECT RANKING: 181 NPDES NO. PA0020583			
ALIQUIPPA MWA 160 HOPEWELL AVE ALIQUIPPA	PA 15001	COUNTY: BEAVER REGION: SW HARDSHIP ELIG.?: NO	I: \$824,000 II: \$0 III: \$0 IIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$824,000	PROJECT NO.: CS422006-01 PROJ. TYPE: STP MOD, PSMOD PROJECT RANKING: 182 NPDES NO.			
ELKLAND BORO A 105 PARKHURST ST ELKLAND	PA 16920	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: NO	I: \$150,480 II: \$58,520 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$209,000	PROJECT NO.: CS421963-01 PROJ. TYPE: STPMOD PROJECT RANKING: 183 NPDES NO. PA0113398			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
SOUTH COATESVILLE BORO 136 MODENA ROAD SOUTH COATESVILLE	PA 19320	COUNTY: CHESTER REGION: SE HARDSHIP ELIG.?: YES	I: \$107,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$107,000	PROJECT NO.: CS421959-01 PROJ. TYPE: STP MOD INT PROJECT RANKING: 184 NPDES NO. PA0036897				
BUTLER TWP 211 BROAD ST ASHLAND	PA 17921	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: NO	I: \$1,000,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$3,000,000 IVB: \$1,500,000 V: \$0 ELIG. COST: \$5,500,000	PROJECT NO.: CS421622-01 PROJECT TYPE: STP INT SS PROJECT RANKING: 185 NPDES NO.				
OTTO TWP SUPR BOX 284 DUKE CENTER	PA 16729	COUNTY: MCKEAN REGION: NW HARDSHIP ELIG.?: YES	I: \$764,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$5,094,000 IVB: \$0 V: \$0 ELIG. COST: \$5,858,000	PROJECT NO.: CS421715-01 PROJ. TYPE: STP,SS,PS PROJECT RANKING: 186 NPDES NO. PA0221619				
SUMMERVILLE BORO P. O. BOX 277 SUMMERVILLE	PA 15864	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$825,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,475,000 IVB: \$0 V: \$0 ELIG. COST: \$3,300,000	PROJECT NO.: CS421912-01 PROJ. TYPE: STP SS PS PROJECT RANKING: 187 NPDES NO.				
JONES TWP (VILLAGE OF WILCOX) P. O. BOX 25 WILCOX	PA 15870	COUNTY: ELK REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,656,700 IVB: \$0 V: \$0 ELIG. COST: \$2,656,700	PROJECT NO.: CS421543-01 PROJ. TYPE: SS,PS PROJECT RANKING: 188 NPDES NO.				
ERIE CITY 626 STATE STREET ERIE	PA 16501	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$9,766,000 ELIG. COST: \$9,766,000	PROJECT NO.: CS421909-01 PROJ. TYPE: CSO PROJECT RANKING: 189 NPDES NO. PA0026301				
ERIE CITY 626 STATE ST ERIE	PA 16501	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$4,313,755 V: \$0 ELIG. COST:	PROJECT NO.: CS422040-01 PROJ. TYPE: INT PROJECT RANKING: 190 NPDES NO.				
FORWARD TWP SSA P. O. BOX 332 BUNOLA	PA 15020	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,362,000 IVB: \$908,000 V: \$0 ELIG. COST: \$2,270,000	PROJECT NO.: CS421185-02 PROJ. TYPE: INT SS PROJECT RANKING: 191 NPDES NO.				
CHARLEROI BORO A P. O. BOX 211 CHARLEROI	PA 15022	COUNTY: WASHINGTON REGION: SW HARDSHIP ELIG.?: NO	I: \$6,781,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$6,781,000	PROJECT NO.: CS421853-01 PROJ. TYPE: STPMOD PROJECT RANKING: 192 NPDES NO.				
ALLEGHENY TWP MA COMMUNITY BUILDING LEECHBURG	PA 15656	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,123,417 IVB: \$0 V: \$0 ELIG. COST: \$1,123,417	PROJECT NO.: CS421951-01 PROJ. TYPE: SS PROJECT RANKING: 193 NPDES NO.				
SLIGO BORO P. O. BOX 241 SLIGO	PA 16255	COUNTY: CLARION REGION: NW HARDSHIP ELIG.?: YES	I: \$1,283,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,152,000 IVB: \$0 V: \$0 ELIG. COST: \$3,435,000	PROJECT NO.: CS421827-01 PROJ. TYPE: STP SS PROJECT RANKING: 194 NPDES NO.				
REDBANK VALLEY MA 212 LAFAYETTE ST NEW BETHLEHEM	PA 16242	COUNTY: CLARION REGION: NW HARDSHIP ELIG.?: YES	I: \$1,639,000 II: \$0 III: \$1,435,000 IIIB: \$0	IVA: \$4,089,000 IVB: \$2,722,000 V: \$0 ELIG. COST: \$9,885,000	PROJECT NO.: CS421900-01 PROJ. TYPE: STPMOD SS I/I PROJECT RANKING: 195 NPDES NO. PA0024511				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
NORTH BEAVER TWP (MT JACKSON) 1460 MT JACKSON ROAD NEW CASTLE PA 16117	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$369,920 III: \$0 IIIB: \$0	IVA: \$3,733,209 IVB: \$1,030,080 V: \$0 ELIG. COST: \$5,133,209	PROJECT NO.: CS421773-01 PROJ. TYPE: STP,SS PROJECT RANKING: 196 NPDES NO.				
HORTON TWP BOX 216 BACKPORT PA 15823	COUNTY: ELK REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$4,180,455 IVB: \$0 V: \$0 ELIG. COST: \$4,180,455	PROJECT NO.: CS421910-01 PROJ. TYPE: STP SS PROJECT RANKING: 197 NPDES NO.				
EAST PENN TWP 288 SCHLEICHER AVE LEHIGHTON PA 18235	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,620,000 IVB: \$540,000 V: \$0 ELIG. COST: \$3,160,000	PROJECT NO.: CS421679-01 PROJ. TYPE: SS INT PROJECT RANKING: 198 NPDES NO.				
BELL TWP R. D. 6 BOX 483 PUNXSUTAWNEY PA 15767	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,810,000 IVB: \$0 V: \$0 ELIG. COST: \$2,810,000	PROJECT NO.: CS421549-01 PROJ. TYPE: SS PROJECT RANKING: 199 NPDES NO.				
GLEN ROCK BORO SA 13 BALTIMORE STREET GLEN ROCK PA 17327	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$2,100,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$500,000 V: \$0 ELIG. COST: \$2,600,000	PROJECT NO.: CS421925-01 PROJ. TYPE: STP MOD SS PROJECT RANKING: 200 NPDES NO. PA0020818				
YOUNG TWP BOX 122 R. D. 1 PUNXSUTAWNEY PA 15767	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,564,000 IVB: \$0 V: \$0 ELIG. COST: \$2,564,000	PROJECT NO.: CS421555-01 PROJ. TYPE: SS PROJECT RANKING: 201 NPDES NO.				
GLADE TWP SUPR 99 COBHAM PARK ROAD WARREN PA 16365	COUNTY: WARREN REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,380,000 IVB: \$0 V: \$0 ELIG. COST: \$2,380,000	PROJECT NO.: CS421821-01 PROJ. TYPE: SS PROJECT RANKING: 202 NPDES NO.				
BRUSH VALLEY TWP R. D. BOX 264 INDIANA PA 15701	COUNTY: INDIANA REGION: SW HARDSHIP ELIG.?: YES	I: \$244,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,529,565 IVB: \$325,710 V: \$0 ELIG. COST: \$2,099,275	PROJECT NO.: CS421847-01 PROJ. TYPE: STP PROJECT RANKING: 203 NPDES NO.				
LAWRENCE TWP MA R. D. 1 BOX 615 LAWRENCEVILLE PA 16929	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: YES	I: \$846,930 II: \$0 III: \$0 IIIB: \$0	IVA: \$658,730 IVB: \$376,415 V: \$0 ELIG. COST: \$1,882,075	PROJECT NO.: CS421762-01 PROJ. TYPE: STP,SS,INT PROJECT RANKING: 204 NPDES NO.				
BALD EAGLE TWP A R. D. 2 BOX 301 MILL HALL PA 17751	COUNTY: CLINTON REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$858,000 IVB: \$700,000 V: \$0 ELIG. COST: \$1,558,000	PROJECT NO.: CS421932-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 205 NPDES NO.				
WASHINGTON TWP R. D. 1 BOX 73 BECHTELSVILLE PA 19505	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,327,470 IVB: \$0 V: \$0 ELIG. COST: \$1,327,470	PROJECT NO.: CS421754-01 PROJ. TYPE: SS,PS PROJECT RANKING: 206 NPDES NO.				
MEHOOPANY TWP MUN BLDG SCHOOLHOUSE HWY MEHOOPANY PA 18629	COUNTY: WYOMING REGION: NE HARDSHIP ELIG.?: YES	I: \$375,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$900,000 IVB: \$0 V: \$0 ELIG. COST: \$1,275,000	PROJECT NO.: CS421733-01 PROJ. TYPE: STP,SS PROJECT RANKING: 207 NPDES NO.				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
LAWRENCE/HICKORY MA 1735 HORLANSBURG ROAD NEW CASTLE PA 16101	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,149,905 IVB: \$0 V: \$0 ELIG. COST: \$1,149,905	PROJECT NO.: CS421915-01 PROJ. TYPE: SS PROJECT RANKING: 208 NPDES NO.					
FREDERICKSBURG W&SA 150 SOUTH PINE GROVE STREET FREDERICKSBURG PA 17026	COUNTY: LEBANON REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$450,000 III: \$0 IIIB: \$0	IVA: \$300,00 IVB: \$0 V: \$0 ELIG. COST: \$750,000	PROJECT NO.: CS421924-01 PROJ. TYPE: STPMOD SS PROJECT RANKING: 209 NPDES NO. PA0080705					
FARMINGTON TWP R. D. 2 BOX 2265 RUSSELL PA 16345	COUNTY: WARREN REGION: NW HARDSHIP ELIG.?: NO	I: \$187,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$369,711 IVB: \$0 V: \$0 ELIG. COST: \$556,711	PROJECT NO.: CS421991-01 PROJ. TYPE: STPMOD SS PROJECT RANKING: 210 NPDES NO.					
HEPBURN TWP 5201 BLOOMINGROVE ROAD COGAN STATION PA 17728	COUNTY: LYCOMING REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$300,000 IVB: \$100,000 V: \$0 ELIG. COST \$400,000	PROJECT NO.: CS421759-01 PROJ. TYPE: SS,INT PROJECT RANKING: 211 NPDES NO.					
SHINGLEHOUSE BORO 40 HONEOYE STREET SHINGLEHOUSE PA 16748	COUNTY: POTTER REGION: NC HARDSHIP ELIG.?: NO	I: \$327,272 II: \$0 III: \$72,728 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$400,000	PROJECT NO.: CS421695-01 PROJ. TYPE: STP MOD I/I PROJECT RANKING: 211 NPDES NO. PA5391403					
KEATING TWP SUPR P. O. BOX 385 AUSTIN PA 16720	COUNTY: POTTER REGION: NC HARDSHIP ELIG.?: YES	I: \$119,845 II: \$0 III: \$0 IIIB: \$0	IVA: \$208,230 IVB: \$0 V: \$0 ELIG. COST: \$328,075	PROJECT NO.: CS421806-01 PROJ. TYPE: STP,SS PROJECT RANKING: 213 NPDES NO.					
WEST MAHANOEY TWP A 190 PENNSYLVANIA AVENUE SHENANDOAH HEIGHT PA 17976	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$3,375,000 IVB: \$3,375,000 V: \$0 ELIG. COST: \$6,750,000	PROJECT NO.: CS421906-01 PROJ. TYPE: SS INT PS PROJECT RANKING: 214 NPDES NO.					
BURRELL TWP SA BOX 454 BLACK LICK PA 15716	COUNTY: INDIANA REGION: SW HARDSHIP ELIG.?: NO	I: \$1,109,100 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,033,350 IVB: \$554,550 V: \$0 ELIG. COST: \$3,697,000	PROJECT NO.: CS421612-01 PROJ. TYPE: STP,INT,SS PROJECT RANKING: 215 NPDES NO.					
PUNXSUTAWNEY BORO 301 EAST MAHONING STREET PUNXSUTAWNEY PA 15767	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$3,406,000 III: \$0 IIIB: \$6,295,000	IVA: \$0 IVB: \$0 V: \$3,921,000 ELIG. COST: \$13,622,000	PROJECT NO.: CS421588-01 PROJ. TYPE: STP MOD, SS REH PROJECT RANKING: 216 NPDES NO. PA0020346					
CLARION AREA A 14 N 5TH AVENUE CLARION PA 16214	COUNTY: CLARION REGION: NW HARDSHIP ELIG.?: NO	I: \$621,250 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$160,000 V: \$0 ELIG. COST: \$781,250	PROJECT NO.: CS421908-01 PROJ. TYPE: STPMOD INT PROJECT RANKING: 217 NPDES NO. PA0029491					
CAMBRIDGE SPRINGS BORO 26 FEDERAL STREET CAMBRIDGE SPRINGS PA 16403	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$1,650,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST \$1,650,000	PROJECT NO.: CS421993-01 PROJ. TYPE: STP MOD PROJECT RANKING: 218 NPDES NO.					
FAIRCHANCE GEORGES JMSA 125 A WEST CHURCH STREET FAIRCHANCE PA 15436	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: NO	I: \$762,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$762,000	PROJECT NO.: CS421971-01 PROJ. TYPE: STP MOD PROJECT RANKING: 219 NPDES NO. PA0096342					

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
NEW MILFORD BORO P. O. BOX 630 NEW MILFORD PA 18834	COUNTY: SUSQUEHANNA REGION: NE HARDSHIP ELIG.?: NO	I: \$2,000,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$3,000,000 IVB: \$1,600,000 V: \$0 ELIG. COST: \$6,600,000	PROJECT NO.: CS421734-01 PROJ. TYPE: STP SS PS INT PROJECT RANKING: 220 NPDES NO.				
COATESVILLE CITY A 114 E LINCOLN HIGHWAY BOX 791 COATESVILLE PA 19320	COUNTY: CHESTER REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$322,418 III: \$0 IIIB: \$0	IVA: \$235,396 IVB: \$2,568,550 V: \$0 ELIG. COST: \$3,126,364	PROJECT NO.: CS421898-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 221 NPDES NO. PA0024473				
DELMAR TWP (STONY FORK) R. D. 5 BOX 70A WELLSBORO PA 16901	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: NO	I: \$265,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,099,660 IVB: \$0 V: \$0 ELIG. COST: \$1,364,660	PROJECT NO.: CS421980-01 PROJ. TYPE: STP SS PROJECT RANKING: 222 NPDES NO.				
WEST MIFFLIN BORO 4733 GREEN SPRINGS AVENUE WEST MIFFLIN PA 15122	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$3,950,000 II: \$5,000,000 III: \$8,000,000 IIIB: \$750,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$17,700,000	PROJECT NO.: CS421919-01 PROJ. TYPE: STPMOD PS SS PROJECT RANKING: 223 NPDES NO. PA0026514				
NORTH COVENTRY MA 1485 EAST SCHUYLKILL RD POTTSTOWN PA 19464	COUNTY: CHESTER REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$2,560,000 III: \$0 IIIB: \$0	IVA: \$5,293,665 IVB: \$0 V: \$0 ELIG. COST: \$7,853,665	PROJECT NO.: CS421964-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 224 NPDES NO. PA0025437				
ABINGTON TWP P. O. BOX 462 DALTON PA 18414	COUNTY: LACKAWANNA REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$70,000 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$70,000	PROJECT NO.: CS421721-01 PROJ. TYPE: SS REH PROJECT RANKING: 225 NPDES NO.				
SYKESVILLE BORO 21 EAST MAIN STREET SYKESVILLE PA 15865	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$1,375,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$4,125,000 IVB: \$0 V: \$0 ELIG. COST: \$5,500,000	PROJECT NO.: CS421589-01 PROJ. TYPE: STP,SS,PS PROJECT RANKING: 226 NPDES NO.				
SNYDER TWP P. O. BOX 39 BROCKWAY PA 15829	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,229,710 IVB: \$0 V: \$0 ELIG. COST: \$2,229,710	PROJECT NO.: CS421911-01 PROJ. TYPE: SS PROJECT RANKING: 227 NPDES NO.				
CORSICA BORO P. O. BOX 176 CORSICA PA 15829	COUNTY: JEFFERSON REGION: NW HARDSHIP ELIG.?: YES	I: \$360,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$865,000 IVB: \$0 V: \$0 ELIG. COST: \$1,225,000	PROJECT NO.: CS421886-01 PROJ. TYPE: STP,PS,SS PROJECT RANKING: 228 NPDES NO.				
WEST MEAD TWP A R. D. 10 BOX 74 MEADVILLE PA 16335	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$3,205,177 III: \$0 IIIB: \$447,000	IVA: \$0 IVB: \$2,028,381 V: \$0 ELIG. COST: \$5,680,558	PROJECT NO.: CS421548-01 PROJ. TYPE: SS, PS PROJECT RANKING: 229 NPDES NO. PA0020991				
SOUTH LONDONDERRY TWP SUPR CENTER & WEST MARKET STREETS CAMPBELLTON PA 17010	COUNTY: LEBANON REGION: SC HARDSHIP ELIG.?: NO	I: \$1,000,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,600,000 IVB: \$0 V: \$0 ELIG. COST: \$3,600,000	PROJECT NO.: CS421921-01 PROJ. TYPE: STPMOD SS PROJECT RANKING: 230 NPDES NO. PA0080551				
RALPHO TWP SUPR 30 SOUTH MARKET STREET ELYSBURG PA 17824	COUNTY: NORTHUMBERLAND REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,293,827 IVB: \$0 V: \$0 ELIG. COST: \$1,293,827	PROJECT NO.: CS422019-01 PROJ. TYPE: SS PROJECT RANKING: 231 NPDES NO. PA0028738				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION		
MOUNT UNION MA P. O. BOX 90 9 W MARKET STREET MOUNT UNION PA 17066	COUNTY: HUNTINGDON REGION: SC HARDSHIP ELIG.?: YES	I: \$8,800,00 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$8,800,000	PROJECT NO.: CS421867-01 PROJ. TYPE: STPMOD PROJECT RANKING: 232 NPDES NO.					
NESHANNOCK TWP 3131 MERCER ROAD NEW CASTLE PA 16105	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$788,750	IVA: \$4,325,602 IVB: \$3,148,438 V: \$0 ELIG. COST: \$8,262,790	PROJECT NO.: CS421916-01 PROJ. TYPE: INT SS PS PROJECT RANKING: 233 NPDES NO.					
OLD LYCOMING TWP A (LYCOMING TWP) 1951 GREEN AVE WILLIAMSPORT PA 17701	COUNTY: LYCOMING REGION: NC HARDSHIP ELIG.?: NO	I: \$390,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,535,000 IVB: \$975,000 V: \$0 ELIG. COST: \$3,900,000	PROJECT NO.: CS421765-01 PROJ. TYPE: SS,INT PROJECT RANKING: 234 NPDES NO. PA0027057					
DERRY TWP SSA MILL STREET BOX N YEAGERTOWN PA 17099	COUNTY: MIFFLIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,083,000 IVB: \$850,000 V: \$0 ELIG. COST: \$1,933,000	PROJECT NO.: CS420343-02 PROJ. TYPE: SS,INT PROJECT RANKING: 235 NPDES NO.					
GREATER POTTSVILLE AREA SA P. O. BOX 1163 POTTSVILLE PA 17901	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$4,000,000 II: \$0 III: \$10,000,000 IIIB: \$0	IVA: \$0 IVB: \$3,000,000 V: \$1,000,000 ELIG. COST: \$18,000,000	PROJECT NO.: CS422037-01 PROJ. TYPE: STPMOD,SS,INT PROJECT RANKING: 236 NPDES NO. PA0043885					
COOPER TWP MA P. O. BOX 446 WINBURNE PA 16879	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$1,638,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$7,753,492 IVB: \$0 V: \$0 ELIG. COST: \$9,391,492	PROJECT NO.: CS421802-01 PROJ. TYPE: STP,PS,INT,SS PROJECT RANKING: 237 NPDES NO.					
CHARLESTON TWP SUPR R. D. 2 BOX 226 WELLSBORO PA 16901	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$6,804,057 IVB: \$115,500 V: \$0 ELIG. COST: \$6,919,557	PROJECT NO.: CS421800-01 PROJ. TYPE: INT,SS PROJECT RANKING: 238 NPDES NO. PA0021687					
BOGGS TWP P. O. BOX 69 WEST DECATUR PA 16878	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$647,929 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,695,586 IVB: \$347,885 V: \$0 ELIG. COST: \$3,691,400	PROJECT NO.: CS421883-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 239 NPDES NO.					
NESCOPECK BORO 501 RABER AVE NESCOPECK PA 18635	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: YES	I: \$2,036,900 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,265,093 IVB: \$0 V: \$0 ELIG. COST: \$3,301,993	PROJECT NO.: CS421748-01 PROJ. TYPE: STPMOD SS PROJECT RANKING: 240 NPDES NO. PA0020745					
DECATUR TWP R. R. #1 BOX 527 OSCEOLA MILLS PA 16666	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,517,360 IVB: \$444,240 V: \$0 ELIG. COST: \$2,961,600	PROJECT NO.: CS421857-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 241 NPDES NO. PA0037966					
DUDLEY BORO OLD RECTORY BOX 207 DUDLEY PA 16634	COUNTY: HUNTINGDON REGION: SC HARDSHIP ELIG.?: YES	I: \$0 II: \$366,970 III: \$0 IIIB: \$0	IVA: \$1,119,380 IVB: \$125,000 V: \$0 ELIG. COST: \$1,611,350	PROJECT NO.: CS421581-01 PROJ. TYPE: STP,SS,PS PROJECT RANKING: 242 NPDES NO. PA0084883					
CONYNGHAM BORO A P. O. BOX 469 CONYNGHAM PA 18219	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$19,000	IVA: \$81,000 IVB: \$1,145,000 V: \$298,000 ELIG. COST: \$1,543,000	PROJECT NO.: CS421625-01 PROJ. TYPE: STP MOD, SS RE PROJECT RANKING: 243 NPDES NO. PA0042048					

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
GLEN HOPE BORO P. O. BOX 53 GLEN HOPE PA 16645	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$217,100 II: \$0 III: \$0 IIIB: \$0	IVA: \$881,470 IVB: \$0 V: \$0 ELIG. COST: \$1,098,570	PROJECT NO.: CS421983-01 PROJ. TYPE: STP SS PROJECT RANKING: 244 NPDES NO.				
SHADE-CENTRAL CITY JA 429 SUNSHINE AVENUE CENTRAL CITY PA 15926	COUNTY: SOMERSET REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$740,000	IVA: \$160,000 IVB: \$0 V: \$0 ELIG. COST: \$900,000	PROJECT NO.: CS421975-01 PROJ. TYPE: SS SEWER REH PROJECT RANKING: 245 NPDES NO.				
N EAST BORO 58 EAST MAIN STREET NORTH EAST PA 16428	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$4,466,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,466,000	PROJECT NO.: CS421913-01 PROJ. TYPE: STP MOD PROJECT RANKING: 246 NPDES NO. PA0023043				
CHAMBERSBURG BORO 100 SOUTH SECOND STREET CHAMBERSBURG PA 17201	COUNTY: FRANKLIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$17,900,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$17,900,000	PROJECT NO.: CS421920-01 PROJ. TYPE: STPMOD PROJECT RANKING: 247 NPDES NO. PA0026051				
TEXAS TWP MA WILLOW AVENUE HONESDALE PA 18431	COUNTY: WAYNE REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$600,000 IVB: \$800,000 V: \$0 ELIG. COST: \$1,400,000	PROJECT NO.: CS422038-01 PROJ. TYPE: SS,INT,PS PROJECT RANKING: 248 NPDES NO.				
SHICKSHINNY BORO SSA P. O. BOX 62 SHICKSHINNY PA 18655	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: YES	I: \$213,200 II: \$0 III: \$0 IIIB: \$319,800	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$533,000	PROJECT NO.: CS421873-01 PROJ. TYPE: STP SSREHAB PROJECT RANKING: 249 NPDES NO. PA0060135				
LAKEVIEW JMA P. O. BOX 248 SANDY LAKE PA 16145	COUNTY: MERCER REGION: NW HARDSHIP ELIG.?: NO	I: \$2,300,000 II: \$965,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$3,265,000	PROJECT NO.: CS421553-01 PROJ. TYPE: STPMOD PROJECT RANKING: 250 NPDES NO. PA0022373				
EXETER TWP R. D. 1 BOX 191 PITTSTON PA 18643	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: YES	I: \$1,092,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,128,000 IVB: \$574,000 V: \$0 ELIG. COST: \$2,794,000	PROJECT NO.: CS421727-01 PROJ. TYPE: SS,PS,INT PROJECT RANKING: 251 NPDES NO.				
SMETHPORT BORO A 412 WEST WATER STREET SMETHPORT PA 16749	COUNTY: MCKEAN REGION: NW HARDSHIP ELIG.?: YES	I: \$2,400,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$2,400,000	PROJECT NO.: CS421879-01 PROJ. TYPE: STP MOD PROJECT RANKING: 252 NPDES NO.				
DUBOIS CITY P. O. BOX 408 16 W SCRIBNER AVE DUBOIS PA 15801	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: NO	I: \$753,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$753,000	PROJECT NO.: CS421874-01 PROJ. TYPE: STPMOD PROJECT RANKING: 253 NPDES NO. PA0027375				
CRANBERRY TWP MS&WA 2525 ROCHESTER RD SUITE 700 CRANBERRY TWP PA 16066	COUNTY: BUTLER REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$20,000,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$20,000,000	PROJECT NO.: CS421917-01 PROJ. TYPE: STPMOD PROJECT RANKING: 254 NPDES NO. PA0024571				
SOUTH HANOVER TWP 111 W THIRD HERSHEY PA 17033	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,986,000 IVB: \$2,063,000 V: \$0 ELIG. COST: \$5,049,000	PROJECT NO.: CS421001-02 PROJ. TYPE: INT,SS,PS PROJECT RANKING: 255 NPDES NO.				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
MCKEAN TWP S A P. O. BOX 88 MCKEAN	PA 16426	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$1,772,000 III: \$0 IIIB: \$0	IVA: \$2,110,525 IVB: \$0 V: \$0 ELIG. COST: \$3,882,525	PROJECT NO.: CS421822-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 256 NPDES NO.			
BETHANY BORO R. D. 3 BOX 790 HONESDALE	PA 18431	COUNTY: WAYNE REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,200,000 IVB: \$1,000,000 V: \$0 ELIG. COST: \$2,200,000	PROJECT NO.: CS421741-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 257 NPDES NO.			
LEMON TWP (LAKE CAREY AREA) R. D. 1 BOX 410 TUNKHANNOCK	PA 18657	COUNTY: WYOMING REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$900,000 III: \$0 IIIB: \$0	IVA: \$1,000,000 IVB: \$200,000 V: \$0 ELIG. COST: \$2,100,000	PROJECT NO.: CS421746-01 PROJ. TYPE: STP SS INT PROJECT RANKING: 258 NPDES NO.			
SMITHFIELD TWP SUPR R. D. 1 BOX 49 MILAN	PA 18831	COUNTY: BRADFORD REGION: NC HARDSHIP ELIG.?: NO	I: \$647,000 II: \$132,000 III: \$0 IIIB: \$0	IVA: \$1,018,000 IVB: \$238,000 V: \$0 ELIG. COST: \$2,035,000	PROJECT NO.: CS421927-01 PROJ. TYPE: STP INT PS SS PROJECT RANKING: 259 NPDES NO.			
SADSBURY TWP SA 1077 WHITE OAK ROAD CHRISTIANA	PA 17509	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$469,000 III: \$0 IIIB: \$0	IVA: \$1,190,400 IVB: \$0 V: \$0 ELIG. COST: \$1,659,400	PROJECT NO.: CS421717-01 PROJ. TYPE: STP SS PROJECT RANKING: 260 NPDES NO. PA0083381			
NICHOLSON BORO NICHOLSON MUN BLDG NICHOLSON	PA 18446	COUNTY: WYOMING REGION: NE HARDSHIP ELIG.?: YES	I: \$614,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$596,000 IVB: \$151,000 V: \$0 ELIG. COST: \$1,361,000	PROJECT NO.: CS421669-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 261 NPDES NO.			
MCKEAN TWP P. O. BOX 62 MCKEAN	PA 16426	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$483,400 III: \$0 IIIB: \$0	IVA: \$515,220 IVB: \$0 V: \$0 ELIG. COST: \$998,620	PROJECT NO.: CS421816-01 PROJ. TYPE: STPMOD, SS PROJECT RANKING: 262 NPDES NO.			
PENN TWP R. D. 1 BOX 15 COBURN	PA 16832	COUNTY: CENTRE REGION: NC HARDSHIP ELIG.?: NO	I: \$210,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$776,600 IVB: \$0 V: \$0 ELIG. COST: \$986,600	PROJECT NO.: CS421985-01 PROJ. TYPE: STP SS PROJECT RANKING: 263 NPDES NO.			
DYBERRY TWP BOX 1265 R. D. 1 HONESDALE	PA 18431	COUNTY: WAYNE REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$195,000 IVB: \$631,000 V: \$0 ELIG. COST: \$826,000	PROJECT NO.: CS421743-01 PROJ. TYPE: SS,INT PROJECT RANKING: 264 NPDES NO.			
FRANKLIN TWP SUPR R. D. 2 BOX 311 MIDDLEBURG	PA 17842	COUNTY: SNYDER REGION: NC HARDSHIP ELIG.?: NO	I: \$142,750 II: \$0 III: \$0 IIIB: \$0	IVA: \$410,700 IVB: \$64,050 V: \$0 ELIG. COST: \$617,500	PROJECT NO.: CS422015-01 PROJ. TYPE: STP PS SS PROJECT RANKING: 265 NPDES NO.			
HANOVER TWP 3630 JACKSONVILLE RD BETHLEHEM	PA 18017	COUNTY: NORTHAMPTON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$804,174 IVB: \$0 V: \$0 ELIG. COST: \$804,174	PROJECT NO.: CS421728-01 PROJ. TYPE: SS PROJECT RANKING: 266 NPDES NO.			
TITUSVILLE CITY 107 NORTH FRANKLIN TITUSVILLE	PA 16354	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$7,230,000 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$7,230,000	PROJECT NO.: CS421997-01 PROJ. TYPE: I/I CSO PROJECT RANKING: 267 NPDES NO.			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
FREELAND BORO P. O. BOX 117 FREELAND	PA 18224	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$2,574,000 II: \$422,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0	ELIG. COST: \$2,996,000	PROJECT NO.: CS421682-01 PROJ. TYPE: STP MOD PROJECT RANKING: 268 NPDES NO. PA0024716		
DUQUESNE CITY 12 S SECOND STREET DUQUESNE	PA 15110	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$900,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0	ELIG. COST: \$900,000	PROJECT NO.: CS421756-01 PROJ. TYPE: STPMOD PROJECT RANKING: 269 NPDES NO. PA0026981		
SOMERSET BORO MA 340 WEST UNION STREET SOMERSET	PA 15501	COUNTY: SOMERSET REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$813,750 V: \$0	ELIG. COST: \$813,750	PROJECT NO.: CS421862-01 PROJ. TYPE: INT PS PROJECT RANKING: 270 NPDES NO.		
SUGARLOAF TWP P. O. BOX 61 SYBERTSVILLE	PA 18251	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,206,777 IVB: \$213,000 V: \$0	ELIG. COST: \$1,419,777	PROJECT NO.: CS421640-01 PROJ. TYPE: SS INT PS PROJECT RANKING: 271 NPDES NO.		
BUTLER TWP SUPR R. D. 3 BOX 796B DRUMS	PA 18222	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$322,601 IVB: \$0 V: \$0	ELIG. COST: \$322,601	PROJECT NO.: CS421884-01 PROJ. TYPE: SS PROJECT RANKING: 272 NPDES NO.		
TUNKHANNOCK TWP R. D. 2 BOX 233A TUNKHANNOCK	PA 18657	COUNTY: WYOMING REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,000,000 IVB: \$0 V: \$0	ELIG. COST: \$2,000,000	PROJECT NO.: CS421945-01 PROJ. TYPE: SS PS PROJECT RANKING: 273 NPDES NO.		
SMITHFIELD TWP SA P. O. BOX 1067 MARSHALLS CREEK	PA 18335	COUNTY: MONROE REGION: NE HARDSHIP ELIG.?: NO	I: \$750,000 II: \$150,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0	ELIG. COST: \$900,000	PROJECT NO.: CS421737-01 PROJ. TYPE: STPMOD PROJECT RANKING: 274 NPDES NO.		
CONNEAUT LAKE JMA P. O. BOX 271 CONNEAUT LAKE	PA 16316	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$294,000 V: \$0	ELIG. COST: \$294,000	PROJECT NO.: CS422036-01 PROJ. TYPE: PS PROJECT RANKING: 275 NPDES NO.		
LAWRENCE TWP P. O. BOX 508 CLEARFIELD	PA 16830	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$2,621,050 IIIB: \$0	IVA: \$509,000 IVB: \$0 V: \$0	ELIG. COST: \$3,130,050	PROJECT NO.: CS421984-01 PROJ. TYPE: INT SS PROJECT RANKING: 276 NPDES NO. PA0026310		
FOREST HILLS MA (SOUTHFORK) BOX 111 SOUTH FORK	PA 15956	COUNTY: CAMBRIA REGION: SW HARDSHIP ELIG.?: NO	I: \$3,930,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$4,912,500 IVB: \$10,807,500 V: \$0	ELIG. COST: \$19,650,000	PROJECT NO.: CS421499-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 277 NPDES NO.		
GRTR POTTSVILLE AREA SA P. O. BOX 1163 POTTSVILLE	PA 17901	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: NO	I: \$3,787,797 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$22,078	ELIG. COST: \$3,809,875	PROJECT NO.: CS422041-01 PROJ. TYPE: STPMOD PROJECT RANKING: 278 NPDES NO.		
COALDALE SA 6 COAL STREET LANSFORD	PA 18232	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: YES	I: \$1,000,000 II: \$0 III: \$0 IIIB: \$1,000,000	IVA: \$0 IVB: \$0 V: \$1,000,000	ELIG. COST: \$3,000,000	PROJECT NO.: CS421885-01 PROJ. TYPE: STPMOD SS RE PROJECT RANKING: 279 NPDES NO. PA0026476		

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
RUSH TWP (HOMETOWN AREA) P. O. BOX 1326 TAMAQUA	PA 18252	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$105,000 IIIB: \$260,000	IVA: \$1,500,000 IVB: \$500,000 V: \$0 ELIG. COST: \$2,365,000		PROJECT NO.: CS421637-01 PROJ. TYPE: SS INT SSREHAB PROJECT RANKING: 280 NPDES NO.		
SMITHFIELD SA P. O. BOX 1067 MARSHALLS CREEK	PA 18335	COUNTY: MONROE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,455,000 IVB: \$1,145,000 V: \$0 ELIG. COST: \$2,600,000		PROJECT NO.: CS421970-01 PROJ. TYPE: SS PROJECT RANKING: 281 NPDES NO.		
WASHINGTON TWP SWA 11800 EDINBORO RD EDINBORO	PA 16412	COUNTY: ERIE REGION: NW HARDSHIP ELIG.?: NO	I: \$830,000 II: \$0 III: \$0 IIIB: \$864,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,694,000		PROJECT NO.: CS422042-01 PROJ. TYPE: STPMOD, SSREH PROJECT RANKING: 282 NPDES NO.		
HARVEYS LAKE BORO MA P. O. BOX 53 HARVEYS LAKE	PA 18618	COUNTY: LUZERNE REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$3,000,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$3,000,000		PROJECT NO.: CS421730-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 283 NPDES NO.		
SOUTHWEST DEL CO MA (BALDWIN RN) P. O. BOX 2466 ASTON	PA 19014	COUNTY: DELAWARE REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$1,134,579 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,134,579		PROJECT NO.: CS421897-01 PROJ. TYPE: SS INT REHAB PROJECT RANKING: 284 NPDES NO.		
ALBURTIS BOROUGH 260 FRANKLIN ST ALBURTIS	PA 18011	COUNTY: LEHIGH REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$170,000 IVB: \$0 V: \$0 ELIG. COST: \$170,000		PROJECT NO.: CS421722-01 PROJ. TYPE: SS PROJECT RANKING: 285 NPDES NO.		
NEW CASTLE SA 110 E WASHINGTON ST NEW CASTLE	PA 16101	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$11,449,306 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$11,449,306		PROJECT NO.: CS421823-02 PROJ. TYPE: STPMOD PROJECT RANKING: 286 NPDES NO. PA0027511		
NEW CASTLE SA 110 E WASHINGTON ST NEW CASTLE	PA 16101	COUNTY: LAWRENCE REGION: NW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$5,000,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$5,000,000		PROJECT NO.: CS421823-01 PROJ. TYPE: SSREHAB, INT PROJECT RANKING: 287 NPDES NO.		
RICHFIELD AREA JA P. O. BOX 204 RICHFIELD	PA 17066	COUNTY: JUNIATA & SNYD REGION: SC HARDSHIP ELIG.?: YES	I: \$0 II: \$1,178,500 III: \$0 IIIB: \$0	IVA: \$3,535,500 IVB: \$0 V: \$0 ELIG. COST: \$4,714,000		PROJECT NO.: CS421703-01 PROJ. TYPE: STP, PS, SS PROJECT RANKING: 288 NPDES NO.		
ST PETERSBURG BORO (FOXBURG AREA) P. O. BOX 101 ST PETERSBURG	PA 16054	COUNTY: CLARION REGION: NW HARDSHIP ELIG.?: YES	I: \$338,000 II: \$130,000 III: \$0 IIIB: \$0	IVA: \$1,444,170 IVB: \$0 V: \$0 ELIG. COST: \$1,912,170		PROJECT NO.: CS421902-01 PROJ. TYPE: STP PROJECT RANKING: 289 NPDES NO.		
WARMINSTER TWP MA 415 GIBSON AVE WARMINSTER	PA 18974	COUNTY: BUCKS REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$410,625	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$410,625		PROJECT NO.: CS421881-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 290 NPDES NO.		
SPRINGFIELD TWP SA R. R. 2 BOX 206 SEVEN VALLEYS	PA 17360	COUNTY: YORK REGION: SC HARDSHIP ELIG.?: NO	I: \$4,676,433 II: \$0 III: \$0 IIIB: \$0	IVA: \$4,059,524 IVB: \$1,958,905 V: \$0 ELIG. COST: \$10,694,862		PROJECT NO.: CS421967-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 291 NPDES NO.		

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
BETHEL TWP DELAWARE CO SA 1082 BETHEL ROAD BOOTHWYN PA 19601	COUNTY: DELAWARE REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,386,000 IVB: \$0 V: \$0 ELIG. COST: \$1,386,000	PROJECT NO.: CS421899-01 PROJ. TYPE: SS PROJECT RANKING: 292 NPDES NO.				
SOUTHERN DELAWARE COUNTY AUTH 101 BEECH STREET BOOTHWYN PA 19061	COUNTY: DELAWARE REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$1,245,410 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,245,410	PROJECT NO.: CS422035-01 PROJ. TYPE: I/I REHAB PROJECT RANKING: 293 NPDES NO.				
SOUTHERN DELAWARE CO A 101 BEECH STREET BOOTHWYN PA 19061	COUNTY: DELAWARE REGION: SE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$884,117 IVB: \$0 V: \$0 ELIG. COST: \$884,117	PROJECT NO.: CS421868-01 PROJ. TYPE: SS PROJECT RANKING: 294 NPDES NO.				
BROKENSTRAW VALLEY AREA A BOX 155 ROUSE AVE YOUNGSVILLE PA 16371	COUNTY: WARREN REGION: NW HARDSHIP ELIG.?: YES	I: \$2,383,493 II: \$0 III: \$0 IIIB: \$0	IVA: \$7,408,907 IVB: \$3,990,000 V: \$0 ELIG. COST: \$13,782,400	PROJECT NO.: CS421820-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 295 NPDES NO.				
PARKER CITY SA P. O. BOX 323 PARKER PA 16049	COUNTY: ARMSTRONG REGION: SW HARDSHIP ELIG.?: YES	I: \$0 II: \$3,153,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$3,153,000	PROJECT NO.: CS421475-01 PROJ. TYPE: STP MOD PROJECT RANKING: 296 NPDES NO. PA0034851				
GRATZ BORO P. O. BOX 305 GRATZ PA 17030	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$961,000 II: \$412,000 III: \$0 IIIB: \$0	IVA: \$1,069,000 IVB: \$231,000 V: \$0 ELIG. COST: \$2,673,000	PROJECT NO.: CS421696-01 PROJ. TYPE: STP, SS PROJECT RANKING: 297 NPDES NO.				
UNION TWP R. R. 1 BOX 598 PORT TREVORTON PA 17864	COUNTY: SNYDER REGION: NC HARDSHIP ELIG.?: NO	I: \$771,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,570,000 IVB: \$207,000 V: \$0 ELIG. COST: \$2,548,000	PROJECT NO.: CS421977-01 PROJ. TYPE: STP PS INT SS PROJECT RANKING: 298 NPDES NO.				
RICES LANDING BORO P. O. BOX 185 100 WATER ST RICES LANDING PA 15357	COUNTY: GREENE REGION: SW HARDSHIP ELIG.?: YES	I: \$360,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,800,000 IVB: \$240,000 V: \$0 ELIG. COST: \$2,400,000	PROJECT NO.: CS422013-01 PROJ. TYPE: SS, PS, STP PROJECT RANKING: 299 NPDES NO.				
LERAYSVILLE BORO COUNCIL EAST STREET LERAYSVILLE PA 18829	COUNTY: BRADFORD REGION: NC HARDSHIP ELIG.?: NO	I: \$797,500 II: \$0 III: \$0 IIIB: \$0	IVA: \$895,457 IVB: \$145,623 V: \$0 ELIG. COST: \$1,838,580	PROJECT NO.: CS421807-01 PROJ. TYPE: STP, INT, SS PROJECT RANKING: 300 NPDES NO.				
TURBOT TWP SUPR R. D. 3 BOX 774 MILTON PA 17847	COUNTY: NORTHUMBERLAND REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,523,705 IVB: \$124,595 V: \$0 ELIG. COST: \$1,648,300	PROJECT NO.: CS421811-01 PROJ. TYPE: INT, SS PROJECT RANKING: 301 NPDES NO. PA0020273				
WEST CHILLISQUAQUE TWP P. O. BOX 252 MONTANDON PA 17850	COUNTY: NORTHUMBERLAND REGION: NC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,254,732 IVB: \$253,000 V: \$0 ELIG. COST: \$1,507,732	PROJECT NO.: CS421978-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 302 NPDES NO. PA0020273				
SAEGERTOWN AREA SA P. O. BOX 334 SAEGERTOWN PA 16433	COUNTY: CRAWFORD REGION: NW HARDSHIP ELIG.?: YES	I: \$1,400,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,400,000	PROJECT NO.: CS421994-01 PROJ. TYPE: STP MOD PROJECT RANKING: 303 NPDES NO.				

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
WEISSPORT MA 406 WHITE STREET WEISSPORT	PA 18235	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$1,100,000 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,100,000	PROJECT NO.: CS421904-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 304 NPDES NO.			
DRAVOSBURG BORO P. O. BOX 37 DRAVOSBURG	PA 15034	COUNTY: ALLEGHENY REGION: SW HARDSHIP ELIG.?: NO	I: \$769,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$769,000	PROJECT NO.: CS421485-01 PROJ. TYPE: STPMOD PROJECT RANKING: 305 NPDES NO. PA0028401			
LIBERTY TWP SUPR R. D. 1 BOX 193 DANVILLE	PA 17821	COUNTY: MONTOUR REGION: NC HARDSHIP ELIG.?: NO	I: \$215,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$433,000 IVB: \$0 V: \$0 ELIG. COST: \$648,000	PROJECT NO.: CS421928-01 PROJ. TYPE: STP SS PROJECT RANKING: 306 NPDES NO.			
GIRARD TWP SUPR R. R. 1 BOX 394 FRENCHVILLE	PA 16836	COUNTY: CLEARFIELD REGION: NC HARDSHIP ELIG.?: YES	I: \$300,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$650,000 IVB: \$50,000 V: \$0 ELIG. COST: \$1,000,000	PROJECT NO.: CS421890-01 PROJ. TYPE: STP INT SS PROJECT RANKING: 307 NPDES NO.			
SUMMIT HILL BORO 114 WEST LUDLOW STREET SUMMIT HILL	PA 18250	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$500,000 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$500,000	PROJECT NO.: CS421907-01 PROJ. TYPE: SS REHAB PROJECT RANKING: 308 NPDES NO.			
MILTON M A TWO FILBERT ST P. O. BOX 150 MILTON	PA 17847	COUNTY: NORTHUMBERLAND REGION: NC HARDSHIP ELIG.?: NO	I: \$4,635,325 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,635,325	PROJECT NO.: CS421809-01 PROJ. TYPE: STPMOD PROJECT RANKING: 309 NPDES NO. PA0020273			
LACKAWANNA RIV. BASIN SA (MOOSIC) P. O. BOX 9068 DICKSON CITY	PA 18519	COUNTY: LACKAWANNA REGION: NE HARDSHIP ELIG.?: NO	I: \$2,700,000 II: \$0 III: \$200,000 IIIB: \$300,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$3,200,000	PROJECT NO.: CS422018-01 PROJ. TYPE: STPMOD SSREH PROJECT RANKING: 310 NPDES NO. PA0027065			
WASHINGTON TWP SUPR 1390 FAYETTE AVE BELLE VERNON	PA 15012	COUNTY: FAYETTE REGION: SW HARDSHIP ELIG.?: NO	I: \$3,154,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$7,605,000 IVB: \$675,000 V: \$0 ELIG. COST: \$11,434,000	PROJECT NO.: CS421502-01 PROJ. TYPE: STP MOD,INT,SS PROJECT RANKING: 311 NPDES NO. PA0020702			
BERN TWP R. D. 9 BOX 9276 READING	PA 19605	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$2,750,000 V: \$0 ELIG. COST: \$2,750,000	PROJECT NO.: CS421792-01 PROJ. TYPE: SS,PS,INT PROJECT RANKING: 312 NPDES NO.			
HARMONY TWP 2501 WOODLAND ROAD AMBRIDGE	PA 15003	COUNTY: BEAVER REGION: SW HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$1,800,000 IVB: \$0 V: \$0 ELIG. COST: \$1,800,000	PROJECT NO.: CS421861-01 PROJ. TYPE: SS PROJECT RANKING: 313 NPDES NO.			
BEECH CREEK BORO P. O. BOX 216 BEECH CREEK	PA 16822	COUNTY: CLINTON REGION: NC HARDSHIP ELIG.?: YES	I: \$1,004,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$665,100 IVB: \$210,000 V: \$0 ELIG. COST: \$1,879,100	PROJECT NO.: CS421937-01 PROJ. TYPE: STPMOD SS INT PROJECT RANKING: 314 NPDES NO. PA0024538			
UPPER STONYCREEK JMA P. O. BOX 24 HOOVERSVILLE	PA 15936	COUNTY: SOMERSET REGION: SW HARDSHIP ELIG.?: YES	I: \$1,400,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,400,000	PROJECT NO.: CS421863-01 PROJ. TYPE: STP MOD PROJECT RANKING: 315 NPDES NO. PA0042561			

APPLICANT INFORMATION			NEEDS CATEGORIES				PROJECT INFORMATION	
HAMILTON TWP SUPR (BLOSSBURG) P. O. BOX 212 MORRIS RUN PA 16939	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: YES	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$337,658 IVB: \$0 V: \$0 ELIG. COST: \$337,658	PROJECT NO.: CS421804-01 PROJ. TYPE: SS PROJECT RANKING: 316 NPDES NO.				
HARRISBURG A ONE KEYSTONE PLAZA SUITE 104 HARRISBURG PA 17101	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$7,502,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$7,502,000	PROJECT NO.: CS421851-01 PROJ. TYPE: INCINERATOR PROJECT RANKING: 317 NPDES NO.				
HARRISBURG A ONE KEYSTONE PLAZA SUITE 104 HARRISBURG PA 17101	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$1,893,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,893,000	PROJECT NO.: CS421851-01 PROJ. TYPE: SS CSO INT PROJECT RANKING: 318 NPDES NO.				
MANSFIELD BORO MA 19 EAST WELLSBORO ST MANSFIELD PA 16933	COUNTY: TIOGA REGION: NC HARDSHIP ELIG.?: NO	I: \$5,265,488 II: \$0 III: \$573,205 IIIB: \$0	IVA: \$5,925,475 IVB: \$410,575 V: \$0 ELIG. COST: \$12,174,743	PROJECT NO.: CS421808-01 PROJ. TYPE: STPMOD,INT,SS PROJECT RANKING: 319 NPDES NO. PA0021814				
LANSFORD BORO P. O. BOX 126 LANSFORD PA 18232	COUNTY: CARBON REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$4,300,000	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$4,300,000	PROJECT NO.: CS421893-01 PROJ. TYPE: SS REHAB SS PROJECT RANKING: 320 NPDES NO.				
EAST HUNTINGDON TWP BOX 9 ALVERTON PA 15612	COUNTY: WESTMORELAND REGION: SW HARDSHIP ELIG.?: NO	I: \$890,000 II: \$0 III: \$0 IIIB: \$0	IVA: \$2,490,000 IVB: \$250,000 V: \$0 ELIG. COST: \$3,630,000	PROJECT NO.: CS421953-01 PROJ. TYPE: STP INT SS PS PROJECT RANKING: 321 NPDES NO.				
SCHUYLKILL CO MA 221 SOUTH CENTRE STREET POTTSVILLE PA 17901	COUNTY: SCHUYLKILL REGION: NE HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$283,000 IVB: \$716,000 V: \$0 ELIG. COST: \$999,000	PROJECT NO.: CS421965-01 PROJ. TYPE: PS INT SS PROJECT RANKING: 322 NPDES NO.				
EAST DONEGAL SA 190 ROCK POINT ROAD MARIETTA PA 17547	COUNTY: LANCASTER REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$573,500 IVB: \$0 V: \$0 ELIG. COST: \$573,500	PROJECT NO.: CS421775-01 PROJ. TYPE: SS PS PROJECT RANKING: 323 NPDES NO.				
READING CITY CITY HALL 815 WASHINGTON ST READING PA 19601	COUNTY: BERKS REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$7,000,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$7,000,000	PROJECT NO.: CS422022-01 PROJ. TYPE: STPMOD SSREH PROJECT RANKING: 324 NPDES NO.				
OXFORD TWP 766 OXFORD ROAD NEW OXFORD PA 17350	COUNTY: ADAMS REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$0 III: \$0 IIIB: \$0	IVA: \$5,000,000 IVB: \$0 V: \$0 ELIG. COST: \$5,000,000	PROJECT NO.: CS422025-01 PROJ. TYPE: SS PS PROJECT RANKING: 325 NPDES NO.				
ANTRIM TWP 15052 WINGERTON ROAD WAYNESBORO PA 17268	COUNTY: FRANKLIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$2,300,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$2,300,000	PROJECT NO.: CS422024-01 PROJ. TYPE: STPMOD PROJECT RANKING: 326				
ELIZABETHVILLE BOROUGH 16 W MAIN STREET ELIZABETHVILLE PA 17023	COUNTY: DAUPHIN REGION: SC HARDSHIP ELIG.?: NO	I: \$0 II: \$1,800,000 III: \$0 IIIB: \$0	IVA: \$0 IVB: \$0 V: \$0 ELIG. COST: \$1,800,000	PROJECT NO.: CS422023-01 PROJ. TYPE: STPMOD PROJECT RANKING: 327 NPDES NO.				

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

OLEY TWP	COUNTY: BERKS	I:	\$0	IVA:	\$0	PROJECT NO.:	CS422021-01
133 HUNTER ROAD	REGION: SC	II:	\$1,800,000	IVB:	\$0	PROJ. TYPE:	STPMOD
OLEY	PA 19547	HARDSHIP ELIG.?: NO	IIIA:	\$0	V:	PROJECT RANKING:	328
			IIIB:	\$0	ELIG. COST:	\$1,800,000	NPDES NO.

PENNSYLVANIA 42
(STATE) (NUMBER)

MARCH 31, 1998
(DATE)

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY
AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND

FINAL FY 1998 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
CLEAN WATER STATE REVOLVING FUND
FINAL FY 1998 INTENDED USE PLAN PROJECT LIST
MARCH 31, 1998**

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

ABBOTT TWP		I:	\$375,000	IVA:	\$812,500	PROJECT NO.:	CS421645-01
R. R. 1 BOX 75C		II:	\$62,500	IVB:	\$0	PROJ. TYPE:	STP INT SS
GALETON	PA 16922	IIIA:	\$0	V:	\$0	PROJECT RANKING:	23
REGION: NC	COUNTY: POTTER	IIIB:	\$0	ELIG. COST:	\$1,250,000	HARDSHIP ELIGIBLE:	YES
						NPDES NO.:	

APPLICANT INFORMATION			NEEDS CATEGORIES			PROJECT INFORMATION		
BIG BEAVER MA 114 FORREST DRIVE DARLINGTON REGION: SW	PA 16115 COUNTY: BEAVER	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$1,710,000 \$2,090,000 \$0 \$3,800,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421961-01 PS INT SS 13 YES	
CORSICA BORO P. O. BOX 176 CORSICA REGION: NW	PA 15829 COUNTY: JEFFERSON	I: II: IIIA: IIIB:	\$360,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$885,000 \$0 \$0 \$1,225,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421886-01 STP, PS, SS 228 YES	
FALLOWFIELD TWP MA P. O. BOX 55 CHARLEROI REGION: SW	PA 15022 COUNTY: WASHINGTON	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$4,700,000 \$2,000,000 \$0 \$6,700,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422000-01 INT SS PS 102 NO	
FALLS CREEK BORO MA 117 TAYLOR AVENUE FALLS CREEK REGION: NW	PA 15840 COUNTY: JEFFERSON	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$3,468,000 \$0 \$0 \$3,468,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421542-01 SS 25 YES	
FINDLAY TWP DRAWER W CLINTON REGION: SW	PA 15026 COUNTY: ALLEGHENY	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$207,222 \$0 \$0 \$207,222	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421974-01 SS 95 NO	
FRANKLIN TWP SUPR R. D. 2 BOX 311 MIDDLEBURG REGION: NC	PA 17842 COUNTY: SNYDER	I: II: IIIA: IIIB:	\$142,750 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$410,700 \$64,050 \$0 \$617,500	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422015-01 STP PS SS 265 NO	
GIRARD TWP SUPR R. R. 1 BOX 394 FRENCHVILLE REGION: NC	PA 16836 COUNTY: CLEARFIELD	I: II: IIIA: IIIB:	\$300,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$650,000 \$50,000 \$0 \$1,000,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421890-01 STP INT SS 307 YES	
GLASSPORT BORO FIFTH & MONONGAHELA AVE GLASSPORT REGION: SW	PA 15045 COUNTY: ALLEGHENY	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$1,419,000 \$0 \$0 \$1,419,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422005-01 PS SS 165 NO	
HAMILTON TWP SUPR (BLOSSBURG) P. O. BOX 215 MORRIS RUN REGION: NC	PA 18939 COUNTY: TIOGA	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$337,658 \$0 \$0 \$337,658	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421804-01 SS 316 YES	
HUSTON TWP SUPR P. O. BOX 38 PENFIELD REGION: NC	PA 15849 COUNTY: CLEARFIELD	I: II: IIIA: IIIB:	\$860,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$2,795,000 \$645,000 \$0 \$4,300,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421760-01 SS,STP,INT,PS 161 YES	

APPLICANT INFORMATION			NEEDS CATEGORIES			PROJECT INFORMATION		
JAY TWP SA P. O. BOX 186 WEEDVILLE REGION: NW	PA 15868 COUNTY: ELK	I: II: IIIA: IIIB:	\$298,935 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$1,524,945 \$0 \$0 \$1,823,890	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421976-01 STPMOD SS 41 YES PA0104141	
MAHONING TWO 2685 MAHONING DRIVE EAST LEHIGHTON REGION: NE	PA 18235 COUNTY: CARBON	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$3,515,000 \$185,000 \$0 \$3,700,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421668-01 SS PS INT 118 NO PA0062278	
NESCOPECK BORO 501 RABER AVE NESCOPECK REGION: NE	PA 18635 COUNTY: LUZERNE	I: II: IIIA: IIIB:	\$2,036,900 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$1,265,093 \$0 \$0 \$3,301,993	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421748-01 STPMOD SS 240 YES PA0020745	
NESHANNOCK TWP 3131 MERCER ROAD NEW CASTLE REGION: NW	PA 16105 COUNTY: LAWRENCE	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$788,750	IVA: IVB: V: ELIG. COST:	\$4,325,602 \$3,148,438 \$0 \$8,262,790	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421916-01 INT SS PS 233 NO NPDES NO.:	
OLD LYCOMING TWP A (LYCOMING) 1951 GREEN AVE WILLIAMSPORT REGION: NC	PA 17701 COUNTY: LYCOMING	I: II: IIIA: IIIB:	\$390,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$2,535,000 \$975,000 \$0 \$3,900,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421765-01 SS,INT 234 NO PA0027057	
RICES LANDING BORO P. O. BOX 165 100 WATER ST RICES LANDING REGION: SW	PA 15357 COUNTY: GREENE	I: II: IIIA: IIIB:	\$360,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$1,800,000 \$240,000 \$0 \$2,400,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS422013-01 SS,PS,STP 299 YES NPDES NO.:	
RICHFIELD AREA JA P. O. BOX 204 RICHFIELD REGION: SC	PA 17086 COUNTY: JUNIATA & SNYDER	I: II: IIIA: IIIB:	\$0 \$1,178,500 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$3,535,500 \$0 \$0 \$4,714,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421703-01 STP, PS, SS 288 YES NPDES NO.:	
SEWARD/ST CLAIR TWP SA R. D. 2 BOX 195 SEWARD REGION: SW	PA 15954 COUNTY: WESTMORELAND	I: II: IIIA: IIIB:	\$995,000 \$0 \$0 \$0	IVA: IVB: V: ELIG. COST:	\$2,437,000 \$350,000 \$0 \$3,782,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421966-01 STP PS INT SS 56 YES NPDES NO.:	
SHADE-CENTRAL CITY JA 429 SUNSHINE AVENUE CENTRAL CITY REGION: SW	PA 15926 COUNTY: SOMERSET	I: II: IIIA: IIIB:	\$0 \$0 \$0 \$740,000	IVA: IVB: V: ELIG. COST:	\$160,000 \$0 \$0 \$900,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421975-01 SS SEWER REHA 245 NO NPDES NO.:	
SHINGLEHOUSE BORO 40 HONEOYE STREET SHINGLEHOUSE REGION: NC	PA 16746 COUNTY: POTTER	I: II: IIIA: IIIB:	\$327,272 \$0 \$72,728 \$0	IVA: IVB: V: ELIG. COST:	\$0 \$0 \$0 \$400,000	PROJECT NO.: PROJ. TYPE: PROJECT RANKING: HARDSHIP ELIGIBLE: NPDES NO.:	CS421695-01 STP MOD I/I 211 NO PA5391403	

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

SMETHPORT BORO A
412 WEST WATER STREET
SMETHPORT
REGION: NW

PA 16749
COUNTY: MCKEAN

I: \$2,400,000
II: \$0
IIIA: \$0
IIIB: \$0

IVA: \$0
IVB: \$0
V: \$0
ELIG. COST: \$2,400,000

PROJECT NO.: CS421879-01
PROJ. TYPE: STP MOD
PROJECT RANKING: 252
HARDSHIP ELIGIBLE: YES
NPDES NO.:

SULLIVAN TWP SUPR
P. O. BOX 64
MAINESBURG
REGION: NC

PA 16932
COUNTY: TIOGA

I: \$272,821
II: \$55,879
IIIA: \$0
IIIB: \$0

IVA: \$447,500
IVB: \$0
V: \$0
ELIG. COST: \$776,200

PROJECT NO.: CS421936-01
PROJ. TYPE: STP SS
PROJECT RANKING: 96
HARDSHIP ELIGIBLE: YES
NPDES NO.:

SUMMERVILLE BORO
P. O. BOX 278
SUMMERVILLE
REGION: NW

PA 15864
COUNTY: JEFFERSON

I: \$683,000
II: \$0
IIIA: \$0
IIIB: \$0

IVA: \$1,805,000
IVB: \$0
V: \$0
ELIG. COST: \$2,488,000

PROJECT NO.: CS421912-01
PROJ. TYPE: STP SS PS
PROJECT RANKING: 187
HARDSHIP ELIGIBLE: YES
NPDES NO.:

SYKESVILLE BORO
21 EAST MAIN STREET
SYKESVILLE
REGION: NW

PA 15865
COUNTY: JEFFERSON

I: \$1,375,000
II: \$0
IIIA: \$0
IIIB: \$0

IVA: \$4,125,000
IVB: \$0
V: \$0
ELIG. COST: \$5,500,000

PROJECT NO.: CS421589-01
PROJ. TYPE: STP,SS,PS
PROJECT RANKING: 226
HARDSHIP ELIGIBLE: YES
NPDES NO.:

[Pa.B. Doc. No. 98-1340. Filed for public inspection August 14, 1998, 9:00 a.m.]

**Drinking Water State Revolving Fund Projects;
Federal FY 1998 and 1999 Project Priority List
and FY 1998 Intended Use Plan**

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have received approval from the Environmental Protection Agency (EPA) of the final combined fiscal year 1998 and 1999 drinking water program Project Priority List (PPL) and the final fiscal year 1998 Intended Use Plan (IUP) list of drinking water projects to be considered for a design and engineering or construction loan from funds Pennsylvania will receive from fiscal year 1998 funds approved by Congress to capitalize the Drinking Water State Revolving Fund (DWSRF) program. EPA has also approved the narrative portion of this IUP which includes a detailed workplan for use of the non-project, set-aside portion of Pennsylvania's Federal FY 1997 and 1998 DWSRF funding allotments.

A public hearing was held on October 22, 1997, for the purpose of receiving comments from the public regarding the combined FY 1998/99 DWSRF PPL and the FY 1998 IUP. Interested persons were invited to express their views on the priority rating or ranking of projects on the PPL and the IUP and the set-aside workplan at the public hearing. Comments were also received from EPA on the set-aside workplan and the eligibility of certain projects on the proposed PPL and IUP. A summary of the testimony received is available for review by any interested person by contacting the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply Management at the address listed at the end of this notice.

The projects to be considered for a loan from the DWSRF must meet the Federal requirements for funding in accordance with section 1452 of the Federal Safe Drinking Water Act. Accordingly, the projects included in the IUP are expected to meet the requirements applicable to use of the DWSRF loan funds. Projects listed on the FY 1998 IUP are expected to proceed with design and engineering or to construction in the near future. Other projects on the DWSRF Project Priority List are projects that are in development or will be developed for future loan consideration. Any project removed from an IUP is maintained on the Project Priority List unless otherwise completed.

The final combined FY 1998/99 DWSRF PPL and the final FY 1998 DWSRF IUP list of projects follow this notice. Copies of these lists, as well as the narrative portion of the DWSRF Intended Use Plan, are available

for public review in the offices listed at the end of this notice. In addition, based on new or additional information related to project ratings or other relevant factors, prior fiscal year IUP lists have been revised and are available by contacting these same offices.

DEP—Southeast Region:
Water Supply Manager
Lee Park, Suite 6010, 555 North Lane
Conshohocken, PA 19428
(610) 832-6059

DEP—Northeast Region:
Water Supply Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2511

DEP—Southcentral Region
Water Supply Manager
909 Elmerton Avenue, Harrisburg, PA 17110
(717) 705-4708

DEP—Northcentral Region
Water Supply Manager
Suite 101, 208 West 3rd Street, Williamsport, PA 17701
(717) 327-3675

DEP—Southwest Region:
Water Supply Manager
400 Waterfront Drive, Pittsburgh, PA 15222-4745
(412) 442-4217

DEP—Northwest Region:
Water Supply Manager
230 Chestnut Street, Meadville, PA 16335-3481
(814) 332-6899

DEP—Bureau of Water Supply Management, Division
of Municipal Financial Assistance,
Administrative Services Section
11th Floor, RCSOB, 400 Market Street,
Harrisburg, PA 17105
(717) 787-6744

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
DRINKING WATER STATE REVOLVING FUND
FY 1998-99 PROJECT PRIORITY LIST (IN PRIORITY ORDER)
June 5, 1998**

PROJECT TYPE:

- SRC—SOURCE
- TRANS—TRANSMISSION SYSTEM
- TREAT—WATER TREATMENT PLANT
- TREATMOD—WATER TREATMENT PLANT MODIFICATION
- WS—WATER STORAGE
- DS—DISTRIBUTION SYSTEM
- OTHER—ADMINISTRATIVE, LEGAL, FINANCIAL, ENGINEERING, PERMITS, CONTINGENCY, OR AS SPECIFIED

PENNSYLVANIA BULLETIN, VOL. 28, NO. 33, AUGUST 15, 1998

Rank	PWSID	Applicant Name	Project Type	County	Assistance\$	IUP Yr	Approved
1	3540041	SCHUYLKILL HAVEN BOROUGH	SRC, TRANS, TREAT	SCHUYLKILL	\$2,861,000	97	11/19/97
2	5630037	PA AMERICAN WATER COMPANY (INDEPENDENCE)	TREAT, DS	WASHINGTON	\$3,250,000	97	11/19/97
3	3130009	LEHIGHTON WATER AUTHORITY	SRC, TRANS, DS	CARBON	\$2,157,871	97	11/19/97
4	2660010	MESHOPPEN BORO WATER CO	TRANS, TREAT, WS, DS	WYOMING	\$885,515	97	11/19/97
5	4410180	LIMESTONE TWP (OVAL-ORIOLE)	SRC, TREAT, WS, DS	LYCOMING	\$501,650	97	11/19/97
6	4180062	CRAWFORD TWP WATER AUTH/RAUCHTOWN	SRC, TREAT, WS, DS	CLINTON	\$569,843	97	11/19/97
7	3130044	JIM THORPE MA	SRC, TREAT, WS, OTHER	CARBON	\$1,594,590	97	7/16/97
8	4440010	LEWISTOWN BOROUGH MA	SRC, TRANS, TREAT, WS	MIFFLIN	\$7,875,000	97	11/19/97
9	2400016	PARDEESVILLE WATER ASSOC	SRC, TREAT, WS, DS	LUZERNE	\$189,700	97	11/13/96
10	7270033	DRY RUN WATER ASSOCIATION	TREAT, DS	FRANKLIN	\$116,737	97	11/19/97
11	5040012	BEAVER FALLS MA	SRC, TREAT	BEAVER	\$2,514,475	98	3/25/98
12	5260028	PERRY TWP BOARD OF SUPERVISORS	DS	FAYETTE	\$396,515	97	7/16/97
13	3540038	SCHUYLKILL COUNTY MA (NEW BOSTON)	DS	SCHUYLKILL	\$549,000	97	3/26/97
14	6250022	EDINBORO WATER AUTH	TREAT	ERIE	\$425,000	97	3/26/97
15	7010019	GETTYSBURG MUNICIPAL AUTHORITY	TREAT, TRANS	ADAMS	\$3,942,500	98	3/25/98
16	4110040	CHARLEROI BOROUGH AUTH	WS, DS	WASHINGTON	\$412,645	97	11/19/97
17	3060059	READING AREA WATER AUTH	TREAT, WS, TRANS	BERKS	\$2,819,500	97	7/16/97
18	5320035	SALTSBURG BOROUGH	TRANS, WS	INDIANA	\$568,325	98	3/25/98
19	5650069	HIGHRIDGE WATER AUTH	DS	WESTMORELAND	\$1,470,100	97	11/19/97
20	2590036	KNOXVILLE BOROUGH	TRANS, WS	TIOGA	\$185,000	97	11/19/97
21	2450034	STROUDSBURG MUNICIPAL AUTHORITY (PV-01)	WS, TRANS, DS	MONROE	\$1,531,175	98	3/25/98
22	4110004	CARROLLTOWN BOROUGH MA (PART 1)	SRC, DS	CAMBRIA	\$576,250	97	11/19/97
23	4110004	CARROLLTOWN BOROUGH MA (PART 2)	SRC, DS	CAMBRIA	\$1,069,638	98	11/19/97
24	2450022	DELAWARE WATER GAP	SRC, TREAT, WS, DS	MONROE	\$738,000	97	3/26/97
25	4070022	WILLIAMSBURG WATER DEPT	WS, DS	BLAIR	\$4,200,000	97	11/13/96
26	3480086	EAST ALLEN TWP MA	SRC, TRANS, DS	NORTHAMPTON	\$527,000	97	11/13/96
27	4110043	EAST TAYLOR MA	TRANS, WS, DS	CAMBRIA	\$790,000	98	3/25/98
28	4110040	SAINT FRANCIS COLLEGE	TREAT, WS, DS	CAMBRIA	\$2,194,897	98	3/25/98

NOTICES

4047

Rank	PWSID	Applicant Name	Project Type	County	Assistance\$	IUP Yr	Approved
29	3480064	EASTON SUBURBAN WATER AUTHORITY	WS, DS, TRANS	NORTHAMPTON	\$1,395,000	98	3/25/98
30	5030006	MANOR TWP JMA (PV-02)	SRC, TRANS, WS, DS	ARMSTRONG	\$389,000	97	7/16/97
31	5260024	SOUTHWESTERN PA WATER AUTH	WS, DS	GREENE	\$3,320,312	97	3/26/97
32	2459999	PA AMERICAN WATER CO (PV-01)	TRANS, TREAT, WS, DS	MONROE	\$5,863,441	97	11/13/96
33	2459999	PA AMERICAN WATER CO (PV-02)	SRC, TRANS, DS	MONROE	\$3,000,000	97	11/13/96
34	6610023	OIL CITY	WS, DS	VENANGO	\$882,500	98	3/25/98
35	6160025	PA AMERICAN WATER CO	DS	CLARION	\$2,200,000	97	7/16/97
36	6200008	COCHRANTON BOROUGH/FRENCH CREEK JOINT MA	DS	CRAWFORD	\$268,000	98	3/25/98
37	5020034	WESTERN ALLEGHENY COUNTY MA	DS	ALLEGHENY	\$400,000	98	3/25/98
38	5100097	BUFFALO TWP MA	DS	BUTLER	\$244,556	98	
39	7380035	FREDERICKSBURG WATER & SEWER	SRC, TRANS, DS	LEBANON	\$631,042	98	3/26/97
40	5030006	MANOR TWP JMA (PV-01)	SRC, TRANS, WS, DS	ARMSTRONG	\$376,000		
41	1510001	PHILADELPHIA CITY (PART 1)	DS	PHILADELPHIA	\$3,508,164	98	3/25/98
42	6530007	ROULET WATER COMPANY	WS, DS	POTTER	\$303,295		
43	7010022	LITTLESTOWN BOROUGH	TREAT	ADAMS	\$678,650		
44	3060100	SHOEMAKERSVILLE BOROUGH	OTHER (DESIGN TREAT)	BERKS	\$150,000		
45	1090069	WARMINSTER TWP MA	WS, DS	BUCKS	\$1,486,500		
46	5260006	PLEASANT VALLEY WATER AUTH	DS	CAMBRIA	\$350,000		
47	4140108	AARONSBURG WATER PIPES INC		CENTRE	\$250,000		
48	4550006	ADAMS TWP/TROXELVILLE WATER		SNYDER			
49	4560028	ADDISON AREA WATER AUTHORITY	TREAT, DS	SOMERSET			
50	4110068	BEAVERDALE HEIGHTS WATER CO-OP		CAMBRIA	\$401,000		
51	4180035	BEECH CREEK BOROUGH AUTH	DS	CENTRE	\$250,000		
52	4140075	BELLEFONTE BOROUGH WATER AUTH	DS	CENTRE	\$2,500,000		
53	4140025	BENNER TWP WATER AUTH	SRC, TREAT, WS, DS	CENTRE	\$2,774,470		
54	4560029	BERLIN MUNICIPAL WATER AUTHORITY	SRC, TREAT	SOMERSET			
55	4560004	BISHOP'S MHP	WS, DS	SOMERSET			
56	4119997	BLACKLICK VALLEY (VINTONDALE)	TRANS, TREAT, DS	CAMBRIA	\$2,750,000		
57	4140101	BOGGS TWP WATER AUTH	SRC, WS, TREAT, DS	CENTRE	\$2,500,000		
58	3130021	BOWMANSTOWN BORO WATER WORKS		CARBON			
59	6330004	BROOKVILLE MA	TREAT	JEFFERSON	\$2,236,000		
60	None	BUSCH WATER ASSOC		CAMBRIA	\$140,000		
61	6200004	CAMBRIDGE SPRINGS BOROUGH	TREAT	CRAWFORD	\$150,000		
62	4140106	CEDAR HILL WATER CO	SRC	CENTRE	\$100,000		
63	4050025	CENTERVILLE	SRC, WS, DS	BEDFORD	\$771,000		
64	None	CENTRAL CITY AREA (PROPOSED)	INTERCONNECTION	SOMERSET	\$1,540,000		
65	4140077	CENTRE HALL BORO WATER DEPT	DS	CENTRE	\$800,000		
66	4560033	CITIZENS W.C.	SRC, TREAT, WS, DS	SOMERSET			
67	4050025	COALDALE/SIX MILE RUN WATER CO		BEDFORD	\$1,100,000		

Rank	PWSID	Applicant Name	Project Type	County	Assistance\$	IUP Yr	Approved
68	6250070	COLONY WATER SYSTEM LTD		ERIE			
69	4560048	CONEMAUGH TWP. M.A.	TREAT	SOMERSET			
70	6170041	COOPER TWP MUNICIPAL AUTH	DS	CENTRE	\$500,000		
71	6610017	COOPERSTOWN WATER COMPANY	WS	VENANGO	\$150,000		
72	5100105	CORAL RIDGE ESTATES MHP	TREAT	BUTLER	\$70,000		
73	4140125	COUNTRY CLUB PARK	SRC	CENTRE	\$150,000		
74	4110299	CROYLE TWP WATER AUTH		CAMBRIA	\$665,000		
75	3540019	EAGLE ROCK UTILITY CORP	SRC, TREAT, WS, DS	SCHUYLKILL	\$3,030,131		
76	4490011	EAST CAMERON TWP MA		NORTHUMBERLAND			
77	6250028	ERIE BUREAU OF WATER	TREAT	ERIE	\$2,200,000		
78	6250028	ERIE BUREAU OF WATER	TREAT	ERIE	\$1,700,000		
79	4050012	EVERETT AREA MA		BEDFORD	\$2,350,000		
80	5260007	FAIRCHANCE BOROUGH WATER DEPT	SRC, TREAT, WS	FAYETTE	\$616,000		
81	4140105	FERGUSON TWP AUTH	SRC, DS	CENTRE	\$500,000		
82	4050029	FISHERTOWN WATER ASSOC		BEDFORD	\$1,800,000		
83	None	FREIDENS AREA (PROPOSED)	INTERCONNECTION, SRC	SOMERSET	\$3,338,000		
84	6160030	FRYBURG WATER CO	WS	CLARION	\$150,000		
85	4560032	GAHAGAN W. ASSOC	SRC, WS, DS	SOMERSET			
86	6530010	GALETON BOROUGH WATER AUTH		POTTER			
87	4560035	GARRETT BORO W. ASSOC.	SRC, TRANS	SOMERSET			
88	6170026	GIRARD TWP MA	OTHER (FEAS STUDY)	CLEARFIELD	\$14,000		
89	5100062	GULICK MOBILE HOME PARK		BUTLER			
90	3060035	HAMBURG WATER AUTH		BERKS			
91	6160026	HAWTHORN AREA WATER AUTH	TREAT	CLARION	\$500,000		
92	7380033	HEIDELBERG TWP MA		LEBANON			
93	2400053	HEX ACRES WATER CO		LUZERNE			
94	4560049	HIDDEN VALLEY FARM INN	TREAT	SOMERSET			
95	4560037	HOOVERSVILLE M.A.	SRC	SOMERSET			
96	6240002	HORTON TOWNSHIP MUN. AUTH.	DS	ELK	\$287,000		
97	7210052	HUCKLEBERRY LAND WATER ASSOC		CUMBERLAND			
98	4050003	HYNDMAN BOROUGH MA		BEDFORD	\$1,640,000		
99	4560025	INDIAN LAKE W.A.	SRC, TRANS	SOMERSET			
100	5329994	INDIANA COUNTY MUN SERVICES AUTH	DS	INDIANA	\$2,713,000		
101	6170025	IRVONA MUNICIPAL WATER AUTH		CLEARFIELD			
102	5109996	JACKSON TWP WATER AUTH		BUTLER			
103	7670054	JEFFERSON BORO WATER WORKS		YORK			
104	None	JENNERSTOWN AREA (PROPOSED)	INTERCONNECT, WS	SOMERSET	\$5,128,000		
105	6240007	JOHNSONBURG MA	TREAT	ELK	\$200,000		
106	2520007	LAKESIDE WATER SYSTEMS INC	WS, TREAT, TRANS	PIKE	\$65,000		

Rank	PWSID	Applicant Name	Project Type	County	Assistance\$	IUP Yr	Approved
107	None	LAMAR TOWNSHIP MUN AUTH	DS	CLINTON	\$686,130		
108	4140082	LEMONT WATER CO INC	SRC	CENTRE	\$200,000		
109	7280058	LENWOOD MHP	TRANS	FRANKLIN			
110	5029991	LIBERTY BOROUGH		ALLEGHENY			
111	4560054	LIGIONIER HIGHLANDS	SRC, TRANS	SOMERSET			
112	4110054	LILLY LEVEL WATER AUTH		CAMBRIA	\$545,000		
113	4110046	LILLY MUNICIPAL WATER WORKS		CAMBRIA			
114	4560006	LINCOLN MANOR	WS, DS	SOMERSET			
115	4560005	MACDONALDTON W. ASSOC.	DS	SOMERSET			
116	5100049	MARS BOROUGH WATER WORKS		BUTLER			
117	4560012	MEYERSDALE M.A.	TREAT	SOMERSET			
118	4600012	MIFFLINBURG BOROUGH WATER DEPT		UNION			
119	4140083	MILESBURG BOROUGH WATER AUTH	SRC, WS, DS	CENTRE	\$1,000,000		
120	2520046	MILFORD WATER AUTH		PIKE			
121	6250076	MILLCREEK TWP WATER AUTH	DS	ERIE			
122	4140084	MILLHEIM BOROUGH WATER CO	DS	CENTRE	\$500,000		
123	4140110	MONUMENT WATER ASSOC	SRC	CENTRE	\$150,000		
124	2450046	MOUNT POCONO BOROUGH (COOLBAUGH TWP)	SRC, WS DS	MONROE	\$15,560,000		
125	None	MOUNTAIN TOP ASSOC	WS, TRANS	CENTRE	\$200,000		
126	5260032	MOUNTAIN WATER ASSOC	SRC, TREAT, WS, DS	FAYETTE	\$870,000		
127	4140014	MT EAGLE WATER ASSOC	SRC, WS, DS	CENTRE			
128	4310016	MT UNION BOROUGH WATER DEPT		HUNTINGDON			
129	7280053	MT. ROCK HOMES MHP	SRC, WS	FRANKLIN			
130	4410165	MUNCY BOROUGH WATER CO		LYCOMING			
131	3540022	NEW BOSTON WATER ASSOC		SCHUYLKILL			
132	4050033	NEW ENTERPRISE WATER ASSOC		BEDFORD	\$3,950,000		
133	7670082	NEW FREEDOM BORO WATER AUTH	WS, TRANS	YORK	\$3,850,594		
134	5650070	NEW KENSINGTON MA	DS	WESTMORELAND	\$8,500,000		
135	5269997	NICHOLSON TWP BOARD OF SUPERVISORS	DS	FAYETTE	\$300,000		
136	4140081	NITTANY WATER CO INC	TRANS	CENTRE	\$200,000		
137	4140103	OAK HALL WATER SYSTEM	SRC	CENTRE			
138	4140119	OAK RIDGE WA	SRC, TRANS	CENTRE	\$200,000		
139	4110295	ONNALINDA WATER ASSOC		CAMBRIA	\$286,000		
140	4140104	ORVISTON WATER ASSOC, INC	SRC, TRANS, WS	CENTRE	\$300,000		
141	4050030	OSTERBURG WATER CO		BEDFORD	\$1,200,000		
142	None	PA AMERICAN WATER COMPANY (BARRETT)	INTERCONNECT, WS, SRC	MONROE	\$5,200,000		
143	None	PA AMERICAN WATER COMPANY (CLARKS SUMMIT)	INTERCONNECT, DS	LACKAWANNA	\$6,500,000		
144	None	PA AMERICAN WATER COMPANY (KINGSTON)	INTERCONNECT, WS, DS	LUZERNE	\$3,500,000		
145	None	PA AMERICAN WATER COMPANY (SANDY RIDGE)	INTERCONNECT, DS	CENTRE	\$4,290,000		

Rank	PWSID	Applicant Name	Project Type	County	Assistance\$	IUP Yr	Approved
146	4140078	PENN TWP WATER DISTRICT	SRC, TRANS, WS	CENTRE	\$300,000		
147	4550018	PERRY TWP MA	SRC, WS	SNYDER			
148	5100052	PETROLIA WATER AUTH	SRC, TREAT, WS, DS	BUTLER	\$144,000		
149	4560039	PINE CREST ESTATES MOBILE HOME	PIPING	SOMERSET			
150	6620029	PINE GROVE TWP	WS	WARREN	\$20,000		
151	7280060	PLEASANT HALL MANOR MHP	WS	FRANKLIN			
152	4140088	PORT MATILDA BOROUGH	DS	CENTRE	\$800,000		
153	7630112	QUARRYVILLE BOROUGH		LANCASTER			
154	4050032	RAINSBURG WATER AUTH		BEDFORD	\$1,074,000		
155	4560019	READING MINES WATER ASSOC	SRC, TRANS	SOMERSET			
156	4140089	REBERSBURG WATER CO	DS	CENTRE	\$500,000		
157	4340009	RICHFIELD AREA JOINT AUTHORITY	DS	JUNIATA	\$2,300,000		
158	4140013	RIDGEMONT WATER ASSOC	TRANS	CENTRE	\$500,000		
159	5020045	ROBINSON TWP MUNICIPAL AUTH		ALLEGHENY			
160	2590046	ROBINSON'S M H P	WS	TIOGA	\$70,000		
161	6610028	ROUSEVILLE MUN WATERWORKS		VENANGO			
162	4050034	SALEMVILLE WATER ASSOC		BEDFORD	\$1,266,000		
163	4560041	SALISBURY COMM. OF WATER WORKS	SRC, TRANS, WS	SOMERSET			
164	4140115	SANDY RIDGE WATER AUTH	TRANS	CENTRE	\$1,200,000		
165	4050021	SAXTON MWA		BEDFORD	\$150,000		
166	4560024	SEVEN SPRINGS M.W.A.	SRC, TREAT, DS, OTHER	SOMERSET			
167	4560047	SIEMON LAKEVIEW MANOR ESTATES	SRC, WS	SOMERSET			
168	4140090	SNOW SHOE BOROUGH AUTH	SRC, DS	CENTRE	\$650,000		
169	4140116	SNOW SHOE TWP MUN AUTH	TRANS, WS	CENTRE	\$500,000		
170	4560046	SOMERSET TWP MA	WS, DS	SOMERSET			
171	7210066	SOUTHAMPTON MANOR MHP	SRC, WS	CUMBERLAND			
172	4550011	SPRING TWP WATER AUTH	SRC, TRANS	CENTRE	\$500,000		
173	4050036	ST. CLAIRSVILLE WATER ASSOC		BEDFORD	\$400,000		
174	4560044	STOYSTOWN BORO WA	SRC, TRANS, DS	SOMERSET			
175	4110055	STUMPTOWN WATER ASSOC	DS	CAMBRIA	\$342,000		
176	6610029	SUGARCREEK WATER CO	WS	VENANGO	\$110,000		
177	6330012	SUMMERVILLE BORO MUN AUTH		JEFFERSON			
178	4490007	SUNBURY MUNICIPAL AUTH		NORTHUMBERLAND			
179	4560040	SUNNY ACRES MOBILE PARK	SRC, TRANS, WS	SOMERSET			
180	3540012	TAMAQUA MUNICIPAL WATER		SCHUYLKILL			
181	4079998	THE WATER FUND		BLAIR			
182	4490016	TURBOTVILLE MUN WATER		NORTHUMBERLAND			
183	4140079	UNIONVILLE BOROUGH	SRC, DS	CENTRE	\$300,000		
184	7280027	WADEL'S MHP	SRC	FRANKLIN			

Rank	PWSID	Applicant Name	Project Type	County	Assistance\$	IUP Yr	Approved
185	4140120	WALKER TWP WATER ASSOC	DS	CENTRE	\$500,000		
186	None	WALSALL WATER COOPERATIVE		CAMBRIA	\$323,000		
187	7280026	WASHINGTON TWP MA		FRANKLIN			
188	6250065	WATERFORD MA		ERIE			
189	4050035	WATERSIDE/LOYSBURG WATER SUPPLY		BEDFORD	\$1,070,000		
190	7280032	WAYNESBORO BORO AUTH		FRANKLIN			
191	6270002	WEST HICKORY WATER CO	WS	FOREST	\$105,000		
192	4050020	WEST ST CLAIR/PLEASANTVILLE MA		BEDFORD	\$120,000		
193	4560050	WILBUR COMM. WATER CO	WS, DS	SOMERSET			
194	4050023	WOODBURY WATER CO		BEDFORD	\$500,000		
195	4140094	WOODWARD WATER CO	SRC, WS	CENTRE	\$250,000		
196	6620039	YOUNGSVILLE MUN WATERWORKS	WS	WARREN	\$300,000		

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DRINKING WATER STATE REVOLVING FUND

FINAL FY 1998 INTENDED USE PLAN PROJECT LIST
 April 3, 1998

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SOURCE REHABILITATION OR DEVELOPMENT
- II — TRANSMISSION
- III — WATER TREATMENT
- IV — STORAGE
- V — DISTRIBUTION SYSTEM
- VI — OTHER

PROJECT TYPE:

- SRC — SOURCE
- TRANS — TRANSMISSION SYSTEM
- TREAT — WATER TREATMENT PLANT
- TREATMOD — WATER TREATMENT PLANT MODIFICATION
- WS — WATER STORAGE
- DS — DISTRIBUTION SYSTEM
- OTHER — ADMINISTRATIVE, LEGAL, FINANCIAL, ENGINEERING, PERMITS, CONTINGENCY, OR AS SPECIFIED

PWSID NUMBER:

PUBLIC WATER SUPPLY IDENTIFICATION NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIP CODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING		
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:	NEEDS CATEGORY VI:	ASSISTANCE AMOUNT
BEAVER FALLS MA PO BOX 400 EASTVALE	PA 15010	BEAVER	5-PITTSBURGH SRC, TREAT 5040012	04152019609-CW 12		
I:	II:	III:	IV:	V:	VI:	\$2,514,475.00
BUFFALO TWP MA 707 S PIKE ST SARVER	PA 16055	BUTLER	6-MEADVILLE DS 5100097	10015059601-CW 45		
I:	II:	III:	IV:	V: \$305,475.00	VI: \$72,700.00	\$244,556.00
CARROLLTOWN BOROUGH MA (PART 2) PO BOX 37 CARROLLTOWN	PA 15722	CAMBRIA	5-PITTSBURGH SRC, DS 4110004			24
I: \$40,976.00	II:	III:	IV:	V: \$1,474,330.00	VI: \$457,000.00	\$1,069,638.00
COCHRANTON BOROUGH/FRENCH CREEK JOINT MA PO BOX 66, 109 E ADAMS ST COCHRANTON	PA 16314	CRAWFORD	6-MEADVILLE DS 6200008	20024029801-CW 42		
I:	II:	III:	IV:	V: \$198,000.00	VI: \$70,000.00	\$268,000.00
EAST TAYLOR MA 430 DONRUTH LANE JOHNSTOWN	PA 15909	CAMBRIA	5-PITTSBURGH TRANS, WS, DS 4110043			31
I:	II: \$134,700.00	III:	IV: \$176,000.00	V: \$355,500.00	VI: \$184,300.00	\$790,000.00
EASTON SUBURBAN WATER AUTHORITY 2414 BUTLER STREET, PO BOX 3819 EASTON	PA 18042	NORTHAMPTON	2-WILKES-BARRE WS, DS, TRANS 3480064	48054029801-CW 34		
I:	II: \$2,070,000.00	III:	IV: \$700,000.00	V: \$225,000.00	VI: \$805,000.00	\$1,395,000.00
FREDERICKSBURG WATER & SEWER PO BOX 161 FREDERICKSBURG	PA 17026	LEBANON	3-HARRISBURG SRC, TRANS, DS 7380035	38006069609-CW 46		
I: \$40,000.00	II: \$900,000.00	III:	IV:	V: \$236,000.00	VI: \$309,500.00	\$631,042.00

APPLICANT NAME ADDRESS CITY	COUNTY STATE ZIP CODE	REGION	PROJECT TYPE PWSID NUMBER	PROJECT NUMBER PROJECT RANKING
NEEDS CATEGORY I:	NEEDS CATEGORY II:	NEEDS CATEGORY III:	NEEDS CATEGORY IV:	NEEDS CATEGORY V:
				NEEDS CATEGORY VI: ASSISTANCE AMOUNT
GETTYSBURG MUNICIPAL AUTHORITY 223 BALTIMORE ST, PO BOX 3307 GETTYSBURG	ADAMS PA 17325	3-HARRISBURG	TREAT, TRANS 7010019	
I:	II: \$950,000.00	III: \$4,815,000.00	IV:	V:
				VI: \$2,120,000.00 \$3,942,500.00
OIL CITY 21 SENECA STREET OIL CITY	VENANGO PA 16301	6-MEADVILLE	WS, DS 6610023	39
I:	II:	III:	IV:	V:
				VI: \$882,500.00
PHILADELPHIA CITY (PART 1) 1101 MARKET STREET PHILADELPHIA	PHILADELPHIA PA 19107	1-CONSHOHOCKEN	DS 1510001	48
I:	II:	III:	IV:	V:
				VI: \$3,508,164.00
SAINT FRANCIS COLLEGE PO BOX 600 LORETTO	CAMBRIA PA 15940	5-PITTSBURGH	TREAT, WS, DS 4110040	11111019605-CW 33
I: \$55,650.00	II:	III:	IV: \$616,350.00	V: \$262,500.00
				VI: \$577,500.00 \$2,194,897.00
SALTSBURG BOROUGH PO BOX 104, POINT ST SALTSBURG	INDIANA PA 15681	5-PITTSBURGH	TRANS, WS 5320035	19
I:	II:	III:	IV:	V:
				VI: \$568,325.00
STROUDSBURG MUNICIPAL AUTHORITY (PV-01) PO BOX 787, 111 N SEVENTH ST STROUDSBURG	MONROE PA 18360	2-WILKES-BARRE	WS, TRANS, DS 2450034	22
I:	II:	III:	IV:	V:
				VI: \$1,531,175.00
WESTERN ALLEGHENY COUNTY MA 403 VIRGINIA DRIVE OAKDALE	ALLEGHENY PA 15071	5-PITTSBURGH	DS 5020034	43
I:	II:	III:	IV:	V: \$350,000.00
				VI: \$77,500.00 \$400,000.00

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of NWL Co. for a Declaratory Order; Doc.
No. P-00981408

On July 1, 1998, NWL Co. filed with the Pennsylvania Public Utility Commission a petition for declaratory order under 52 Pa. Code § 5.42 to determine whether the providing of condominium associations and up to six residential homes with water from NWL Co.'s water supply would subject NWL Co. to becoming and being treated as a public utility under 66 Pa.C.S. § 102 and 66 Pa.C.S. § 1102.

This Petition for declaratory order may be considered without a hearing. Anyone desiring to comment regarding this petition should file a petition to intervene and answer with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. In accordance with 52 Pa. Code §§ 1.1 et seq., all such pleadings are due within 10 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Copies of NWL Co.'s petition are on file with Commission and are available for public inspection. The contact person is Assistant Counsel David E. Screven, (717) 787-2126.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1342. Filed for public inspection August 14, 1998, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before September 7, 1998, 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-00115167. Tarbert Airport Passenger Transportation, Inc. (368 Tollgate Road, York, York County, PA 17403), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service from points in the county of York, to the Harrisburg International Airport in the county of Dauphin and the Philadelphia International Airport in the counties of Philadelphia and Delaware.

Applications of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under each application.

A-00115171. Diane Vanderburg & Scott Griggs, Copts, t/d/b/a A-1 Travel Group (590 Burke Bypass, Olyphant, Lackawanna County, PA 18447)—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before Aug. 31, 1998.

- A-00115180 Alan W. Eichenlaub
t/a R. D. 3, Box 414, Muncy, PA 17756
- A-00115179 Walden Transportation, Inc. LLC
515 West 8th Street, Hazleton, PA
18201
- A-00115178 David A. Stryker, t/a D.A. Stryker
Trucking & Excavating
500 Firetower Road, Muncy, PA 17756:
Brett Feese, R. R. 6, Box 260-1, Muncy,
PA 17756
- A-00115170 A.H.S., Inc.
523 Chestnut Street, Wilkes-Barre, PA
19702-1011: Michael D. Bart, 65 North
Washington Street, Wilkes-Barre, PA
18701
- A-00115169 Edward J. & Barbara A. Nileski, Tenants
by Entireties
P. O. Box 292, Parkesburg, PA 19365
- A-00115168 Goodman Petroleum Service, Inc.
1460 Harvey Lane, Pottstown, PA
19465: Hennessey & Hennessey, 1236 E.
High Street, Pottstown, PA 19464
- A-00115142 Simonik Moving & Storage, Inc.
P. O. Box 6949, Bridgewater, NJ 08807
- A-00115143 John Lawall, t/a Lawall Trucking
R. R. 1, Box 35 A, Wapwallopen, PA
18660
- A-00115172 Reiner Energy Services, Inc.
1296 Grandview Road, Mt. Joy, PA
17522: David Young, 44 South Main
Street, Manheim, PA 17545
- A-00115173 Harry N. Snyder, t/a Snyder's Coal &
Hauling
R. D. 2, Box 56A, Watsontown, PA
17777
- A-00115174 Pepper & Sonny Enterprises, Inc.
P. O. Box 909, Pocono Summit, PA
18346-0909: Scanlon, Lewis, & Wil-
liamson, 190 Washington Street, East
Stroudsburg, PA 18301-0423
- A-00115175 Dale E. and John G. Zimmerman, t/a
Zimmey's Automotive
564 Horseshoe Pike, Lebanon, PA
17042

A-00115176 John S. Norcross, t/a John S. Norcross
Material Transport
50 South Valley Road, #C-5, Paoli, PA
19301

A-00115177 Jerry O. Frey, III, t/a J.O. Frey Exc.
353 Main Street, Catawissa, PA 17828

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1343. Filed for public inspection August 14, 1998, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9817.5, Underground & Aboveground Storage Tank Work at Various Piers, until 2 p.m. on Thursday, September 3, 1998. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Sq., 13th Flr., Phila., PA 19106, (215) 928-9100 and will be available August 18, 1998. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is non-refundable. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

Mandatory prebid meeting will be held August 27, 1998, 10 a.m. at the Port of Phila. Adm. Bldg., 3460 N. Delaware Ave., Rm. 203, Delaware Ave. & Tioga St., Philadelphia, PA 19134.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-1344. Filed for public inspection August 14, 1998, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Request for Proposals

Notice is hereby given by the Board of Directors that Sealed Proposals will be received by the Port of Pittsburgh Commission for Lead Underwriter and Placement Agent for Potential Development Financing and/or the Port of Pittsburgh Commission Bond Fund.

Qualifications and Proposals (Proposal) shall be received at the office of the Port of Pittsburgh Commission, Attention: James R. McCarville, Executive Director, 503 Martindale Street, 5th Floor, Pittsburgh, PA 15212 until 3 p.m. on September 2, 1998.

Specific Conditions and Proposal Forms (Proposal Packet) are available and may be obtained at the above office of the Port of Pittsburgh Commission during regular business hours of 9 a.m. through 5 p.m., by phone at (412) 442-5204 or fax at (412) 442-5208.

The Commission reserves the right to cancel the solicitation, reject any and all proposals, to waive any techni-

calities, to request additional proposals and to otherwise proceed in accordance with the best interests of the Commission.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 98-1345. Filed for public inspection August 14, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting sealed bids for Recondition Chassis on 3,000 Gallon Tank Truck.

Due Date: September 8, 1998 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. 98-1346. Filed for public inspection August 14, 1998, 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. 99-009-RW55: Median Reconstruction Between MP 174.13 and MP 179.94 on the PA Turnpike System in Fulton Co., PA

Bid Opening Date: September 17, 1998, 11 a.m.

Bid Surety: 5%

Plans, Specifications and Contract Documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25.00 per set by check or P. O. Money Order (No Cash) payable to the Pennsylvania 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 Pennsylvania 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.

Direct any questions for this project to Kristi Dunleavy, (717) 939-9551, Ext. 5785, fax (717) 986-9645 or electronic mail kdunleav@paturnpike.com.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-1347. Filed for public inspection August 14, 1998, 9:00 a.m.]

WILD RESOURCE CONSERVATION FUND

1998 Annual Report

The Wild Resource Conservation Act (32 P. S. §§ 5301—5314), signed June 23, 1982 by Governor Thornburgh, was the outgrowth of a realization that Pennsylvanians must take a more active role in protecting their rare and endangered species of flora and fauna and those habitats which are critical to their survival.

The act provides for the protection of protected wildlife and native wild plants. The act also established the Wild Resource Conservation Fund as the sole means of financing management work to be carried out under this program. The monies to support the program may only be raised through private contributions, as no general fund revenues from the State Treasury may be used for any purposes of this act. A seven-member Wild Resource Conservation Board was established to administer the conservation program and select the projects and studies which are to be funded.

The Board's members represent those State government agencies which are responsible for managing the Commonwealth's flora and fauna. The members are: Secretary, Department of Conservation and Natural Resources; Executive Director, PA Fish and Boat Commission; Executive Director, PA Game Commission; Majority and Minority Chairpersons of the House Committee on Environmental Resources and Energy and the Minority and Majority Chairpersons of the Senate Environmental Resources and Energy Committee. The Chairmanship of the Board rotates on an annual basis between the members.

The centerpiece of the legislation is the establishment of a special fund which, for the first time, enables Pennsylvania's citizens to support the protection of wild plants and protected wildlife through voluntary, tax deductible contributions. The most creative source of funding is the opportunity for Pennsylvania's taxpayers to donate all or a portion of their State income tax refund to the Wild Resource Conservation Fund. Those who do not receive a State tax refund may also support this conservation program with a direct contribution.

Pennsylvania was 18th on the growing list of states providing tax checkoff funding for protected wildlife programs. While the list now numbers 34 states, Pennsylvania's law is unique in that it also focuses on protecting the Commonwealth's native wild plants. Tax checkoffs are a relatively new concept in raising funds for wildlife, with Colorado being the first to initiate such a program in 1977.

Program Objectives

The research and management programs funded and authorized by the Wild Resource Conservation Board will be carried out by Pennsylvania's three natural resource agencies: the Department of Conservation and Natural Resources (DCNR); the PA Fish and Boat Commission (PFBC); and the PA Game Commission (PGC). Professional and technical staff members from each of the agencies are responsible for developing comprehensive management programs to ensure the future welfare of wild plants and nongame wildlife. Previously, monies for this area of wildlife management were either nonexistent or very limited. The fund represents a major source of revenue focused on this specific area of long neglected wildlife management.

Among the Wild Resource Conservation Board's activities will be programs dealing with those species of nongame wildlife and wild plants which are classified as being either endangered or threatened. The three agencies have combined their efforts in a program to identify all such species found in Pennsylvania. The DCNR, PFBC and PGC have been working with the Western Pennsylvania Conservancy, The Nature Conservancy, Morris Arboretum and the Carnegie Museum of Natural History on this study entitled, Pennsylvania Natural Diversity Inventory (PNDI). The species of flora and fauna found to be endangered or threatened have been classified as special concern and it is this special concern group which will receive the immediate attention of the Board.

The Wild Resource Conservation Act requires the Department of Conservation and Natural Resources to conduct investigations on wild plants in order to ascertain information relating to populations, distribution, habitat needs, limiting factors and other biological and ecological data to classify plants and to determine management measures necessary for their continued ability to sustain themselves successfully.

The Department of Conservation and Natural Resources, through the PNDI, has developed a computerized database containing location and ecological information about Pennsylvania's rare native plants; unique plant communities; special concern animals, reptiles, amphibians and fish; and significant geologic features. The system can be quickly and precisely queried to show the number and location of significant biological resources.

The plant information contained in the PNDI will be of great assistance in classifying plants as endangered, threatened or vulnerable as outlined in the Wild Resource Conservation Act. The Department of Conservation and Natural Resources has promulgated regulations based on the PNDI findings. The regulations established limitations relating to taking, possessing, transporting, exporting, processing, sale or offer for sale, or shipment of endangered, threatened or vulnerable classified native wild plants.

The Game Commission has always been involved, either directly or indirectly, with protected wildlife management. Game management practices, game land holdings, regulated hunting seasons and other factors have aided Pennsylvania's protected wildlife species. The Game Commission has, historically, aimed the greater majority of its management programs at game species to meet the desires and needs of sportsmen who support these programs through license fees. The Game Commission is broadening its protected wildlife management involvement through its Working Together for Wildlife Program and with monies available from the Wild Resource Conservation Fund.

The Fish and Boat Commission is charged with managing Pennsylvania's reptiles and amphibians in addition to its work with game fish and the protection of our waterways. The Fish and Boat Commission has organized itself to address the needs of this group of animals which have not received the attention shown other nongame animals such as raptors and song birds. Reptiles and amphibians, too, have seen drastic changes in their environment which have led to their decreasing numbers. The continual loss of wetland habitat is the factor most responsible. To help solve this problem, the Board has the authority to allocate monies from the Wild Resource Conservation Fund to purchase habitat deemed critical to the survival of any endangered or threatened species.

**Wild Resource Conservation Fund
1997—1998 Projects**

The Wild Resource Conservation Board met for its annual meeting on November 12, 1996 and approved funding for 56 projects in the amount of \$707,081. A total of 84 applications were received requesting \$1,308,863.31 in funding. The money allocated was received from taxpayers donating their tax refunds to the Wild Resource Conservation Fund and wildlife license plate sales. The following projects will protect and help manage the Commonwealth's non-game and wild plant species:

- Ecology & Distribution of Endangered Sedge, *Scirpus ancistrochaetus*
Penn State—Dr. William Dunson \$7,464
- Production of Outreach Tools
Rodale Institute—Cyane Gresham \$9,950
- Herbarium & Field Studies of PA Plants of Special Concern
Carnegie Museum—Sue Thompson \$17,310
- Development of Educational Materials of PA Native Wild Plants
Carnegie Museum—Sue Thompson \$23,000
- Field, Herbarium & Literature Surveys, Work on the Field Manual of PA Plants and Environmental Review
Morris Arboretum—Ann Rhoads \$35,000
- Herbarium Studies of Plant Species of Concern in Eastern PA
The Nature Conservancy—John Kunsman \$20,000
- Investigation into the historic and extant distribution of *Amelanchier canadensis*
Carnegie Mellon—W. Ann Robinson \$928.00
- Field Studies of PA Plants of Special Concern
Shippensburg Univ.—Larry Klotz \$4,500
- Field Surveys for *Aster radula*, *Solidago speciosa* and other rare *Aster* and *Solidago* species
Dickinson College—Carol Loeffler \$1,044
- Rare Plant and Natural Community Inventories of Northwestern PA
Cleveland Museum of Natural History—Kathy Fouts \$15,000
- An allozymal study laurentian bladder fern from Centre Co., PA
Millersville Univ.—James C. Parks \$550
- Public Wild Plant Sanctuary Network
Western PA Conservancy \$42,000
- Continuation of Field Surveys of Plants of Special Concern
Western PA Conservancy \$22,385
- Herpetological Educational Curriculum
Carnegie Museum of Natural History/Powdermill Nature Reserve—Terri Kromel \$6,100
- Writing of Publication of the Freshwater Bivalves of PA
Arthur Bogan \$15,000
- Status survey of Rare Fishes of Special Concern in the Delaware River Drainage of PA
Robert Criswell \$1,595
- Aquatic Craneflies of PA: A preliminary checklist & database development
Carnegie Museum/Academy of Natural Science
Chen W. Young/Jon Gelhaus \$17,050
- Status of Indigenous Lampreys in PA
Penn State—Jay Stauffer \$40,705
- Conservation and management of fish, herptiles and aquatic species special projects
PA Fish & Boat Commission/The Nature Conservancy—Andy Shiels \$40,000
- PA Herpetological Atlas Project
Indiana Univ.—Arthur E. Hulse \$13,000
- In Situ Video of PA's Fresh Water Fish Fauna
Penn State—Jay Stauffer \$17,607
- GIS Mapping of Trichoptera (caddisfly) and Plecoptera (stonefly) distribution in PA
Behrend College—E C Masteller \$5,670
- Application of Geographical Information System Technology to Fish Conservation in PA
Penn State—Robert Carline \$24,723
- Wild Action Grant
PA Game Commission—Theresa Alberici \$2,500
- Status and Distribution Study of the Yellow-Bellied Flycatcher
Ecology III—Douglas Gross \$4,000
- Monitor Populations of Louisiana Waterthrush in acidified and unpolluted stream habitats
Carnegie Museum of Natural History/Powdermill Nature Reserve.—Robert S. Mulvihill \$9,000
- Protection of significant bat maternal site and restoration of adjacent farm fields
Allegheny National Forest—Brad Nelson \$10,000
- Small mammal community structure and dynamics in old growth forests: A long term ecological study
Shippensburg University—Dr. Gordon Kirkland \$7,000
- Endangered Mammal Species Research and Management
The Nature Conservancy—Jim Hart \$20,000
- Survey of bats at Canoe Creek State Park with Special Emphasis on the "Little Brown Bat"
Penn State—Dr. Michael Gannon \$4,500
- Northern flying squirrels and northern water shrews as indicators of habitat quality in sensitive ecosystems of northeast PA
Wilkes Univ.—Michael Steele \$8,500
- Long-term ecological research: Small mammals as indicators of the health of PA Forest Ecosystems
Powdermill Environmental Station—Dr. Joseph Merritt \$7,000
- Maintenance of the Official List of the Birds of PA
PA Ornithological Records Committee—Paul Schwalbe \$1,500
- Young Ornithologists—research that educates
Academy of Natural Science—Dr. Robert Ridgeley/Sally Conyne \$10,000
- An adopt-a-kestrel-nestbox program of PA school children
Hawk Mt.—Keith Bildstein
Bill Hilton \$14,000
- Preparation and Curation of special concern mammals and bird specimens generated by PA Game Commission & Wild Resource Conservation Fund research
Shippensburg Univ.—Dr. Gordon Kirkland \$2,000
- Stabilization of bat nursery church
Canoe Creek State Park—Terry Wentz \$4,000
- Wildlife Biodiversity associated with a new forestry practice in PA
Penn State—Richard Yahner \$19,000

- Radiotelemetry study of experimental recolonization of an allegheny woodrat
Dickinson College—Janet Wright \$3,500
 - Biodiversity Conservation of Butterflies & Skippers in PA
Richard Yahner \$5,000
 - Avian nesting success, species, diversity, and guild composition in fenced and unfenced riparian habitats in southwest PA
California Univ.—Gary Popotnik \$8,000
 - Status and Distribution of Reintroduced River Otter and Fisher Populations in PA
Penn State—Tom Serfass \$13,000
 - Reintroduction of Fishers to the Allegheny National Forest in Northwestern PA
Penn State—Tom Serfass \$20,000
 - PA Important Bird Areas
Mid-Atlantic Region National Audubon Society—Walter Pomeroy \$19,000
 - Landscaping for Wildlife in PA
Sweet Arrow Communications—
Marcus Schneck \$19,000
 - Osprey Monitoring
East Stroudsburg University—Larry Rymon \$3,500
 - Birds: Special Areas Project
Ecology III, Doug Gross \$9,000
 - Promote Awareness of Wild Resource Conservation Fund
Robert & Thelma Clark \$15,000
 - Public Relations Tool: New York & Pennsylvania Joint Otter Reintroduction in Allegheny Drainage
Penn State—Tom Serfass \$10,000
- The WRCF will match local contributions up to \$10,000
Private Sector donations from Scrubgrass Generating Plant \$5,000
Ducks Unlimited \$850
Audubon Bartramian Chapter \$800
- Interpretative Exhibit at the Elk Viewing Area
PA Game Commission—Theresa Alberici \$4,000
 - Schoolyard Habitat Facilitator Training Workshops
Audubon Council of PA—Marcy Mowery \$12,500
 - Biodiversity in PA: A curriculum supplement for PA Middle Schools
PA Biological Survey—Theresa Alberici \$12,500
 - Completion & Implementation of a Comprehensive Wildlife Management Plan
PA Fish & Boat Commission—Brian Barner \$12,500
 - Wild Resource Elementary Workshop
Slippery Rock—Paulette Johnson \$4,000
 - Natural Community (Habitat) Classification for Caves in PA
The Nature Conservancy—
Barbara Barton-Aldrich \$8,000
 - Barrens Habitat Survey—PA Invertebrate Inventory Project
Carnegie Museum of Natural History—
John Rawlins \$25,000

Wild Resource Conservation Board Members

John Oliver, Secretary
Department of Conservation and Natural Resources

Honorable Peter A. Colangelo, Executive Director
PA Fish and Boat Commission

Honorable Donald C. Madl, Executive Director
PA Game Commission

Honorable Raphael J. Musto
Majority Chairperson
Senate Environmental Resources & Energy Committee

Honorable Roger A. Madigan
Minority Chairperson
Senate Environmental Resources & Energy Committee

Honorable Robert Reber
Majority Chairperson
House Committee on Environmental Resources & Energy

Honorable Camille "Bud" George
Minority Chairperson
House Committee on Environmental Resources & Energy

The Balance Sheet and Statement of Unreserved Fund Balance provided were prepared by the Comptroller's Office on a cash basis of accounting, combined with an encumbrance budgetary system. They were not prepared in accordance with General Accepted Accounting Principles.

Department of Conservation and Natural Resources
Wild Resource Conservation Fund
Statement of Unreserved Fund Balance
for the period ended June 30, 1998

Unreserved Fund Balance, Beginning \$1,380,878.02

Revenue Received:

Income Tax Check-offs	\$308,909.36
Voluntary Donations	19,743.09
Income from "Osprey" Film	6,153.70
Wild Plants License/Permits	3,395.00
Sale of Publications	8,913.60
Wild Resource License Plate	63,671.87
Wild Resource Tee Shirts	1,138.88
Interest on Securities	114,872.15

Total Revenue Received \$526,797.65

Prior Year Commitment Liquidation's \$689,264.60

Total Funds Available \$2,596,940.27

Deductions:

Administrative Expenses	\$319,704.08
Administrative	30,484.50
Commitments (1)	
Project Expenses (2)	855,330.41
Project Commitments (3)	593,477.79
Total Deductions	\$1,798,996.78

Unreserved Fund Balance, Ending \$ 797,943.49

(1) This figure does not include administrative commitments of \$33,354.63 contingently committed against future years spending authorizations.

(2) This figure does include \$292,440.16 in expenses from special projects approved by the WRCF Board.

(3) This figure does not include project commitments of \$252,624.63 (of which \$46,399.50 are special projects) contingently committed against future years spending authorizations. This figure does include \$84,543.79 in special projects approved by the WRCF Board.

(PREPARED BY COMPTROLLER'S OFFICE)

Department of Conservation and Natural Resources
Wild Resource Conservation Fund
Balance Sheet
June 30, 1998

ASSET	
Cash	\$ 30.33
Temporary Investments	\$1,423,000.00
Total Assets	\$1,423,030.33
LIABILITIES AND FUND EQUITY	
LIABILITIES	
Vouchers Payable	\$1,124.55
Total Liabilities	\$1,124.55
FUND EQUITY	
Unreserved Fund Equity	\$ 797,943.49
(1) Reserved for Administrative Commitments	30,484.50
(2) Reserved for Wild Resource Projects	593,477.79
Total Fund Equity	\$1,421,905.78
Total Liabilities and Fund Equity	\$1,423,030.33

(1) This figure does not include administrative commitments of \$33,354.63 contingently committed against future years spending authorizations

(2) This figure does not include project commitments of \$252,624.63 (of which \$46,399.50 are special projects) contingently committed against future years spending authorizations. This figure does include \$84,543.79 in special projects by the WRCF Board.

(PREPARED BY COMPTROLLER'S OFFICE)

Public Hearing

The Wild Resource Conservation Board has scheduled a public hearing for Wednesday, September 16, 1998 1:00 PM at the Game Commission Office, 2001 Elmerton Ave., Harrisburg. The purpose of the hearing is to provide individuals and organizations the opportunity to comment on the recommendations and programs funded with monies from the Wild Resource Conservation Fund. The Wild Resource Conservation Board is interested in hearing from any individual or organization that wishes to make comment on the projects submitted for funding to the agencies, Game Commission, Fish and Boat Commission or the Department of Conservation and Natural Resources list published in this issue of the *Pennsylvania Bulletin*. Agencies project recommendations for funding will be presented at the public hearing.

Only comments from the general public regarding the projects received will be heard at the September 16, 1998 Public Hearing.

The Board will then evaluate all recommendations submitted for its consideration and final funding decisions will be approved at the annual meeting on November 18, 1998.

Annual Meeting

The Wild Resource Conservation Board will hold its annual meeting on Wednesday, November 18, 1998 1 p.m. at the Game Commission Office, 2001 Elmerton Avenue, Harrisburg, PA providing funds are available for distribution, if no funds are available a meeting will be called at the discretion of the Chairmanship. A full report will be

presented on the allocation of monies from the Wild Resource Conservation Fund. The Board will consider all presentations made at the public hearing and the plans outlined by the professional technical staffs of the Fish and Boat Commission, Game Commission and Department of Conservation and Natural Resources.

The recommendations funded by the Board will be administered by the Fish and Boat Commission, the Game Commission and the Department of Conservation and Natural Resources. The recommendation selections will be based on their individual contribution to the management goals of three agencies and those outlined in the Wild Resource Conservation Act.

The following list includes the project recommendations requesting funding for 1998—1999 received by the Wild Resource Conservation Board. The public is invited to offer comment at the public hearing on September 16, 1998. The public hearing will be held at the Game Commission Headquarters, 2001 Elmerton Ave. at 1 p.m. Please limit comments to 5 minutes and provide eight copies for the Wild Resource Conservation Board.

Project Submissions to DCNR for WRCF Funding in 1998

- Title:** Development and Testing of Educational Materials on PA Native Wild Plants
Objective: Conduct additional field tests and evaluations of prototype developed in 1998 utilizing a broad array of both informal and formal educational settings, and revise the prototype based on the results of these assessments.
Justification: Given the paucity of educational materials on PA native plants there is an immediate need for at least one initial product.
Sponsor: Carnegie Museum of Natural History
Cost: \$23,750
- Title:** Databasing the PA Vascular Collection at Youngstown State University
Objective: To make available for use by PNDI and POSCIP and others the vascular collection at YUO. The database will be in Paradox 4.0.
Justification: When the PA Flora was written, Rhoads and Klein did not respond to an invitation to use YUO. With approximately 11,750 vascular specimens from PA there are important records in the collection.
Sponsor: Youngstown State University
Cost: \$5,875
- Title:** Field and Office Studies of Plant Species of Special Concern in Eastern PA
Objective: Conduct field surveys in eastern PA to attempt to locate denovo populations and confirm extant or historical populations of plant species of special concern having state suggested status of endangered, threatened, rare or undetermined. The surveys will involve a minimum of 25 species on the Plants of Special Concern in PA (POSCIP) list.
Justification: Field work is necessary for the proper conservation of wild plant resources in PA without the new and revised data that field surveys provide the completeness and reliability of the PNDI database, and therefore plant conservation, would be compromised.
Sponsor: The Nature Conservancy
Cost: \$20,000
- Title:** Upgrades and Modifications to the data management system for the PA Natural Diversity Inventory - East
Objective: Develop new procedures to map and record data on sub-populations within a larger population to better reflect spatial extent and population dynamics.

Justification: Our Geographic Information System (GIS) represents new capabilities for storing, retrieving, and displaying data. Currently our conversion to GIS capability goes beyond our stated objectives for providing information to DCNR. We are in the process of developing improved methods for spatial representation of our data.

Sponsor: The Nature Conservancy
Cost: \$25,400

- *Title:* Field, Herbarium and Literature Surveys, Taxonomic Studies, PA Flora Project Web Site and Environmental Review

Objective: The field, herbarium and literature surveys are intended to continue to collect the information necessary to refine the classification of plants currently listed as temporarily undetermined (TU) on the POSCIP list and other plants recommended for consideration for listing by the Vascular Plants Technical Committee. Funding to support updates at website of PA Flora Database, provide environmental review services to Bureau of Forestry.

Justification: The Plants of Special Concern list is still being reviewed and updated to assure that the status of each listed plant is well documented and justified, and that all plants that require protection are appropriately classified.

Sponsor: Morris Arboretum
Cost: \$25,000

- *Title:* Refining the Classification of Natural Communities on PA Through Zoological Studies on State Forest Lands

Objective: Bureau of Forestry and PNFI staff review the classification of natural communities and select a list of several types for which zoological data would be most useful. Determine which groups of animals are the most useful in terms of adding relevant descriptive information to the classification system.

Justification: The classification of PA's natural communities is an important endeavor for science and conservation. Resource management and regulatory agencies in PA recognize the need for ecological classification, including natural communities.

Sponsor: Western Pennsylvania Conservancy
Cost: \$12,000

PROJECT SUBMISSIONS TO THE PA FISH AND BOAT COMMISSION FOR FUNDING IN 1998

- *Title:* Effects of the non-native banded darter (*Etheostoma zonale*) on the growth, survival, and behavior of the tessellated darter (*Etheostoma olmstedii*): Implications for freshwater mussels

Objective: Examine the growth, survival, and behavior of the tessellated darter in the presence of the banded darter, examine the effects of banded darter removal on tessellated darters *in situ*, determine mussel host relationships for the two darters.

Justification: The introduction, establishment, and proliferation of non-native fishes has become a global problem. Non-native fishes have been linked to the decline, extirpation and extinction of many of the world's native fish species.

Sponsor: U S Geological Survey
Cost: \$9,048

- *Title:* Assessment of Genetic Variation and Gene Flow Among Populations of the Timber Rattlesnake, *Crotalus horridus*, in Eastern and Northcentral Pennsylvania

Objective: Assessing the level of genetic variation present in populations of timber rattlesnake, *Crotalus horridus*, in eastern and northcentral Pennsylvania. Collect tissue samples which will allow us to expand our analysis of genetic variation of timber rattlesnakes to six populations

in the Northeastern, Southeastern, and Northcentral regions of PA.

Justification: This project will provide information about the gene flow among these populations of timber rattlesnakes in PA.

Sponsor: Beaver College
Cost: \$16,445

PROJECT SUBMISSIONS TO THE PA GAME COMMISSION FOR FUNDING IN 1998

- *Title:* Wild Action Grant Program

Objective: Provide financial support for 25 schools and/or youth groups to improve habitat for wildlife on school and community grounds and incorporate these habitats into classroom curriculum and club programming.

Justification: To ensure habitat conservation for native plants and wildlife both now and in the future, it is essential that habitat conservation education programs be implemented in our schools and youth organizations.

Sponsor: PA Game Commission
Cost: \$4,000

- *Title:* Selection of Denning and Resting Habitats by Reintroduced Fishers

Objective: Study and evaluate fishers reintroduced to the Allegheny National Forest in northwestern PA. Determining aspect of fisher resting and denning habitats in the ANF. Results of ongoing research indicates that fishers are surviving and appear to be establishing home ranges in the ANF.

Justification: Unregulated trapping and destruction of forest habitats caused fishers to suffer extensive population declines throughout large portions of their historical range in North America. Improved wildlife and forest management techniques have enable state wildlife agencies to successfully reintroduce fishers to their former range.

Sponsor: Frostburg State University
Cost: \$11,500

- *Title:* Special Concern Mammal Species Research and Management

Justification: Continue research on the least shrew in Franklin, Lebanon and Schuylkill Counties, coordinate all summer bat maternity concentration survey programs, research in Wyoming State Forest concerning the rock vole, and rock shrew, coordinate the important mammal areas project for the PA Biological Survey's Mammal Committee

Justification: The continuation of inventories of the various special concern species coupled with long term research of communities and populations will result in the information needed by wildlife management professionals as the formulate strategies. These continued inventories will also permit us to create a picture for future referral in assessing the success of our wildlife management programs.

Sponsor: The Nature Conservancy/Shippensburg University
Cost: \$25,000

- *Title:* Fact Sheets on PA Wildlife

Objective: Develop a minimum of two additional fact sheets within the *Wildlife Damage Control* series. Including "Controlling Birds on Fruit Crops" and "Snakes". Develop a minimum of three additional fact sheets within the *Pennsylvania Wildlife* series on managing backyards as well as larger properties for wildlife.

Justification: A needs assessment survey sent out to natural rescue professionals in agencies within PA and to licensed Nuisance Wildlife Control Operators documented the interest in and need for accurate informative fact

sheets written for the general public both on methods of dealing with problem wildlife and on habitat management for wildlife.

Sponsor: Penn State
Cost: \$11,013

- *Title:* Habitat Use and Selection by Neotropical Migratory Birds During Migration

Objective: Examine spatial and temporal patterns of habitat use by Neotropical migrant songbirds during migration. Examine habitat structure, plant species composition and resource availability are associated with patterns of habitat use by species and guilds of migrating birds.

Justification: Studies of habitat use by animals are numerous and have generated a considerable body of ecological theory. The habitat used by an organism must provide food, water and protection from predators. A given migratory species one habitat may be used on the breeding grounds, another on wintering grounds, and possibly several types during migration.

Sponsor: Penn State
Cost: \$13,740

- *Title:* Maintenance of the Official List of Birds of Pennsylvania

Objective: To maintain the official list, review status of all species, archive copies of slides, review new records, publish results, to hold committee meetings.

Justification: Until recently no formalized system of reviewing current and historical bird records in PA had been established. Published historical records, were usually accepted without question by the ornithological and birding communities. To achieve a system of review and records the PA Ornithological Records Committee was founded and a system established.

Sponsor: PA Ornithological Records Committee
Cost: \$2,000

- *Title:* Eagle Flight Complex at the PA Wildlife Center
- Objective:* Construction of and Eagle Flight Complex by the PA Wildlife Center to aid in the successful rehabilitation of PA's injured raptors.

Justification: The reduction of stress in wild patients is one of the key factors to decrease mortality. The Eagle Flight Complex will provide a critical tool to rehabilitate injured birds-of-prey, in addition to providing a central-

ized resource for western PA communities, Rehabilitators, veterinarians, and wildlife professionals.

Sponsor: Animal Rescue League of Western PA
Cost: \$29,300

PROJECT SUBMISSIONS TO THE WRCF FOR FUNDING IN 1998

- *Title:* Promote Awareness of Wild Resource Conservation Fund

Objective: Continue promotion and awareness of PA's Wild Resource Conservation Fund. Make items available such as videos, T-shirts, posters, "Keystone Wild Notes"—newsletter, and other sale items and education materials directly to the citizens of PA.

Justification: With a limited staff and funds keeping the WRCF in the public awareness has been difficult. This project will allow the general public to learn of the Fund's accomplishments and past and future projects directly with minimal costs.

Sponsor: Robert & Thelma Clark
Cost: \$11,375

Project Submissions Which Cover Multi-Agencies for Funding in 1998

- *Title:* Re-establish the American Chestnut Tree as a Dependable Food Source

Objective: Provide genetic germ plasm to our parent organization so that the tree they are developing will have the necessary genetic material to thrive in our woodlands.

Justification: The American Chestnut was once a valuable resource to our forest by not only supplying a dependable food source but also because as a lumber tree there was none equal. Bringing this tree back to the Pennsylvania forest would be a tremendous resource in helping to maintain a bio-diverse healthy self-sustaining forest.

Sponsor: PA Chapter of the American Chestnut Foundation
Cost: \$4,850

ROBERT D. REBER, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1348. Filed for public inspection August 14, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide	REQUIRED DATA DESCRIPTIONS
<p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p>B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p style="text-align: center;">⑦</p> <p>(For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.</p> <p>(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705</p>

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

- 2550-02** Annual Contract—Engines diesel new and exchange (DOT).
Department: Transportation
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 3610-03** Annual Contract—office copier machine supplies.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5510-02** Annual Contract—Lumber.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 5610-15** Annual Contract—Coarse and fine, aggregate parts A and B.
Department: Various
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 6240-02** Annual Contract—Lamps and ballasts.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 6810-09** Annual Contract—Chemicals boiler water treatment (WH).
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 7350-05** Annual Contract—Food service equipment.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 7440-01** Annual Contract—Tapes/cartridges data processing.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 7490-03** Annual Contract—Mailroom equipment and supplies.
Department: Various
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 7920-06** Annual Contract—Dilution control systems contract.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 8010-06** Annual Contract—Glass beads, traffic line paint (DOT).
Department: Transportation
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 8010-07** Annual Contract—Latex paint.
Department: Various
Location: Various
Duration: 01/01—12/31
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 8430-06** Annual Contract—Footwear, police types.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 9905-11** Annual Contract—Traffic control devices, work zone.
Department: Various
Location: Various
Duration: 12/01—11/30
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- 1129208** Clothing and individual equipment—4 each search light, to include 1 each MBS-410 Maxa Beam Searchlight, 2 each MBP-1207 Ni-Cad rechargeable battery module, 2 each MBA-6005 battery carry strap, 1 each MBP-4200 Ni-Cad quick charge/power supply, 1 each MBA-1850 covert infrared filter, 1 each MBA-6100 filter pouch, 1 each MBA-8105 5' power coil cord and 1 each MBA-6300 large pelican storage case, Maxa Beam Package MBPKG-d.
Department: State Police
Location: Hershey, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199
- PSU 4465-g** Computer and related equipment—3 each Fore chassis and modules.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer fax (814) 865-3028 or phone (814) 865-1402
- PSU 4466-g** Computer and related equipment—1 each ISDN Mux, adapters and cable.
Department: Penn State University
Location: University Park, Centre County, PA
Duration: FY 98—99
Contact: Steve Blazer fax (814) 865-3028 or phone (814) 865-1402
- 1150118** Food preparation and serving equipment—1,600 each three compartment styrofoam trays w/three section hinged lid all plastic china foam 250/case must be GENPAK No. 10300 or AMOCO No. 80-553.
Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

2075117 Food preparation and serving equipment—1,600 case trays—polystyrene 5 compartments school trays manufactured by Tenneco Style THI-0500 or approved equal.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1077048 Laboratory instruments and equipment—20 kits Aflatoxin No. 8030 or equal; 30 Kits Vomitoxin No. 8330 or equal; 26 Kits Zearalenone No. 8110 or equal; 26 Kits T-2 Toxin No. 8210 or equal; 18 Kits Fumonisin No. 8830 or equal.

Department: Agriculture
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1151078 Materials handling equipment—1 each forklift, electric, Hyster, Model No. E50XM or equal; 1 each No. G3-18-900 battery charger w/3 Phase 240 line voltage Hertner or approved equal; 1 each No. 18-850-23 battery for above forklift, general battery or approved equal.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1127188 Paper and printing—180M RSL-287 Online Lottery Retailer Settlement envelope.

Department: Revenue
Location: Middletown, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1142188 Paper and printing—150M E-221 AD (6-98) envelope, window 9 x 12 white Kraft 32 lb.

Department: Revenue
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

2039157 Pumps—1 project furnish and install a (Duplex) Yeomans Series 4000 Type SAC-dual pneumatic sewer ejectors tankless system or approved equal.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

1130218 Steam plant and drying equipment—1 each furnish and install replacement components for the existing steam flow metering devices and provide feed water temperature indicators from the existing deaerator tank to the metering panel.

Department: State Hospital
Location: Harrisburg, Dauphin County, PA
Duration: FY 98—99
Contact: Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Construction—09

Contract No. FBP-95-16-0005A Removal and disposal of the existing steel truss bridge with bituminous filled metal deck and stone masonry abutments; construct new bridge utilizing prestressed concrete spread box beams with a reinforced concrete deck and cantilevered abutments.

Department: Conservation and Natural Resources
Location: Shippen Township, Tioga County, PA
Duration: Complete all work by October 31, 1999
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-016-131 Demolition of existing structure (steel I-beams, wood decking, stone masonry substructure); clearing, grubbing and rough grading; excavating, backfilling; and compacting; dewatering; rock lining; selected material surfacing (525 S. Y.'s); erosion and sediment pollution control measures; traffic signing; guide rail; landscaping; plain and reinforced concrete structures (245 C. Y.'s); architectural surface treatment (650 S. F.); and prestressed concrete box beams.

Department: Conservation and Natural Resources
Location: Shippen Township, Tioga County, PA
Duration: Complete all work by October 31, 1999
Contact: Construction Management Section, (717) 787-5055

MICE 98-19 Asphalt paving at Mayview State Hospital southeast courtyard and northwest courtyard. Please contact Purchasing at Mayview State Hospital (412) 257-6215 for more information and a copy of the bid specifications.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: September 01, 1998—December 31, 1998
Contact: Fred Molisee, Purchasing Agent, (412) 257-6215

Engineering Services—14

11098006 One service purchase contract is necessary to comply with the minimum soils testing requirements as delineated in Form 408, dated 1996. The contract will provide the labor, equipment and materials necessary to conduct proctor tests, compaction tests (either sand cone or nuclear gage methods), gradation analysis tests and wash tests. The contractor must be able to respond to a test within 24 hours of notification. All tests are to be in accordance with Pub. 19, Field Test Manual.

Department: Transportation
Location: Engineering District 11-0, Various locations within Maintenance District 11-1, Allegheny County, PA
Duration: October 05, 1998 through October 04, 1999 with renewal options
Contact: Bill Arnold or Joe Savage, (412) 429-5061 or 429-5059

08430AG2235 Final design services for S. R. 0080, Section B15, replacement of the superstructure for the two viaduct bridges over Moshannon Creek, Centre County.

Department: Transportation
Location: Engineering District 2-0
Duration: Fifteen (15) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2236 Final design services and services during construction for S. R. 0080, Section B09, I-80 restoration from Yarnell to Bellefonte Interchange in Centre County.

Department: Transportation
Location: Engineering District 2-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2237 Open-end contract for various environmental services on various projects located in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin and Potter Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2238 To provide supplementary construction inspection staff of approximately 19 inspectors for construction inspection and documentation services for S. R. 0202, Section 402 in Chester and Montgomery Counties.

Department: Transportation
Location: Engineering District 6-0
Duration: Forty (40) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

BF 417-102.1 Abandoned mine land reclamation, William J. McIntire Coal Co., Inc. involves an estimated 14,480 c. y. of grading, 1,040 s. y. of rock lining w/filter material and 10 acres of seeding. Eighty-one (81%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.3 million for Pennsylvania's 1997 AML Grant.

Department: Environmental Protection
Location: Manor Township, Armstrong County, PA
Duration: 210 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Food—19

HS-98/99 Head Start Program based at Shippensburg University is seeking vendors interested in providing food service for three Head Start Centers located in Shippensburg, PA; Newville, PA; and Carlisle, PA. Meals will be prepared in accordance with USDA regulations and delivered on a daily basis in accordance with menu cycle. Contract award will be made for the period October 1, 1998 through September 30, 1999. Vendors interested in receiving an Invitation For Bid (IFB) package should contact Deborah K. Martin, Contract Administrator, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299 at (717) 532-1121 or fax (717) 530-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA
Duration: October 1, 1998—September 30, 1999
Contact: Deborah K. Martin, Contract Administrator, (717) 532-1121

M-871 Meat and meat products; poultry and poultry products; fish; cheeses. Quantities may be obtained from facility upon request. Deliveries to be made only at request of facility.

Department: Labor and Industry
Location: Hiram G. Andrews Center, FOB Shipping Platform, 727 Goucher Street, Johnstown, PA 15905
Duration: October, November, December, 1998
Contact: C. A. Sloan, Purchasing Agent, (814) 255-8228

Fuel Related Services—20

304-07442 Contractor shall provide the necessary materials, equipment and labor for removal and replacement of emergency generator diesel fuel storage tank and associated systems at the Reading State Office Building.

Department: General Services
Location: Facilities Management, Reading State Office Building, 625 Cherry Street, Reading, PA 19602
Duration: September 1, 1998 through June 30, 1999
Contact: Robert Spoljaric, (717) 783-1170

Hazardous Material Services—21

GTAC-3 The Commonwealth of Pennsylvania, Department of Environmental Protection is soliciting proposals from experienced and qualified firms interested in providing general, environmental consulting and technical services under Act 108 of 1988, PA Hazardous Sites Cleanup Act, Act 2 of 1995, Land Recycling and Environmental Remediation Standards Act and Act 32, Storage Tank and Spill Prevention Act. A more detailed description of tasks is included in the Request for Proposals. Proposals are due no later than 4 p.m. on October 16, 1998. A Preproposal Conference is scheduled for Wednesday, August 26, 1998 for 10 a.m. at the Rachael Carson State Office Building, 2nd Floor Auditorium in Harrisburg, PA.

Department: Environmental Protection
Location: Statewide
Duration: May 1999—May 2002
Contact: Sheila Barley, (717) 787-0886

HVAC—22

L&I-7-98 HVAC services: Twenty-four (24) hour 7 days per week coverage for the Treasury Unemployment Compensation Disbursement check printing environmental and power conditioning system. A mandatory prebid onsite inspection will be conducted.

Department: Labor and Industry
Location: Treasury UC Disbursements, Room 400 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, Dauphin County, PA 17120
Duration: October 1, 1998 through September 30, 2000
Contact: Donna A. Sallie, Program Manager, (717) 787-2560

Janitorial Services—23

JC-18-98 Janitorial services: Cleaning an office that has 18,000 sq. ft. of space, plus a sidewalk to be swept and occasional removal of snow. Clean and wash office furniture daily, remove trash daily, clean and scrub men and ladies' restrooms, and public restrooms daily and clean clothes closets. Once a week, clean, wash and polish the vestibule, reception and waiting area. Empty cigarette urn. Dust all work areas, including testing room, conference room. Use electric sweeper on carpeting for the entire office and remove spots and stains. Scrub walls when needed. Maintain office in clean and orderly fashion. More detailed specifications will be sent with bid package.

Department: Labor and Industry
Location: Cambria County Job Center—Johnstown, 200 Lincoln Street, Johnstown, Cambria County, PA 15901
Duration: 2 years: October 01, 1998—September 30, 2000
Contact: Joseph R. Casale, Manager, (814) 533-2331

Lodging/Meeting—27

SIIC Meeting room for approximately 130 people with five breakout rooms during February 23 through 26, 1999. Full breakfasts/lunches/breaks required within the facility. Lodging for 110 single rooms on February 23, 24 and 25, 1999 required. Facility must be capable to provide videoconferencing/overhead projectors with screens/slide projector/TV—1/2" VCR/and associated classroom items. Facility must be located not more than 5 miles from the Borough of State College, PA. Parties must submit bids by 1 p.m., August 26, 1998, (717) 783-5988 for bids.

Department: Transportation/Construction and Materials
Location: State College, PA
Duration: February 23—26, 1999
Contact: Alfred Uzokwe/Anita Sommer, (717) 787-3731

Property Maintenance—33

6302-01 Construct new foundation and concrete slab for washhouse at the campground.

Department: Conservation and Natural Resources
Location: Blue Knob State Park, 124 Park Road, Imler, PA 16655-9207
Duration: 45 days after notice to proceed
Contact: James E. Davis, (814) 276-3576

SP 257166 Services required for the pit toilet at the public launch ramp located at Neshaminy State Park/Marina.

Department: Conservation and Natural Resources
Location: Bureau of State Parks, Neshaminy State Park, 3401 State Road, Bensalem, Bucks County, PA 19020
Duration: December 31, 1998
Contact: Richard W. Eberle, Park Manager, (215) 244-6304

Vehicle, Heavy Equipment—38

76A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 9,280 useable square feet of new or existing office space, with parking for 19 vehicles, within the Borough of Huntingdon and Smithfield Township with preference given to the Borough of Huntingdon. In areas where street or public parking is not available, an additional 12 parking spaces are required. Proposals due: September 14, 1998. Solicitation No.: 92705.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998-99
Contact: Cynthia T. Lentz, (717) 787-4394, ext. 3108

Miscellaneous—39

01 Site preparation, installation, and all material for a woven wire fence at eight locations: 1. Approximately 7,720 lineal feet off of Rainsares Road. 2. Approximately 5,519 lineal feet off of Rag Valley Road. 3. Approximately 4,500 lineal feet off of Rag Valley Road. 4. Approximately 8,593 lineal feet off of Greens Valley Road. 5. Approximately 14,982 lineal feet off of Jones Mountain Road. 6. Approximately 5,468 lineal feet off of Hunter Road. 7. Approximately 8,093 lineal feet off of Hunter Road. 8. Approximately 11,220 lineal feet off of Shade Mountain Road. Operator may bid on one or all sites.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Bald Eagle State Forest, District No. 7, P. O. Box 147, Laurelton, PA 17835
Duration: Contract terminates September 30, 1998
Contact: Michael Becker, Forester, (717) 922-3344

035 The Department of Environmental Protection is soliciting proposals from municipalities, not-for-profit organizations or for-profit business entities for the Industrial Market Development Grant for Waste Tires. Proposals are due by 4 p.m., September 25, 1998. For copies of the Request for Proposal contact Tammy Snyder, Bureau of Land Recycling and Waste Management, 400 Market Street, 14th Floor, Rachael Carson State Office Building, Harrisburg, PA 17101-2301, (717) 787-7382.

Department: Environmental Protection
Location: 400 Market Street, 14th Floor Rachael Carson State Office Building, Harrisburg, PA 17101-2301
Duration: August 31, 1999
Contact: Tammy Snyder, (717) 787-7382

RFP No. 28-98 Child Care Information Services (CCIS). To administer the subsidized Child Day Care Program for low-income families. Low-income families and former TANF families will receive information about the types of child care and the location and availability of services. If determined eligible for services, the CCIS will authorize and purchase child day care services. The end results will be that low-income families and former TANF recipients will be able to maintain employment with the support of child care subsidy.

Department: Public Welfare
Location: Allegheny County, Bucks, Butler, Cameron, Centre, Clearfield, Elk, Huntingdon, Lebanon, McKean, Potter, Venango, Westmoreland and York Counties, PA
Duration: July 1, 1999 to June 30, 2000 with option to renew 4 more years
Contact: Christopher Wolf, (717) 787-8082

0000-000-98-RFP 1-98 Professional Conservation Services. The Pennsylvania Historical and Museum Commission is taking proposals for an indefinite quantities contract for a variety of professional collections conservation services for historic sites and museums throughout this Commonwealth on an as-needed basis, including the following areas: Conservation examination and treatment of collections; design and fabrication of specialized mounts and environmentally regulated cases for exhibition of collections; design of museum artifact storage facilities; design and fabrication of specialized shipping and/or storage containers for collections; transport of museum collections; surveys and long-range conservation planning; emergency preparedness planning and disaster relief services; analytical services and scientific testing; environmental and lighting systems analysis for museums and historic buildings; and training on conservation, emergency preparedness, housekeeping, and collections care. This will be a 5 year contract. A nonmandatory preproposal meeting will be held September 2, 1998, at 1 p.m. at the Commonwealth Conservation Center, 3rd floor Conference Room, Publications Building, 908 Market Street, Harrisburg, PA. Proposals are due October 7, 1998. For a copy of the RFP, call (717) 787-2292 or fax a request to (717) 783-9117, or write to Commonwealth Conservation Center, 908 Market Street, 3rd Floor, Harrisburg, PA 17101. Proposals are due on Wednesday, October 7, 1998, at 3 p.m. Proposals will be received at: Commonwealth Conservation Center, 908 Market Street, 3rd Floor, Harrisburg, PA 17101.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Commonwealth Conservation Center, 908 Market Street, 3rd Floor, Harrisburg, PA 17101
Duration: July 1, 1998 to June 30, 2003
Contact: John Hartmann, (717) 787-2292

016—Technical Assistance Consultant to provide technical assistance on service learning to schools, teachers, students and community groups across this Commonwealth. Consultant must represent a consortium of educational institutions and community-based organizations and will establish/maintain regional service learning centers in Philadelphia, Pittsburgh and Scranton/Wilkes-Barre through the 3-year contract period of October 1, 1998 through September 30, 2001. Consultant will also link service learning training and technical assistance with other educational initiatives including School-To-Work, America Reads, and Read to Succeed.

Department: Education
Location: Statewide with staff in Philadelphia, Pittsburgh and Scranton/Wilkes-Barre, PA
Duration: October 1, 1998—September 30, 2001
Contact: Dorothy M. Hershey, (717) 783-7089

[Pa.B. Doc. No. 98-1349. Filed for public inspection August 14, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1053158-01	08/04/98	Calico Industries, Inc.	61,824.00
8249080-01	08/04/98	Shaul Equipment and Supply Co.	90,317.00
1062118-01	08/04/98	Tetra Pak, Inc.	81,075.00

Requisition or Contract #	Awarded On	To	In the Amount Of
8249540-01	08/04/98	Lincoln Supply and Equipment Co., Division of Somerset Welding and Steel	20,265.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-1350. Filed for public inspection August 14, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 250, 287—289,
291, 295, 297 AND 299]

Residual Waste

The Environmental Quality Board (Board) proposes to amend Chapters 287—289, 291, 295, 297 and 299. The Board also proposes to amend § 250.9 (relating to interaction with other environmental statutes) of the regulations governing the administration of the land recycling program. The proposed amendments are the result of the Department of Environmental Protection (Department) evaluating the residual waste regulations promulgated in 1992 in accordance with the Regulatory Basics Initiative (RBI).

This proposal was adopted by the Board at its meeting of June 16, 1998.

A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information contact William F. Pounds, Chief of the Division of Municipal and Residual Waste, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7564, or Michelle M. Moses, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of the following:

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003), which in section 105(a) of the SWMA (35 P. S. § 6018.105 (a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to carry out the provisions of the SWMA.

The Clean Streams Law (CSL) (35 P. S. §§ 691.1—691.1001), which in section 5(b) of the CSL (35 P. S. § 691.5(b)) grants the Department the authority to formulate, adopt, promulgate and repeal the rules and regulations as are necessary to implement the provisions of the CSL and which in section 402 of the CSL (35 P. S. § 691.402) grants the Department the authority to adopt rules and regulations requiring permits or establishing conditions under which an activity shall be conducted for any activity that creates a danger of pollution of the waters of this Commonwealth or that regulation of the activity is necessary to avoid pollution.

The Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904), which in section 302 of Act 101 (53 P. S. § 4000.302) gives the Board the power and duty to adopt

the regulations of the Department to accomplish the purposes and carry out the provisions of this act.

The Pennsylvania Used Oil Recycling Act (PUORA) (58 P. S. §§ 471—480), which in section 480(e) of the PUORA (58 P. S. § 480(e)) grants the Department the authority to issue any rules or regulations under the PUORA.

The Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P. S. §§ 6026.101—6026.909), which in section 104(a) of Act 2 (35 P. S. § 6026.104(a)) authorizes the Board to adopt Statewide health standards, appropriate mathematically valid statistical tests to define compliance with Act 2 and other regulations that may be needed to implement the provisions of Act 2. Section 301(c) of Act 2 (35 P. S. § 6026.301(c)) authorizes the Department to establish by regulation procedures for determining attainment of remediation standards when practical quantification limits set by the United States Environmental Protection Agency (EPA) have a health risk that is greater than the risk levels established in Act 2. Section 303(a) of Act 2 (35 P. S. § 6026.303(a)) authorizes the Board to promulgate Statewide health standards for regulated substances for each environmental medium and the methods used to calculate the Statewide health standards.

The Waste Tire Recycling Act (Act 190) (§§ 6029.101—6029.113), which in section 105(4) of Act 190 (35 P. S. § 105(4)) authorizes the Department to regulate the disposal of waste tires.

The Administrative Code of 1929 (AC) (71 P. S. §§ 510-5, 510-17 and 510-20), which in section 1905-A the AC authorizes the Department to require applicants for permits and permit revisions to provide written notice to municipalities, in section 1917-A of the AC authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the Department and in section 1920-A of the AC grants the Board the power and the duty to formulate, adopt and promulgate rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

D. *Background and Purpose*

The residual waste program in this Commonwealth was developed under the Pennsylvania SWMA. There are currently no comprehensive Federal regulations governing the management of nonhazardous industrial, mining and agricultural wastes (residual waste). The SWMA of 1980 (P. L., No. 97) (Act 97) authorized the Department to develop and promulgate regulations to manage residual waste. Under Act 97, residual waste generally consists of waste from industrial, mining and agricultural operations, and includes nonhazardous sludge from an industrial, mining or agricultural waste treatment or pollution control facility. On July 4, 1992, the Department promulgated a comprehensive set of regulations for the management of residual waste. The regulations were developed over a long period of time to allow extensive input from the public and the regulated community.

This proposed rulemaking was developed in response to the Secretary's RBI and the Governor's Executive Order 1996-1 which required all departments to reevaluate existing regulations. The RBI requires evaluation of regulations based on the following criteria: agency re-

quirements are no more stringent than standards imposed by Federal law unless justified by a compelling and articulable Commonwealth interest or authorized by State law; requirements are eliminated which are no longer necessary or redundant; performance-based requirements are encouraged; new green technologies are encouraged; a pollution prevention approach is supported; and information is prepared in plain, simple, clear and concise language.

The RBI review process invited the regulated community, local governments, environmental interests and the general public to help the Department identify specific regulations which should be changed based on the RBI criteria. Input was solicited from the Solid Waste Advisory Committee (SWAC), the Pennsylvania Chamber of Business and Industry, the Pennsylvania Waste Industries Association, the Pennsylvania Electric Association, and numerous other groups, individual companies and the public. The opportunity for involvement in this process was noticed in the *Pennsylvania Bulletin* with a 90-day comment period. Evaluation of the residual waste regulations under the RBI criteria resulted in the Department's preparation of eight separate reports. These reports were made available to the general public, the regulated community, local governments and environmental interest groups. In addition, the Department prepared a Comment and Response Document to address the comments received during the RBI evaluation and to identify which regulations would be revised in response to the comments.

The proposed regulatory amendments reflect the changes identified as a result of the RBI process and changes identified as a result of 5 years of experience in implementing the regulations. In addition, the proposed amendments clarify the application of the Act 2 remediation standards, which became effective on August 16, 1997, to residual waste facilities. The Department met with SWAC to discuss changes to the regulations on June 12, 1997, and September 11, 1997. Prior to the September 11 meeting with the full committee, the Department met with a SWAC subcommittee on September 3, 1997, to identify significant issues including the definition of "waste" and other related terms and the interface of the assessment and abatement requirements with the Act 2 remediation standards. The proposed changes were approved by SWAC at its September 11, 1997, meeting.

E. *Summary of Regulatory Requirements*

A description of the proposed amendments is as follows:

Chapter 250. Administration of the Land Recycling Program

Section 250.9. Interaction with other environmental statutes.

After further evaluation of the application of the Act 2 remediation standards to residual waste facilities, proposed amendments have been made to blend the remediation requirements of Act 2 with the abatement standards in the solid waste program. In addition, consideration was given to Federal regulations for municipal waste facilities, which provided further guidance on the issue. In subsection (b), the proposed amendments delete the requirement that groundwater standards in Subchapters B and C apply as part of a Department-approved assessment and abatement plan. This deletion is replaced with proposed standards in §§ 288.257 and 289.267 (relating to abatement plan) of the residual waste regulations. In addition, the standards that must be demonstrated to qualify for liner and leachate treatment system waivers or modifica-

tions have been deleted in § 250.9 and inserted in proposed §§ 287.112 and 287.115 (relating to storage impoundments and storage facilities; and filing by permitted facilities). The Act 2 standards that apply at closure have been deleted in this section and added into the final closure requirements in § 287.342 (relating to final closure certification). A new reference to "remediation standards" has been added to be consistent with the terms that are used and defined in the proposed residual waste regulations. Finally, the last sentence in subsection (b) has been deleted to be consistent with the proposed residual waste regulations which no longer include the terms "groundwater parameter" and "human health and environmental protection levels."

Chapter 287. Residual Waste Management—General Provisions

Section 287.1. Definitions.

The Board is proposing to amend certain terms and to add additional terms which assist in the identification of materials which are considered waste and which are not considered waste, such as coproducts. The terms used to help with this determination include the following: "accumulated speculatively"; "byproduct"; "coproduct"; "product"; "reclaimed"; "recycled"; "spent material"; "used or reused"; and "waste." To a large extent, these new and revised terms are identical to terms defined under the hazardous waste program. The existing definition of "waste" was deleted and replaced with language that identifies waste as any discarded material which is recycled or abandoned. The term further defines the circumstances that qualify a material as "abandoned" and explains when materials that are recycled are considered to be waste and are considered not to be waste. A material is not waste when it can be shown to be recycled by being used as an ingredient in an industrial process, when it is determined to be a coproduct or returned to the original process from which it was generated without first being reclaimed or land disposed. Under the proposed definition of "waste," steel slag is not waste if used onsite as a liming agent for acid neutralization or onsite in place of aggregate.

The term "coproduct" has been revised to apply only to materials that are placed directly on the land or are used to produce products that are applied to the land or that are used for energy recovery with a minimum Btu value of 8,000. Examples of activities that involve the application of materials to the land include the placement of roadway aggregate, pipe bedding and construction materials. Under the Federal program, placement of hazardous waste on the land is prohibited. Under the residual waste program, the Department has maintained the opportunity to apply a material to the land through an evaluation process that may result in a coproduct determination. Additional proposed changes to the definition of "coproduct" include the allowance of sizing, shaping or sorting of the material without a permit and the allowance of a material to be considered a coproduct if no product or produced raw material exists for purposes of chemical and physical comparison.

The definitions for "byproduct" and "used or reused" have been modified to be consistent with the definitions for these terms in the Federal hazardous waste program. The definition of "product" has been modified to delete references to off-specification materials as potential coproducts because many of these materials may be excluded from regulation since they may be materials that are not waste when recycled under the definition of "waste." Definitions for "recycled" and "accumulated

speculatively" have been added for clarification of terms used in the waste definition. The definitions for these terms are identical to those found in the Federal hazardous waste program. The terms "expended material" and "waste reclamation" have been deleted and replaced with the terms "spent material" and "reclaimed," which are defined consistently with the Federal hazardous waste program.

Several terms were added, modified or deleted that relate to groundwater abatement and remediation. The Department is proposing to add the following terms to clarify what standards apply to a release that occurs during the operational phase of a facility and that occurs during the closure phase: "abatement standards," "risk-based standard," "background standard," "remediation standards," "secondary contaminants," "site-specific standard" and "Statewide health standard." In addition, a minor change was made to the term "groundwater degradation," by changing the word "levels" to "concentrations," and the term "human health and environmental protection levels" was deleted.

The proposed amendments differentiate between abatement standards and remediation standards. The abatement standards serve as performance standards during operations. If, during operations, groundwater degradation is detected at monitoring points as a result of failed liner or leachate collection systems, groundwater assessment and abatement must be conducted to meet abatement standards. If a liner or leachate collection system fails, the system design must be repaired to prevent future releases and, in addition, performance standards to contain or mitigate the leak must be implemented in order to allow further operation of the facility. The abatement standards serve as the performance standards that must be met if the facility continues to operate.

If, after the facility ceases to accept waste, groundwater degradation exists the release must be remediated to meet one of the remediation standards. One of the primary differences between the abatement and the remediation standards is the application of the site-specific standard. A site-specific standard may be chosen as a remediation standard. This standard may not be used for abatement during the operational phase of the facility because the particular conditions of the site will continue to change, due to continued operations, and the site-specific standard requires an analysis of the risks that exist at the time the remediation is implemented.

The term "risk-based standard" has been added to allow for a risk-based option for cleanup when abatement is triggered during the operational phase of the facility. This standard is consistent with the Federal assessment monitoring and corrective action programs under 40 CFR Parts 257 and 258 (relating to solid waste disposal facility criteria). Although this Federal requirement is not mandatory for the state's residual waste program, the Department is proposing to include it to be consistent with the state's municipal waste abatement program. The terms "background standard," "Statewide health standard" and "site-specific standard" refer to numerical cleanup standards developed under Act 2. The term "remediation standards" refers to those cleanup standards which apply to a release after a facility ceases to accept waste. The term "secondary contaminants" refers to a substance for which a secondary maximum contaminant level exists and no lifetime health advisory level exists.

The term "asbestos containing waste" has been deleted. Only friable asbestos containing waste will continue to be managed as residual waste, in accordance with § 287.2

(relating to scope). Waste such as shingles or floor tiles from the demolition of homes are commonly managed as construction/demolition waste under the municipal waste program.

The definition of "clean fill" has been modified to identify more clearly those uncontaminated materials that qualify as clean fill, and to allow the material to be placed into waters of this Commonwealth if approved by the Department. Soil and other materials managed as clean fill are not waste; however, as required in the existing regulations, a person using the material as clean fill has the burden of proof to demonstrate that the material is clean fill. This language was moved from § 287.101 (relating to general requirements for permits) to the definition for purposes of clarity. The term is defined to allow soil and other materials to qualify as clean fill with de minimis levels of contamination. The Department is developing a guidance document that identifies de minimis levels of contamination and criteria for the unrestricted management of clean fill. In addition, the Department is considering the use of general permits and other permitting mechanisms for the onsite and offsite management of soil and other materials that do not meet the clean fill criteria and de minimis levels of contamination. The general permits may allow the beneficial use of soils and other materials in commercial and industrial areas. The Department is specifically seeking comments on permitting mechanisms that can be used to maximize flexibility in the management of contaminated soils.

The term "dredged material" is proposed to be added to clarify that uncontaminated dredged material can be used as clean fill and to identify waste material that will now be managed as residual waste instead of as municipal waste.

The term "groundwater parameter" has been replaced with the term "waste classification standard" to avoid confusion between groundwater standards and standards that are used to determine the types of waste that can be disposed in Class II and Class III landfills and Class II impoundments.

The definition of "land application" deletes the reference to surface land disposal, a management practice that is no longer available under the residual waste regulations.

The term "municipal-like residual waste" was added to identify a class of waste that qualifies for a streamlined approval process for disposal or processing. The waste must have the same physical and chemical characteristics as residential municipal waste.

The term "scrap metal" has been added to identify those metal parts that may qualify for a permit exemption when processed in a manner that results in beneficial use. The definition for this term is consistent with the definition for the same term in the Federal hazardous waste program.

The term "steel slag" is defined to identify which types of material relating to the slag industry may be excluded from the definition of "waste," based on the process used to produce it and the use of the material after production. Under the definition of "waste," if steel slag is used onsite as a liming agent for acid neutralization or onsite in place of aggregate, the material is not a waste.

The term "special handling waste" has been modified to exclude asbestos-containing waste that is not friable, to delete the word "oil" when referring to hazardous waste

and to delete fuel contaminated soil, waste tires and water supply treatment plant sludges from the definition.

Section 287.2. Scope.

Subsection (b)(3) has been changed to delete the reference to "other" residual waste and to clarify that sewage sludge mixed with a small quantity of residual waste will be managed under the municipal waste regulations. In subsection (c), the reference to hazardous waste "oil" has been removed because that term is no longer used in the hazardous waste program. Autofluff and dredged material have been added for management under the residual waste regulations. In addition, the term "fuel" has been deleted and the regulations clarify that any contaminated soil must be managed under the residual waste regulations. In subsection (d), the word "friable" has been added to indicate that only friable asbestos containing waste is a special handling waste that is managed under the residual waste regulations.

In 1992, the Board promulgated a regulation that requires the management of water supply treatment plant sludges in accordance with the design and performance standards of the residual waste program. The decision to manage the material under the residual waste regulations, instead of the municipal waste regulations, was made to allow for greater flexibility in the disposal, beneficial use and land application of the material. The Department is soliciting comments on whether the material is best managed under the storage, processing and disposal design and performance standards of the residual waste regulations or the municipal waste regulations.

Section 287.8. Coproduct determinations.

This section has been added to clarify the procedure that must be used to determine when a material is a coproduct. This section largely represents the procedure that has been in place by formal Department guidance during the past 4 years to determine whether a proposed coproduct will present a greater threat of harm to human health and the environment than the use of an intentionally manufactured or produced raw material. The procedure has been modified in these proposed amendments to conform with the proposed changes to the coproduct definition. Therefore, the analysis focuses on the application of the proposed coproduct to land or the use of the proposed coproduct for energy recovery. In addition, the procedure has been modified to include an analysis for a proposed coproduct where no product or produced raw material will be replaced. A person who completes a coproduct determination must maintain documentation supporting the determination and make the information available to the Department upon request. Also, documentation supporting the determination must be provided to persons selling, transferring, possessing or using the material.

Duties of Generators

Section 287.9. Industry-wide coproduct determinations.

To facilitate the reuse and marketing of coproducts that have historically been used as an effective substitute for an intentionally manufactured product or produced raw material, the proposed regulations include a new section to allow for the issuance by the Department of industry-wide coproduct determinations for classes of materials. An industry-wide coproduct determination will be based on the consistency of the material's chemical and physical characteristics and on factors concerning the historical use of the material. Any list of Department-approved coproducts will be published in the *Pennsylvania Bulletin*.

Section 287.51. Scope.

In subsection (a), minor word changes are proposed to clarify that compliance with the biennial report and source reduction strategy requirements is required. The requirements in §§ 287.52 and 287.53 (relating to biennial report); and source reduction strategy) dictate when a report must be submitted.

Section 287.52. Biennial report.

Subsection (a) has been changed to delete references to deadlines for submissions that have passed.

Section 287.53. Source reduction strategy.

Subsection (b) has been changed to delete references to deadlines for submissions that have passed.

Section 287.54. Chemical analysis of waste.

Changes to subsections (a) and (g) have been proposed to require a generator to evaluate the leaching potential of the waste and to allow the Department to waive or modify the chemical analysis requirements for municipal-like residual waste.

Section 287.55. Retained recordkeeping.

Proposed changes in subsection (a) indicate that requirements regarding the maintenance and retention of records developed by generators applies to all generators, regardless of the amount of waste they generate.

General Requirements

Section 287.101. General requirements for permits.

Proposed changes to subsection (b)(1) state that mushroom waste may be required to meet the applicable land application, composting, storage and transportation requirements in the residual waste regulations unless the operation is conducted in accordance with the best management practices identified in the Department's manual entitled "Best Practices for Environmental Protection in the Mushroom Farm Community" or as such practices are approved on a case-by-case basis. The Department and the mushroom industry have been working together for the past 5 years to develop a best management practices manual for the management of mushroom waste. The manual has recently become available to the public.

The proposed changes to subsection (b)(2) provide parallel changes for the food processing industry. The Department's "Food Processing Residual Management Manual" was published in 1994 and identifies best management practices for the industry.

Subsection (b)(6), the permit exemption for clean fill, has been deleted. The management of uncontaminated soil and other materials will continue to be subject to the Department's published "Policy and Procedure Establishing Criteria for Use of Uncontaminated Soils, Rock, Stone, Unused Brick and Block, Concrete and Used Asphalt as Clean Fill." This policy is being updated, with consideration to the final land recycling regulations.

In subsection (b)(7), a new permit exemption has been proposed for processing that results in the beneficial use of scrap metal.

Section 287.102. Permit by rule.

A minor change to subsection (a)(3) clarifies that a permittee must prepare as well as maintain any records required.

Section 287.112. Storage impoundments and storage facilities.

Under § 287.112(f)(1)(ii)(A) and (B), changes have been proposed to the demonstration that must be made to qualify for a liner system and leachate treatment system waiver or modification at a storage impoundment. The proposed language incorporates performance standards that are based on numerical standards developed under Act 2. Instead of using groundwater parameters as the performance standards that must be met to qualify for the waivers or modifications, the proposed amendments refer to the Act 2 Statewide health standard. Also, the word "levels" has been changed to "standard" to clarify the reference to the Act 2 background standard.

Section 287.115. Filing by permitted facilities.

Proposed changes to § 287.115(c)(1)(ii)(A) and (B) have been made to the demonstration for a liner system and leachate treatment system waiver or modification at a disposal facility. The proposed language incorporates performance standards that are based on numerical standards developed under Act 2. Instead of using groundwater parameters as the performance standards that must be met to qualify for the waivers or modifications, the proposed regulations refer to the Act 2 Statewide health standard. Also, the word "levels" has been changed to "standard" to clarify the reference to the Act 2 background standard.

In addition, paragraph (4) has been added to limit the availability of the waivers and modifications. The liner and leachate treatment systems may not be modified or waived for areas identified in an application for a new permit or permit modification submitted after July 4, 1997.

Subsection (g) has been added to clarify the steps that must be taken after a facility is required to cease operations in accordance with this section. If required to cease operations, the person or municipality must submit a closure plan under § 287.117 (relating to closure plan). An application for a new permit must be filed to receive, process or dispose of waste.

Section 287.117. Closure plan.

Subsection (b) has been added to provide the flexibility necessary to allow a person or municipality to continue using an existing system or design, such as a monitoring system, if it performs at a level that is equivalent to the applicable regulations. Subsection (j) has been added to identify the remediation standards that apply to solid waste facilities that ceased receiving waste after September 7, 1980 (the effective date of the SWMA). Remediations must be performed in accordance with an approved closure plan, permit or settlement agreement; however, an approved closure plan, permit or settlement agreement may be modified to include the remediation standards in § 287.342(c) (relating to final closure certification).

Section 287.127. Environmental assessment.

Changes have been proposed to this section to clarify the permit application requirements for an environmental assessment and to add a balancing test which identifies how the Department will evaluate the benefits and harms of a facility. These proposed amendments are consistent with recent changes that were made in the municipal waste program. The environmental assessment carries out the Department's obligation under section 102(10) of the SWMA (35 P.S. § 608.102 (10)) to implement PA. CONST. Art. I, § 27 (relating to natural resources and the public estate) which mandates that the Common-

wealth protect public resources. This mandate is viewed as requiring a balancing of interests and was further developed in *Payne v. Kassab*, 312 A.2d 86 (Pa. Cmwlth. 1973), *aff'd*, 361 A.2d 263 (Pa. 1976), *P.E.M.S. v. DER*, 503 A.2d 477 (Pa. 1986) and various later cases.

This section applies to all residual waste permit applications. In subsection (a), the existing regulations identify factors such as traffic, air quality, water quality, wildlife and land use, that must be analyzed in the environmental assessment for potential impacts on the environment, public health and public safety. The proposed amendments include two new factors that must be considered: scenic rivers and national landmarks.

In subsection (b), the proposed amendments specify that the environmental assessment submitted by the applicant must describe the known and potential environmental harms of the proposed project and must include a mitigation plan for each such harm. The Department will assess whether all harms will be mitigated, and the effect of the mitigation measures collectively. This will include evaluating harm that is created in the process of mitigation and harm that is the direct result of the location of the proposed facility.

Proposed subsections (c) and (d) set forth the test that the Department will use to evaluate the information provided in the environmental assessment. The test requires the applicant to demonstrate that the benefits of the project to the public clearly outweigh the known and potential environmental harms that will remain after mitigation. The benefits that will be considered are any social and economic benefits that remain after taking into consideration the known and potential social and economic harms of the project, and any environmental benefits of the project.

Under subsection (c), the test described in the preceding paragraph is required for every application for a noncaptive landfill, disposal impoundment or incinerator because these facilities present a greater threat of long-term harm. Under subsection (d), the test is required of another facility only if another facility has not demonstrated that it will mitigate all environmental harms.

Proposed subsection (e) allows the Department or any other person or municipality to identify potential harms and benefits.

Under new subsection (f), the environmental assessment, including the Department's evaluation under subsections (c) and (d), will occur in Phase I of the permit review. New subsection (g) allows the Department to require submission of a revised environmental assessment if additional harms or potential harms are discovered at a later time in the permit review process.

Section 287.131. Scope.

A minor change, the deletion of the reference to processing or disposal, is proposed for subsection (a).

Section 287.132. Chemical analysis of waste.

In subsection (a), a modification has been proposed for paragraph (1)(v) that requires an applicant to demonstrate that waste to be disposed will not adversely affect a liner or leachate treatment system. In addition, proposed changes to subsection (a) allow a waiver or modification of the chemical analysis for municipal-like residual waste at any permitted facility. Other modifications expand the opportunity for the Department to waive or modify chemical analysis requirements for municipal-like residual waste that is received at a permitted facility (such as, waste used as cover material).

Section 287.133. Source reduction strategy.

The requirement that an applicant for a processing or disposal facility obtain a copy of a source reduction strategy from each generator of waste that will be disposed or processed is clarified by referring to waste "received." This change clarifies, for example, that an application must include the source reduction strategy of a waste generator when the waste is received at a landfill for cover material.

Section 287.134. Waste analysis plan.

Subsection (a) has been modified to clarify that a waste analysis plan is required for waste proposed to be received at a permitted facility. The existing regulations only refer to a waste analysis plan requirement for waste that is disposed. Subsection (b) has been modified to clarify that the management of waste must be consistent with the permit and this article.

Section 287.141. Permit application fee.

Recalculated permit fees have been proposed to reflect current reasonable costs to the Department for providing technical review of applications.

Section 287.151. Public notice by applicant.

Additional notice requirements have been proposed for subsections (a) and (d) to include information in a public notice by the applicant for submission or modification of a closure plan. The following information must be included in a public notice if contamination exists at closure or occurs after closure: a list of contaminants; identification of ongoing abatement measures, if applicable; proposed remediation measures and the proposed remediation standards to be met. Under this proposed rulemaking package, the operator will have the option of selecting one of three remediation standards to address releases that are present after a facility ceases accepting waste. The changes in this notice section inform the public of the option chosen. If the site-specific standard is chosen to remediate a release, a 30-day public and municipal comment period must be included in the notice. During this period, a municipality may request to be involved in the development of the remediation and reuse plans for the site.

Section 287.152. Public notice by Department.

Additional notice requirements have been proposed for subsections (a) and (b) to include information in a public notice by the Department for a submission or modification of a closure plan. The following information must be included in a public notice if contamination exists at closure or after closure: a list of contaminants; identification of ongoing abatement measures, if applicable; proposed remediation measures and the proposed remediation standards to be met. Under this proposed rulemaking package, the operator will have the option of selecting one of three standards for remediating releases that are present after a facility ceases accepting waste. The changes in this notice section inform the public of the option chosen. If the site-specific standard is chosen to remediate a release, a 30-day public and municipal comment period must be included in the notice. During this period, a municipality may request to be involved in the development of the remediation and reuse plans for the site.

Section 287.154. Public notice and public hearings for permit modifications.

This section has been amended to revise those activities that necessitate a major permit modification. A major

permit modification is necessary where there will be a significant change to the design or operation of a disposal or processing facility. Several proposed changes have been made to this section. In subsection (a)(2), the proposed amendments clarify that a change in daily volume requiring a major permit modification includes a change in the average or maximum daily waste volumes. This clarification corresponds with the new sections added (§ 288.138 (relating to daily volume) and § 289.137 (relating to daily volume)) that require average and maximum daily volumes to be identified in landfill and disposal impoundment permit applications. In subsection (a)(3), the current regulations require a major modification when there are changes proposed to the design contours. In many instances minor changes to facility contours are necessary during construction of the facility. The proposed amendments modify this requirement to require a major modification for contour changes when the redesign will result in increased capacity or impact to groundwater.

In subsections (a)(5) and (7) and (b)(2), the replacement of groundwater monitoring wells and the addition of gas monitoring wells will no longer require major permit modifications since these measures will improve the existing design or operation of the facility. In subsection (a)(6), minor changes to the design and operation of the leachate collection and treatment plan, such as changes to the leachate collection piping configuration, will no longer be considered major permit modifications. Changes to the leachate treatment method, however, will be major permit modifications since they represent significant changes.

Under subsection (a)(8), changes to daily, intermediate and final cover requirements will no longer require major permit modifications. This paragraph has been deleted because in many instances changes in cover are necessary due to economic considerations or design and material availability considerations and do not effect the operation of the facility.

Under newly renumbered subsections (a)(10) and (b)(6), changes to a design that have been approved through a major permit modification for an equivalency review will no longer require additional major modifications for use at additional facilities. This change will streamline the approval process for commonly used alternative materials, as long as the operator demonstrates that the alternative design will work at a particular facility.

A new subsection (a)(11), has been added that requires a major permit modification for the submission of an abatement plan. These plans will require detailed review by the Department. Input from the public is necessary since the public may be directly affected by the abatement standard chosen.

In subsection (b)(1), the requirement has been modified to require a major permit modification for a change in specifications or dimensions of waste storage areas if the change results in an increase in processing or storage capacity.

Section 287.202. Completeness review.

New language has been proposed for subsection (a) that clarifies that separate submissions of the Phase I and Phase II parts of the application will not independently be considered to be administratively complete until both parts are determined to be administratively complete.

Section 287.211. Term of permits.

Proposed changes to subsection (c) clarify that a permit term, which is specified as a condition in a permit, is that

period of time when disposal or processing activities are authorized. The permit continues to exist after expiration of the permit term for purposes of completing closure and postclosure activities and all other requirements under the SWMA and the environmental protection acts as defined in § 287.1.

Proposed changes to subsection (e) clarify that if no residual waste is processed or disposed under a permit within 5 years of the date of issuance by the Department, the permit is void. For example, if an operator has both a disposal and a processing permit for one facility, but has only operated under the processing permit (such as, has not received waste for disposal), the disposal permit will become void.

Section 287.212. Conditions of permits—general and right of entry.

A new subparagraph has been added to this section that requires, as a condition of a permit, that a permittee notify the Department of the transfer of a controlling interest in the permittee. The notice will alert the Department to potential compliance history problems. By including this permit condition, the Department will be kept apprised timely of changes of parties in control of facility operations.

Section 287.221. Permit reissuance.

This section has been revised to clarify that a transfer, assignment or sale of rights granted under a permit may not be made without obtaining permit reissuance. No substantive change has been made to this section.

Section 287.222. Permit modification.

A new subsection (c) has been proposed to allow the Department to make timely decisions in the field regarding modifications to the construction of liner systems or of erosion and sedimentation control devices. These decisions on minor permit modifications may only be made if it is impracticable to comply with subsections (a) and (b) and if the modification will improve the permitted design.

Section 287.231. Equivalency review procedure.

A proposed change in subsection (e) will allow an alternative design that is approved once through a major permit modification for one applicant to be applied by another applicant through a minor permit modification. This change was made because the first equivalency review demonstrates that the design meets the performance standards of the regulations. Subsequent reviews are limited to the application of that design to a particular facility and can adequately be accomplished through a minor permit modification.

Bonding Requirements

Section 287.341. Release of bonds.

Several changes have been proposed for subsection (g). In paragraph (1), the phrase "including long-term maintenance of remediation measures" has been added to clarify that a bond will not be released if the remediation measure chosen when a release exists at closure will require ongoing maintenance. For example, a bond amount must be maintained that covers the maintenance costs of an ongoing pump and treat system for contaminated water.

In paragraph (2), the conditions of an owner or operator's liability to restore groundwater have been changed to reflect consistency with the land recycling program. The phrase "background conditions" has been deleted and replaced with the obligation to restore the groundwater to

remediation standards and to maintain groundwater quality, at a minimum, at those levels.

Paragraph (4) has been proposed to be deleted because the obligation to achieve background levels has been replaced with the obligation to meet a remediation standard under the land recycling program if a release occurs after closure.

Section 287.342. Final closure certification.

In subsection (b), changes have been proposed to the final closure certification fees to reflect current reasonable costs to the Department for providing technical review of the final closure. Proposed changes in subsection (c) identify the new demonstration that must be made by an applicant to receive final closure certification. This new demonstration is consistent with Act 2 and its remediation standards and it replaces the existing requirements that reference groundwater parameters and human health and environmental protection levels. If groundwater degradation exists at closure or occurs after closure, compliance with one of the remediation standards must be demonstrated for final closure certification.

Proposed subsection (d) has been added to indicate that secondary contaminants may be measured, for compliance purposes, at a point beyond the property boundary up to a water source. The compliance point for secondary contaminants is consistent with the land recycling program.

In subsection (g), changes to the conditions of an owner or operator's liability to restore groundwater have been proposed to reflect consistency with the land recycling program. The phrase "background conditions" has been deleted and replaced with the obligation to restore the groundwater to remediation standards and to maintain groundwater quality, at a minimum, at those levels.

Proposed subsection (i) has been added to address when additional remediation must be performed after a final closure certification has been issued. The circumstances are limited to an increase in the risk level beyond the acceptable range due to substantial changes in exposure conditions, such as a change in land use from a nonresidential to a residential use, or the existence of new information about a substance associated with the facility which revises the exposure assumptions beyond the acceptable range. The conditions of this reopener are consistent with the land recycling program.

Section 287.371. Insurance requirements.

Subsection (a) has been changed to delete references to obsolete deadlines for submissions.

Section 287.421. Administrative inspections.

In subsection (b)(1), the language referring to land disposal activities has been deleted to be consistent with the proposed changes in Chapter 291 (relating to land application of residual waste) which eliminate the availability of the surface land disposal waste management practice. In subsection (b)(5), the phrase "beneficial use areas" was added to clarify the intended frequency of inspection for beneficial use activities.

Demonstration Facilities

Section 287.501. Scope.

Proposed changes to this section authorize the approval of a demonstration project for processing or disposal of residual waste at a permitted processing or disposal facility under a permit modification, rather than under an application for a new permit.

Section 287.502. Relationship to other requirements.

Changes have been proposed to the application and operating requirements that apply to demonstration projects. Under the proposed amendments, the Department has greater flexibility to decide when to waive or modify the application or operating requirements under this article. Deletion of the existing regulation has been proposed because it does not allow any exceptions or variances from the requirements.

Section 287.504. Operating requirements.

Proposed changes to paragraph (1) delete the requirement that a demonstration facility may not exceed one acre in size. This change has been proposed because in many instances larger acreage is necessary to demonstrate the technology. The word "annual" has been deleted in paragraph (6) to eliminate redundancy.

*Beneficial Use**Section 287.611. Authorization for general permit.*

In subsection (e)(7), a new category of unauthorized activity has been proposed under the general permit program: the use of residual waste for construction or operations at a disposal facility. Instead, an approval must be obtained as part of an equivalency demonstration for a disposal facility. This change was made because the use of waste at landfills requires a site-specific determination and should be approved under a mechanism, such as equivalency demonstration, that allows for a site-specific analysis.

A new subsection (g) has been added to indicate that the Department may issue general permits for the use, as construction material, of soil and other materials that do not meet the clean fill criteria. The Department is specifically seeking comments on the use of this permitting mechanism to maximize flexibility in the management of contaminated soils.

Section 287.661. Use of coal ash as structural fill.

Several changes have been proposed for the requirements of coal ash used as structural fill. In subsection (e)(3), the Department may approve a slope greater than 2.5 horizontal to 1.0 vertical based on a demonstration of structural stability. This change provides greater flexibility in the application of the slope requirement. In subsection (e)(8), the buffer of 4 feet between the placement of coal ash and the seasonal high water table has been eliminated. The proposed requirement only prohibits contact between the coal ash and the seasonal high water table. This change has been made because demonstrations through the use of coal ash for other activities have proven to be effective without this buffer. In subsection (e)(9), the word "permanent" has been replaced with "regional" in reference to the water table because "regional groundwater table" is a defined term in the regulations.

In subsection (f)(2), the proposed change prohibits the placement of coal ash for structural fill within 300 feet of a water source unless the operator obtains a waiver from the water source's owner allowing for another distance. This change was made to allow for greater flexibility where the owner of the water source does not object to the activity. Existing subsection (f)(3), which prohibited placement of coal ash within 500 feet upgradient of a surface water source, has been deleted because the water source buffer requirement provides adequate protection and other controls, such as erosion and sedimentation control requirements, must be met at these sites to protect surface water. Also, existing subsection (f)(7),

which prohibits placement of coal ash in or within 300 feet of an exceptional value wetland, has been relaxed to a 100-foot distance to any wetland because the construction activities associated with the use of coal ash as structural fill include measures to protect wetlands.

*Chapter 288. Residual Waste Landfills**Application Requirements**Section 288.112. Facility plan.*

Amendments have been proposed to this section to reduce unnecessary and redundant information. Paragraph (2) will now focus on the amount of soil needed to construct and operate the facility because this information is important for purposes of calculating the bond.

Section 288.113. Maps and related information.

Proposed changes in subsection (a) allow the Department to approve the use of a different horizontal scale than 1 inch equals no more than 200 feet for all facilities, not just those larger than 250 acres. Deletion of subsection (c), the requirement for a map or aerial photograph of the soil types, test pits and excavations taken under § 288.124 (relating to soil description) on the proposed permit area and adjacent area, has been proposed because the information has not proven useful for purposes of making a permit decision.

Section 288.122. Geology and groundwater description.

New subsection (a)(8) and (9) have been proposed to require the identification of wellhead protection areas that may be impacted by the facility and to require the submission of a groundwater contour map to describe the groundwater flow patterns. These provisions have been added to address wellhead protection regulations in Chapter 109 (relating to safe drinking water), promulgated since 1992, and to address questions frequently raised by applicants and operators on background hydrogeologic information.

Section 288.124. Soil description.

Subsection (a) has been revised to replace the requirement to provide a description of the soils in the permit application with the requirement for applications for Class I or Class II landfills to describe the depth to the seasonal high water table in order to demonstrate that it will not be in contact with the liner system. The soil information currently required is not necessary for lined landfills because lined landfills do not rely on soil attenuation. In subsection (a)(1), the demonstration that there is no contact with water is necessary to preserve the integrity of the liner system or attenuation base. In subsection (a)(2), the addition of the chemical description is necessary for soils that are not clean fill. The soils description will only be required for unlined or natural attenuation landfills, as indicated in subsection (b).

Section 288.127. Mineral deposits information.

This section currently requires a permit applicant to demonstrate that it owns the recoverable or mineable coals underlying the permit area and adjacent area and to warrant that the applicant will not mine the coal as long as residual waste remains on the site. Subsection (b) has been revised to expand the coverage from coal to all mineable minerals to protect landfills from potential instability problems associated with mining activities. In addition, new language has been proposed to exempt expansions of captive facilities permitted prior to July 4, 1992, from the mineral deposits requirements in subsection (b). This revision will allow the expansion of captive facilities on adjacent areas rather than locating new disposal sites.

Section 288.128. Notification of proximity to airport.

This proposed rulemaking includes a new section to require that a residual waste landfill permit applicant notify the Federal Aviation Administration, the Department and the airport if the proposed facility is within 5 miles of an airport runway end. This requirement only applies to facilities that plan to receive putrescible waste. This proposed amendment is added to be consistent with the Federal Subtitle D criteria for municipal waste disposal facilities (40 CFR Part 258) and to facilitate greater input on the feasibility of the location of the landfill.

Section 288.132. Operation plan.

Proposed changes to paragraph (1) require the applicant to include a plan for the inspection and monitoring of incoming waste to help ensure that waste not approved for receipt by the facility is not received and that waste will be rejected or specially addressed if it poses a problem. Paragraphs (3) and (4), which are the requirements to describe the type and size of equipment to be used at the facility and the plan for hiring and training personnel, have been deleted in this proposed rulemaking. Proposed changes to paragraph (6) clarify the operating hours of the facility. The amendment clarifies that operating hours include time during which construction and operation activities will occur. This requirement will help the operator and the Department to minimize noise complaints.

Section 288.134. Plan for access roads.

Amendments to this section have been proposed to require that access roads be designed and constructed to handle truck traffic adequately. This requirement sets a performance standard by which to gauge the adequacy of proposed access roads.

Section 288.136. Nuisance minimization and control plan.

Several proposed changes have been made to this section. The title of this section has been amended to reflect the need to minimize nuisances during the facility planning stages. Subsection (a) has been modified to require that a plan be submitted that describes how nuisances will be minimized and controlled. By planning to control and minimize all nuisances, the expectation is that conditions that give rise to public nuisances will be abated. The Department's focus will be on ensuring the effectiveness of the operator's plan to minimize and control nuisances. Subsection (b) has been added to identify specific items that must be addressed in the plan. The plan must include the following: routine assessment and control of vector infestations; methods to minimize and control nuisances from odors, dustfall and noise levels off the property boundary from the facility; and for odors, a determination of normal and adverse weather conditions, based on site-specific meteorological data. The plan continues to allow the inclusion of contractual arrangements for the services of nuisance control professionals.

Section 288.138. Daily volume.

The proposed amendments include a new section that requires identification in an application of the proposed average and maximum daily volumes for the facility and a detailed justification for the volumes. These volumes are necessary to evaluate traffic, air quality and other potential harms during the environmental assessment review. These requirements currently exist in the municipal waste landfill regulations.

Section 288.141. Compaction and cover plan.

The proposed amendments include amendments to paragraph (3) that reflect changes being made in the operating requirements for cover materials that largely eliminate design requirements in favor of performance standards. Specifically, this section will now require that an applicant specify the materials that will be used as cover and demonstrate that the materials and procedures for applying them will meet the performance standards in §§ 288.232—288.234 (relating to daily cover; intermediate cover and slopes; and final cover and grading). A cross reference to the operating requirements is amended to reflect the deletion of an existing section in the operating requirements. Additionally, in paragraph (5), the requirement that an applicant provide copies of contracts for the cover materials that will be used at the landfill is eliminated.

Section 288.152. Water quality monitoring plan.

Several significant changes have been made to this section based on an overhauling of the groundwater monitoring, abatement and remediation standards. In subsection (a)(2), the proposed amendments require operators of new facilities to provide pre-operational data showing existing groundwater quality in a permit application. For facilities that existed on July 4, 1992, background water quality must be presented in a permit application. "Background," as defined in Act 2, is the concentration of a substance determined by appropriate statistical methods that is present at the site, but is not related to the release of substances at that site. Under subsection (b), the proposed regulations delete all references to the mandatory abatement trigger levels. The proposed amendments require an application to contain procedures and techniques for evaluating analytical results to determine if groundwater degradation has occurred at a monitoring point. Subsections (d) and (e) have been deleted because they pertain to the application of "groundwater parameters" for groundwater monitoring and groundwater parameters are no longer applicable to groundwater abatement and remediation in the residual waste regulations.

Section 288.182. Closure plan.

This section requires that a closure plan describe measures that will be taken toward and after closure. In subsection (a), the proposed amendments delete the reference to a postclosure period and clarify that the plan includes activities that occur toward and after closure. Subsection (b)(3) has been deleted because activities such as capping of cells in stages are considered activities that occur toward closure. Closure occurs only once at a landfill, the date the facility permanently ceases to accept waste. Subsection (b)(4) has been similarly revised to refer to activities that occur toward and after closure. A correlating change has been made to § 288.292(b) (relating to closure). In subsection (b)(4)(vi), additional language has been proposed to specify that the plan include a description of maintenance of access control after closure. This amendment addresses questions concerning maintenance that have been raised in the field.

*Operating Requirements**Section 288.201. Basic limitations.*

A new subsection (f) has been added that requires all approved mitigation measures identified in the application to be completed before waste may be accepted, unless otherwise authorized in writing by the Department for technical reasons. This requirement bolsters the impor-

tance of effective mitigation, which is stressed in the environmental assessment of § 287.127.

Section 288.202. Certification.

The proposed change to this section adds one item to the list of major construction activities for which the operator must submit a certification by a professional engineer upon completion. The item, in subsection (a)(12), is the construction of the landfill gas extraction system. This is being added because many facilities are developing gas recovery systems and this is a major construction activity.

Section 288.211. Signs and markers.

In subsection (d), proposed changes eliminate the prescriptive language about the size and content of signs and replace the requirement with a performance standard that the sign can be easily seen and read.

Section 288.213. Access roads.

Proposed changes to this section differentiate between access roads leading to the disposal area and those leading to ancillary structures. Subsection (e) has been changed to remove the minimum cartway width for access roads not leading to a disposal area. Subsection (f) has been changed to remove the requirement that an access road to a treatment facility, impoundment or groundwater monitoring point be negotiable by loaded collection vehicles. Subsection (g), which requires that an access road be constructed on a dry and stable area, has been deleted. The performance standards in this section are sufficient to direct the safe construction of access roads. Subsection (h), which contains the prescriptive requirements that any topsoil be removed prior to construction of an access road and be immediately used as final cover or stored, has been deleted. The landfill operator may determine the best use for the soil.

Section 288.214. Measurement and inspection of waste.

The title to this section has been amended to include the inspection of waste. In addition, a new subsection (c) has been added that requires an operator of a landfill to inspect and monitor incoming waste for consistency with this article and the permit and to monitor for radioactive isotopes.

Section 288.215. Equipment.

In subsection (b), the requirement that standby equipment must be located on the site or at a place where it can be available within 24 hours has been deleted. This requirement is redundant of the requirement in subsection (a) that the operator maintain on the site equipment necessary for the operation of the facility in accordance with the permit.

Section 288.216. Unloading and compaction.

In subsection (a), the requirement that waste be compacted in 2 foot depths has been deleted and replaced with a requirement that waste be compacted in accordance with the compaction and cover plan approved in the permit.

Section 288.217. Air resources protection.

Proposed changes to this section clarify the requirements that currently exist in this section. In subsection (a), the changes include the correction of a typographical error ("containment" to "contaminant") and cross referencing the nuisance minimization and control requirements of § 288.218 (relating to nuisance minimization and control). In subsection (a)(3), a requirement to minimize the generation of fugitive dust emissions from the facility

has been added. In subsection (b), new language has been added requiring that the operator of a residual waste landfill comply with the terms and conditions of any air quality plan approval and air quality operating permit issued to the facility.

Section 288.218. Nuisance minimization and control.

Several proposed changes have been made to this section. The title of this section has been amended to reflect the need to minimize nuisances during the operational phase of the facility. The nuisance minimization and control plan, approved under § 288.136, should be implemented to control and minimize all nuisances such that conditions that give rise to public nuisances will be abated. Subsection (b) has been modified to require that an operator minimize and control public nuisances. The Department's focus will be on ensuring that the operator implement its nuisance minimization and control plan effectively. The operator will be responsible for minimizing and controlling nuisances as they arise during operations. A new subsection (c) has been added to specifically address the minimization and control of odors. In addition to implementing the nuisance minimization and control plan, the operator must perform site inspections to evaluate the effectiveness of its waste management practices in reducing the potential for offsite odor creation. Also, the operator must promptly address any problems or deficiencies discovered in the course of the site inspections.

Section 288.221. Daily volume.

The proposed amendments include a new § 288.221 to require compliance with the daily volumes approved in the permit and to indicate how the daily volumes are to be calculated. The annual computation of the average daily volume received at a landfill must be included in the operator's annual report. A similar section already exists in the municipal waste regulations.

Section 288.231. Topsoil storage.

This section has been deleted in this proposed rulemaking because the volume of topsoil at these sites is inadequate or, in some cases, nonexistent for use as final cover. The operator is required upon closure to supply the necessary soil. The bond calculations include the price of purchasing acceptable soil, if necessary.

Section 288.232. Daily cover.

The design requirements in subsection (d) are proposed to be deleted and replaced with performance standards. The detailed soil requirements are no longer necessary for purposes of daily cover, especially because the proposed regulations allow for alternatives to soil to be used for daily cover. In addition, the following proposed changes to subsection (c) have been made: first, in paragraph (4), the "noncombustible" performance standard for cover material has been changed to "capable of controlling fires," a standard that is consistent with the municipal waste regulations; and secondly, a new performance standard, paragraph (5), has been added that the cover material shall be consistent with the waste acceptance plan for the facility. The requirement for consistency with the waste acceptance plan takes into consideration the use of wastes as cover materials.

Section 288.233. Intermediate cover and slopes.

Several changes have been proposed to this section. In subsection (b), the operator must demonstrate that the composition of the waste disposed at the facility will not cause erosion, among other existing criteria, to qualify for a waiver of the intermediate cover requirements. The following proposed changes to subsection (c) have been

made: first, in paragraph (4), the "noncombustible" performance standard for cover material has been changed to "capable of controlling fires," a standard that is consistent with the municipal waste regulations; secondly, a new performance standard, paragraph (5), has been added that the cover material shall be consistent with the waste acceptance plan for the facility; thirdly, in paragraph (6), germination and propagation will only be required if it is necessary to control infiltration of precipitation and erosion and sedimentation; and fourth, in paragraph (7), a new standard has been added requiring the control of infiltration of precipitation and of erosion and sedimentation. The requirement for consistency with the waste acceptance plan takes into consideration the use of wastes as cover materials.

As with daily cover, proposed changes to subsection (d) delete most of the design standards for soil and replace them with the performance standards. The detailed soil requirements are no longer necessary for purposes of intermediate cover, especially because the proposed regulations allow for alternatives to soil to be used for intermediate cover. This proposed revision only maintains two design requirements for intermediate cover that are applicable to soil and soil-like materials. Of these two requirements, one has been changed to require that the cover be uniformly "graded" instead of "compacted." Existing subsection (e), which required the maintenance of a 5-day supply of cover material onsite, has been eliminated. Changes in new subsection (e) clarify that if vegetation is to be used it must be established within 30 days. Changes in new subsection (f) additionally require that slopes constructed during intermediate cover activities (not just during landfilling) may not exceed 50%.

Section 288.234. Final cover and grading.

In subsection (a), the prescriptive design standards for the cap have been reduced and performance standards have been added to provide greater flexibility. A new subsection (c) enables an operator to obtain an equivalency review for alternative cap designs. In subsection (e), the final cover placed over the drainage layer will now have to be capable of controlling fires and be consistent with the waste acceptance plan for the landfill. In subsection (f), the design requirement that the combustible or coal content of the cover may not exceed 12% by weight has been proposed to be deleted because it is prescriptive and the requirement for controlling fires is now a performance standard.

Section 288.245. Water supply replacement.

In subsection (a), new proposed language has been included to clarify that when an operator adversely affects a water supply by degradation, pollution or other means, the operator must restore the affected supply. The proposed amendments include a new subsection (d) that explains what qualifies as a permanent water supply for purposes of water supply replacement. Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply. A permanent water supply does not include provision of bottled water or a water tank supplied by a bulk water hauling system. These proposed changes were made to be consistent with the municipal waste regulations.

Section 288.252. Number, location and depth of monitoring points.

Subsection (b)(3) has been proposed to be modified to require that additional wells be located at the compliance points, which are different from the existing monitoring

points. Subsection (e) has been deleted because it is no longer necessary to require that monitoring and compliance wells be drilled by drillers licensed under the Water Well Drillers License Act. Section 288.152 requires that an applicant demonstrate that the monitoring wells will accurately measure groundwater quality. The details of well construction are included in this demonstration. Without specifying who must drill the wells, the Department has maintained the design and performance standards that must be met.

Section 288.253. Standards for wells and casing of wells.

The title of this section has been proposed to be modified to include "wells" to reflect accurately the scope of the section. Subsection (a)(3)(iv) has been deleted to eliminate the requirement that slot openings, design and screen diameter allow for effective well development because it is a common practice in the development of wells. In subsection (a)(5) the requirement that well casings be clearly visible has been added. In subsection (a)(7), the prescriptive design requirement about plastic casings has been deleted and replaced with a requirement that plastic casing be designed and constructed in a manner that prevents cross contamination between surface water and groundwater. In subsection (b)(5), the prescriptive design requirement that a well casing enclosing a monitoring well casing protrude at least 1 inch higher above grade than the monitoring well casing has been deleted. The requirement no longer specifies an exact height the protective casing must protrude above the monitoring well casing.

Section 288.256. Groundwater assessment plan.

In subsection (a), the time available to prepare and submit a groundwater assessment plan has been extended from 30 to 60 days. This proposed change was made because field experience has demonstrated that more time is necessary to evaluate the causes of degradation and to prepare a report explaining exceedances at the monitoring points. Also, a fate and transport analysis must be performed to determine the rate and direction of migration of contaminants in the groundwater. Subsection (a)(2) has been proposed to be deleted because the requirement is outdated. Under subsection (c), new language indicates that if an operator establishes compliance points as part of the assessment, the points shall be constructed in accordance with Sections 288.252 and 288.253 (relating to number, location and depth of monitoring points; and standards for wells and casing of wells). If an operator intends to meet the background standard for remediation, the operator is advised to establish the same points for monitoring and remediation compliance, since compliance with the background standard requires background to be demonstrated in all areas where the contamination occurs. A new subsection (c)(5) has been proposed to be added to require the identification in the assessment plan of the abatement standard that will be met. By requiring this information in an assessment plan, the operator must plan for the likelihood of implementing abatement where the fate and transport analysis indicates there will be a problem.

Section 288.257. Abatement plan.

In subsection (a)(1), the triggers for requiring abatement have been proposed to be revised. "Mandatory abatement trigger levels" have been deleted. Abatement is required when one of the following occurs: 1) the groundwater assessment plan shows the presence of groundwater degradation at the monitoring points (within 200 feet of the permitted disposal area) and the fate and transport

analysis indicates that an abatement standard will not be met; or 2) monitoring by the Department or the operator shows the presence of an abatement standard exceedance from one or more compliance points.

The proposed amendments include a new subsection (c) which establishes the abatement standards that must be met at a landfill. The abatement standards and their points of compliance are identified as follows: 1) for constituents for which a statewide health standard exists, the Statewide health standard for that constituent with compliance points at and beyond 150 meters of the perimeter of the permitted disposal area or at the property boundary, whichever is closer; 2) the background standard for constituents with compliance points at and beyond 150 meters of the perimeter of the permitted disposal area or at the property boundary, whichever is closer; and 3) for constituents for which no primary MCLs under the Federal and State Safe Drinking Water Acts exist, the risk-based standard for that constituent with compliance points at and beyond 150 meters of the perimeter of the permitted disposal area or at the property boundary, whichever is closer.

The risk-based standard has been developed to be consistent with 40 CFR 258.55(i) (relating to assessment monitoring program). The proposed amendments include several factors that must be considered when using a risk-based standard for abatement. The factors identified are as follows: 1) the risk assessment used to establish the standard must assume that human receptors exist at the property boundary; 2) the level must be derived in a manner consistent with Department guidelines for assessing the health risks of environmental pollution; 3) the level must be based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards or other scientifically valid studies approved by the Department; and for carcinogens, the level must represent a concentration associated with an excess lifetime cancer risk of 1×10^{-5} at the property boundary. The risk-based standard may not be used if a state or Federal primary MCL exists for the contaminant in question.

In proposed new subsection (d), the Department may approve a compliance point beyond 150 meters on land owned by the owner of the disposal area for measuring compliance with secondary contaminants when using either the statewide health or risk-based standard.

Section 288.261. Mineral resources.

Proposed changes to subsection (a) delete the prescriptive 25 foot coal seam and coal outcrop isolation distance, replacing it with a requirement that the operator isolate a coal seam, coal outcrop and coal refuse in a manner that prevents combustion of the waste and damage to the liner system.

Section 288.262. Gas control and monitoring.

Proposed changes to subsection (e)(3) delete the standard for gas monitoring in areas adjacent to the permit area. The regulation continues to require the operator to control decomposition gases onsite to prevent danger to occupants of adjacent properties. The onsite monitoring serves as an early warning indicator of potential offsite migration.

Section 288.271. Hazard prevention.

The emergency procedures in this section have been proposed to be modified to delete information already required in the Preparedness, Prevention and Continuity (PPC) Plan.

Section 288.272. Emergency equipment.

Subsection (a)(3) has been proposed to be amended to require that an adequate water supply be available for firefighting equipment.

Section 288.283. Annual operation report.

In subsection (b)(1), the annual operation reporting requirements have been proposed to be modified to require noncaptive residual waste landfills to describe the average daily volume received at the facility since identifying average daily volume is now a requirement for residual waste landfills. In addition, a proposed change in subsection (c) increases the fee that accompanies the annual operation report from \$2,500 to \$4,600 to cover increases in administrative costs.

Section 288.292. Closure.

In subsection (b), the reference to "partial closure" has been proposed to be deleted and the language has been conformed to be consistent with the changes made to § 288.182 (relating to closure plan).

A new subsection (c) has been added to the proposed rulemaking that gives a person the option to continue to implement an approved abatement plan or modify a closure plan to address groundwater degradation that exists at closure or occurs after closure. If a person chooses to submit an application for a permit modification, the application must identify the remediation standards that will be met in accordance with the final closure certification requirements in § 287.342 (relating to final closure certification). The Department will accept the selection of remediation standards if technical information and supporting documentation of the remediation activities demonstrate that the standards will be met and maintained and if documentation of cooperation or an agreement is in place with a third party where a remedy relies on access to or use of a third party's property for remediation or monitoring.

Additional Application Requirements for Class I Residual Waste Landfills

Section 288.412. Liner system and leachate control plan.

In subsection (c), the requirement that the leachate demonstration be based on the EPA Method 9090 compatibility test has been replaced with language that allows the demonstration to be based on EPA or ASTM guidelines approved by the Department. This change will allow applicants to keep up with changing standards and technology. Also, in subsection (d)(19), a requirement has been added to identify in the permit application the percent of recycled material in the proposed primary and secondary liners.

Additional Operating Requirements for Class I Residual Waste Landfills

Section 288.422. Areas where Class I residual waste landfills are prohibited.

Several changes have been proposed in this section. First, subsection (a)(4) currently requires that an operator own the underlying recoverable or mineable coal in order to obtain a Class I residual waste landfill permit. The proposed revision would extend the requirement to ownership of all recoverable or mineable minerals. As explained in the discussion of § 288.127, the expanded coverage from coal to all mineable minerals will better protect landfills from potential instability problems associated with mining activities. The proposed revision provides an exemption from this limitation for captive facilities per-

mitted prior to July 4, 1992, to allow for expansions of these facilities on adjacent areas.

Secondly, subsection (a)(7), which refers to distance between occupied dwellings and landfills, is bifurcated for clarity. Subparagraph (i) refers to landfills permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, to expansions of residual waste landfills that were permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, and to captive residual waste landfills. In that subparagraph, the reference to "facilities permitted prior to July 4, 1992" is deleted as unnecessary since subsection (a) exempts areas permitted prior to July 4, 1992, in the lead-in language. Subparagraph (ii) refers to residual waste landfills permitted after the date of publication, except for captive residual waste landfills. The proposed amendments extend the isolation distance between landfills and occupied dwellings to 300 yards, from 300 feet. This additional distance will help to reduce complaints from nearby dwellings concerning noise, odors, and nuisances. The requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 (53 P. S. § 4000.511(c)) authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between a facility and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from schools would apply to occupied dwellings. The owner of the dwelling may provide a written waiver consenting to the facility being closer than 300 yards.

In subsection (a)(10), the proposed amendments delete the prohibition against constructing a facility within 25 feet of a coal seam or coal outcrop or of coal refuse. This standard is not necessary because adequate protection from fires can be addressed in the design of the facility. To address fire protection in the facility design, the Department proposes in § 288.261 (relating to mineral resources) to require a landfill operator to isolate coal seams, coal outcrops and coal refuse from waste deposits in a manner that prevents combustion of the waste.

In subsection (a)(11), the proposed amendments amend the isolation distances from airports to reflect the restrictions in the federal Subtitle D (40 CFR Part 258) regulations. Based on the Department's experience with putrescible waste in landfills in the municipal waste program, these proposed amendments establish a site limitation that must be met unless the applicant can demonstrate that the landfill will be designed and operated so that it will not pose a bird hazard to aircraft. Definitions for "airport" and "bird hazard" are included in this section that contain language from the Subtitle D regulations.

Subsection (a)(12) has been added to be consistent with the municipal waste regulations. It provides for an isolation distance between landfills and schools, parks and playgrounds that is 300 yards. This requirement will apply to landfills permitted on or after the date of publication of the final-form regulations in the *Pennsylvania Bulletin*. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Noncaptive landfills permitted prior to the date of publication of these proposed amendments as final in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissu-

ance or renewal of the permit, or expansion of the permit area is sought. This requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between these facilities and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from municipal waste landfills for parks, playgrounds and schools would apply to residual waste landfills.

Section 288.423. Minimum requirements for acceptable waste.

A new subsection (a)(6) has been added that prohibits a person from disposing of residual waste at a Class I residual waste landfill unless the physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site. This revision has been proposed to ensure the integrity of the liner system.

Section 288.432. General limitations.

In subsection (a), a change has been proposed to the requirement that 4 feet exist between the top of the subbase of the liner system and the seasonal high water table. The revision requires that the bottom of the subbase cannot be in contact with the seasonal high water table or perched water table. The prescriptive buffer between the liner system and the seasonal high water table has been replaced with a performance standard to prevent contact between the two. In subsection (a)(2), the drainage systems may now be used to prevent contact between the bottom of the subbase and the water tables rather than to maintain the 4-foot isolation distance. This change is consistent with the other changes in subsection (a). In subsection (b), the 8-foot isolation distance from the top of the subbase and the regional groundwater table for unconfined aquifers has been changed to the distance from the bottom of the subbase to be consistent with the existing municipal waste regulations in § 273.252(b). In subsection (c), the 8-foot isolation distance for confined aquifers from the top of the subbase to the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs has been changed to the distance from the bottom of the subbase. These changes from the top to the bottom of the subbase have been proposed to clarify questions raised during construction of landfills.

Section 288.433. Subbase.

The design requirements in subsection (b) have been modified to delete the minimum bearing capacity of the subbase and to increase permissible subbase slopes from 25% to 33%. These proposed changes were made because construction on steeper slopes has proven to be effective.

Section 288.434. Secondary liner.

In subsection (b), the words "at the minimum" were added to allow for the use of liners that meet or exceed the design requirements in Appendix A, Table I without an equivalency demonstration.

Section 288.435. Leachate detection zone.

In subsection (b)(5)(ii), the design requirement that the distance between pipes in the piping system for the leachate detection zone not exceed 100 feet on center has been deleted. This change has been proposed because it has not proven necessary for an effective system. In

subsection (f), the language concerning monitoring of the leachate detection zone has been revised to replace "exceedance of mandatory abatement trigger levels" with "groundwater degradation at a monitoring well." This change has been proposed because mandatory abatement trigger levels are proposed to be deleted in this rulemaking. Additionally, in subsection (f)(1), the proposed amendments require that an operator not only submit to the Department a remedial plan for controlling the source of leachate in the leachate detection zone, but also that the operator correct a malfunction or defect in the liner system where groundwater degradation has been detected.

Section 288.436. Primary liner.

In subsection (b), the words "at the minimum" were added to allow for the use of liners that meet or exceed the design requirements in Appendix A, Table I without an equivalency demonstration.

Section 288.438. Leachate collection system within protective cover.

This proposed rulemaking amends subsection (a)(2) to authorize the Department to condition a permit to allow the depth of leachate on or above the primary liner to exceed 1 foot for sump areas because a sump area is used for collection of leachate and frequently exceeds 1 foot of head. An exceedance may also occur for a 25-year, 24-hour precipitation event where the one foot of head will be exceeded for less than 3 days to address exceptional precipitation events. This revision is intended to address two situations in which exceedance of the 1-foot limit should not pose a problem.

Section 288.454. Leachate recirculation.

Subsection (b) has been added to allow the Department to authorize an alternative leachate recirculation method for a facility. This proposed revision will allow, for example, an alternative design where intermediate cover may not be necessary or a piping system is not used.

Section 288.455. Leachate collection and storage.

Proposed changes in subsection (b) allow tank or impoundment storage volumes at captive facilities to be performance based as opposed to always requiring the volume to be based on the expected 30-day flow. Most residual waste landfills are captive facilities and have existing storage and treatment facilities capable of handling the expected leachate flow without increasing storage capacity. A proposed revision to subsection (d) indicates that the storage capacity of impoundments and tanks will be increased if necessary. A new subsection (g) has been added to require secondary containment for pipes that are located outside the lined areas of the facility. This requirement has been added to reduce the likelihood of leaks or releases from the pipes.

Section 288.456. Leachate analysis and sludge handling.

Proposed changes in subsection (a)(2) allow the Department to modify the frequency or chemical constituents of leachate testing if the facility operator demonstrates after four quarters of testing that this will not compromise groundwater protection.

Additional Application Requirements for Class II Residual Waste Landfills

Section 288.512. Liner system and leachate control plan.

In subsection (c), the requirement that the leachate demonstration be based on the EPA Method 9090 compatibility test has been replaced with language that allows the demonstration to be based on EPA or ASTM guide-

lines approved by the Department. This proposed change will allow applicants to keep up with changing standards and technology. Also, in subsection (d)(19), a requirement has been added to identify in the permit application the percent of recycled material in the proposed primary and secondary liners.

Additional Operating Requirements for Class II Residual Waste Landfills

Section 288.522. Areas where Class II residual waste landfills are prohibited.

Several changes have been proposed in this section. First, subsection (a)(4) currently requires that an operator own the underlying recoverable or mineable coal in order to obtain a Class II residual waste landfill permit. The proposed revision would extend the requirement to ownership of all recoverable or mineable minerals. As explained in the discussion of § 288.127, the expanded coverage from coal to all mineable minerals will better protect landfills from potential instability problems associated with mining activities. The proposed revision provides an exemption from this limitation for captive facilities permitted prior to July 4, 1992, to allow for expansions of these facilities on adjacent areas.

Secondly, subsection (a)(7), which refers to distance between occupied dwellings and landfills, is bifurcated for clarity. Subparagraph (i) refers to landfills permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, to expansions of residual waste landfills that were permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, and to captive residual waste landfills. In that subparagraph, the reference to "facilities permitted prior to July 4, 1992" is deleted as unnecessary since subsection (a) exempts areas permitted prior to July 4, 1992 in the lead-in language. Subparagraph (ii) refers to residual waste landfills permitted after the date of publication, except for captive residual waste landfills. The proposed amendments extends the isolation distance between landfills and occupied dwellings to 300 yards, from 300 feet. This additional distance will help to reduce complaints from nearby dwellings concerning noise, odors, and nuisances. The requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between a facility and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from schools would apply to occupied dwellings. The owner of the dwelling may provide a written waiver consenting to the facility being closer than 300 yards.

In subsection (a)(10), the proposed amendments delete the prohibition against constructing a facility within 25 feet of a coal seam or coal outcrop or of coal refuse. This standard is not necessary because adequate protection from fires can be addressed in the design of the facility.

In subsection (a)(11), the proposed amendments amend the isolation distances from airports to reflect the restrictions in the Federal Subtitle D (40 CFR Part 258) regulations. Based on the Department's experience with putrescible waste in landfills in the municipal waste program, these proposed amendments establish a site limitation that must be met unless the applicant can demonstrate that the landfill will be designed and oper-

ated so that it will not pose a bird hazard to aircraft. Definitions for "airport" and "bird hazard" are included in this section that contain language from the Subtitle D regulations.

Subsection (a)(12) has been added to be consistent with the municipal waste regulations. It provides for an isolation distance between landfills and schools, parks and playgrounds that is 300 yards. The requirement will apply to landfills permitted on or after the date of publication of the final-form regulations in the *Pennsylvania Bulletin*. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Noncaptive landfills permitted prior to the date of publication of these amendments as final-form regulations in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissuance or renewal of the permit, or expansion of the permit area is sought. This requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between these facilities and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from municipal waste landfills for parks, playgrounds and schools would apply to residual waste landfills.

Section 288.523. Minimum requirements for acceptable waste.

The phrases "drinking water standard" and "groundwater parameter" are proposed to be changed to "waste classification standard" to be consistent with that term's definition in § 287.1.

A new subsection (a)(12) has been proposed to be added that prohibits a person from disposing of residual waste at a Class I residual waste landfill unless the physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site. This revision has been proposed to ensure the integrity of the liner system.

Section 288.532. General limitations.

In subsection (a), a change has been proposed to the requirement that 4 feet exist between the top of the subbase of the liner system and the seasonal high water table. The revision requires that the bottom of the subbase cannot be in contact with the seasonal high water table or perched water table. The prescriptive buffer between the liner system and the seasonal high water table has been replaced with a performance standard to prevent contact between the two. In subsection (a)(2), the drainage systems may now be used to prevent contact between the bottom of the subbase and the water tables rather than to maintain the 4-foot isolation distance. This change is consistent with the other changes in subsection (a). In subsection (b), the 8-foot isolation distance from the top of the subbase and the regional groundwater table for unconfined aquifers has been changed to the distance from the bottom of the subbase. In subsection (c), the 8-foot isolation distance for confined aquifers from the top of the subbase to the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs has been changed to the distance from the bottom of the subbase. These

changes from the top to the bottom of the subbase have been proposed to clarify questions raised during construction of landfills.

Section 288.533. Subbase.

The design requirements in subsection (b) have been modified to delete the minimum bearing capacity of the subbase and to increase permissible subbase slopes from 25% to 33%. These proposed changes were made because construction on steeper slopes has proven to be effective.

Section 288.534. Leachate detection zone.

In subsection (b)(4)(ii), the design requirement that the distance between pipes in the piping system for the leachate detection zone not exceed 100 feet on center has been deleted. This change has been proposed because it has not proven necessary for an effective system. In subsection (f), the language concerning monitoring of the leachate detection zone has been revised to replace "exceedance of mandatory abatement trigger levels" with "groundwater degradation at a monitoring well." This change has been proposed because mandatory abatement trigger levels are proposed to be deleted in this rulemaking. Additionally, in subsection (f)(1), the proposed amendments require that an operator not only submit to the Department a remedial plan for controlling the source of leachate in the leachate detection zone, but also that the operator correct a malfunction or defect in the liner system where groundwater degradation has been detected.

Section 288.535. Liner.

In subsection (b), the words "at the minimum" were proposed to be added to allow for the use of liners that meet or exceed the design requirements in Appendix A, Table I without an equivalency demonstration.

Section 288.537. Leachate collection system within protective cover.

This proposed rulemaking amends subsection (a)(2) to authorize the Department to condition a permit to allow the depth of leachate on or above the primary liner to exceed 1 foot for sump areas because a sump area is used for collection of leachate and frequently exceeds one foot of head. An exceedance may also occur for a 25-year, 24-hour precipitation event where the one foot of head will be exceeded for less than 3 days to address exceptional precipitation events. This revision is intended to address two situations in which exceedance of the 1-foot limit for a short time period should not pose a problem.

Section 288.554. Leachate recirculation.

Subsection (b) has been added to allow the Department to authorize an alternative leachate recirculation method for a facility. This proposed revision will allow, for example, an alternative design where intermediate cover may not be necessary or a piping system is not used.

Section 288.555. Leachate collection and storage.

Proposed changes in subsection (b) allow tank or impoundment storage volumes at captive facilities to be performance based as opposed to always requiring the volume to be based on the expected 30-day flow. Most residual waste landfills are captive facilities and have existing storage and treatment facilities capable of handling the expected leachate flow without increasing storage capacity. A proposed revision to subsection (d) indicates that the storage capacity of impoundments and tanks will be increased if necessary. A new subsection (g) has been added to require secondary containment for pipes that are located outside the lined areas of the

facility. This requirement has been added to reduce the likelihood of leaks or releases from the pipes.

Section 288.556. Leachate analysis and sludge handling.

Proposed changes in subsection (a)(2) allow the Department to modify the frequency or chemical constituents of leachate testing if the facility operator demonstrates after four quarters of testing that this will not compromise groundwater protection.

Additional Operating Requirements for Class III Residual Waste Landfills

Section 288.621. Basic requirements.

This section is amended to require that an operator of a Class III residual waste landfill comply with §§ 288.622—288.625. This proposed revision is made to correct a clerical error.

Section 288.622. Areas where Class III residual waste landfills are prohibited.

Several changes have been proposed in this section. First, subsection (a)(4) currently requires that an operator own the underlying recoverable or mineable coal in order to obtain a Class II residual waste landfill permit. The proposed revision would extend the requirement to ownership of all recoverable or mineable minerals. As explained in the discussion of § 288.127, the expanded coverage from coal to all mineable minerals will better protect landfills from potential instability problems associated with mining activities. The proposed revision provides an exemption from this limitation for captive facilities permitted prior to July 4, 1992, to allow for expansions of these facilities on adjacent areas.

Secondly, subsection (a)(7), which refers to distance between occupied dwellings and landfills, is bifurcated for clarity. Subparagraph (i) refers to landfills permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, to expansions of residual waste landfills that were permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, and to captive residual waste landfills. In that subparagraph, the reference to “facilities permitted prior to July 4, 1992” is deleted as unnecessary since subsection (a) exempts areas permitted prior to July 4, 1992, in the lead-in language. Subparagraph (ii) refers to residual waste landfills permitted after the date of publication, except for captive residual waste landfills. The proposed amendments extends the isolation distance between landfills and occupied dwellings to 300 yards, from 300 feet. This additional distance will help to reduce complaints from nearby dwellings concerning noise, odors, and nuisances. The requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between a facility and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from schools would apply to occupied dwellings. The owner of the dwelling may provide a written waiver consenting to the facility being closer than 300 yards.

In subsection (a)(10), the proposed amendments delete the prohibition against constructing a facility within 25 feet of a coal seam or coal outcrop or of coal refuse. This standard is not necessary because adequate protection from fires can be addressed in the design of the facility.

In subsection (a)(11), the proposed amendments amend the isolation distances from airports to reflect the restrictions in the Federal Subtitle D (40 CFR Part 258) regulations. Based on the Department’s experience with putrescible waste in landfills in the municipal waste program, these proposed amendments establish a site limitation that must be met unless the applicant can demonstrate that the landfill will be designed and operated so that it will not pose a bird hazard to aircraft. Definitions for “airport” and “bird hazard” are included in this section that contain language from the Subtitle D regulations.

Subsection (a)(12) has been added to be consistent with the municipal waste regulations. It provides for an isolation distance between landfills and schools, parks and playgrounds that is 300 yards. This proposed requirement will apply to landfills permitted on or after the date of publication of the final-form regulations in the *Pennsylvania Bulletin*. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Noncaptive landfills permitted prior to the date of publication of these amendments as final-form regulations in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissuance or renewal of the permit, or expansion of the permit area is sought. This requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between these facilities and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from municipal waste landfills for parks, playgrounds and schools would apply to residual waste landfills.

Section 288.623. Minimum requirements for acceptable waste.

The phrase “groundwater parameter” has been changed to “waste classification standard” to be consistent with that term’s definition in § 287.1.

A new subsection (a)(14) has been added that prohibits a person from disposing of residual waste at a Class III residual waste landfill unless the physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site. This revision has been proposed to ensure the integrity of the liner system.

Section 288.624. Attenuating soil.

The title has been proposed to be revised to delete “base” after “attenuating soil” to clarify that attenuating soil may be used on other portions of the landfill such as the sides. Performance standards have been added for attenuating soil at a Class III residual waste landfill in order to allow the operator to demonstrate the attenuating potential of soils that may not meet the design standards. This has been successfully demonstrated during the repermitting of existing facilities. New technology has proven that varying soil types may be effective.

Appendix A.

The proposed amendments modify Tables I and II. The proposed changes incorporate technological advances that have been made for liners and caps.

*Chapter 289. Residual Waste Disposal Impoundments
Application Requirements*

Section 289.112. Facility plan.

Amendments have been proposed to this section to reduce unnecessary and redundant information. Paragraph (2) will now focus on the amount of soil needed to construct and operate the facility because this information is important for purposes of calculating the bond.

Section 289.113. Maps and related information.

Proposed changes in subsection (a) allow the Department to approve the use of a different horizontal scale than 1 inch equals no more than 200 feet for all facilities, not just those larger than 250 acres. Deletion of subsection (c), the requirement for a map or aerial photograph of the soil types, test pits and excavations taken under § 289.124 (relating to soil description) on the proposed permit area and adjacent area, has been proposed because the information has not proven useful for purposes of making a permit decision.

Section 289.122. Geology and groundwater description.

New subsection (a)(8) and (9) have been proposed to require the identification of wellhead protection areas that may be impacted by the facility and to require the submission of a groundwater contour map to describe the groundwater flow patterns. These provisions have been added to address wellhead protection regulations in Chapter 109, promulgated since 1992, and to address questions frequently raised by applicants and operators on background hydrogeologic information.

Section 289.124. Soil description.

Subsection (a)(1) has been revised to replace the requirement to provide a description of the soils in the permit application with the requirement for applications to describe the depth to the seasonal high water table in order to demonstrate that it will not be in contact with the liner system. The soil information currently required is not necessary for lined impoundments because lined impoundments do not rely on soil attenuation. In subsection (a)(1), the demonstration that there is no contact with water is necessary to preserve the integrity of the liner system. In subsection (a)(2), the addition of the chemical description is necessary for soils that are not clean fill.

Section 289.127. Mineral deposits information.

This section currently requires a permit applicant to demonstrate that it owns the recoverable or mineable coals underlying the permit area and adjacent area and to warrant that the applicant will not mine the coal as long as residual waste remains on the site. Subsection (b) has been revised to expand the coverage from coal to all mineable minerals to protect impoundments from potential instability problems associated with mining activities. In addition, new language has been proposed to exempt expansions of captive facilities permitted prior to July 4, 1992, from the mineral deposits requirements in subsection (b). This proposed revision will allow the expansion of captive facilities on adjacent areas rather than locating new disposal sites.

Section 289.128. Notification of proximity to airport.

This proposed rulemaking includes a new section to require that a residual waste disposal impoundment permit applicant notify the Federal Aviation Administration, the Department and the airport if the proposed facility is within 5 miles of an airport runway end. This requirement only applies to facilities that plan to receive

putrescible waste. This proposed rulemaking is added to be consistent with the Federal Subtitle D criteria for municipal waste disposal facilities (40 CFR Part 258) and to facilitate greater input on the feasibility of the location of the impoundment.

Section 289.132. Operation plan.

Proposed changes to paragraph (1) require the applicant to include a plan for the inspection and monitoring of incoming waste to help ensure that waste not approved for receipt by the facility is not received and that waste will be rejected or specially addressed if it poses a problem. Paragraphs (3) and (4), which are the requirements to describe the type and size of equipment to be used at the facility and the plan for hiring and training personnel, have been deleted in this proposed rulemaking. Proposed changes to new paragraph (6) clarify the operating hours of the facility. The amendment clarifies that operating hours include time during which construction and operation activities will occur. This requirement will help the operator and the Department to minimize noise complaints.

Section 289.134. Plan for access roads.

Amendments to this section have been proposed to require that access roads be designed and constructed to handle truck traffic adequately. This requirement sets a performance standard by which to gauge the adequacy of proposed access roads.

Section 289.136. Nuisance minimization and control plan.

Several proposed changes have been made to this section. The title of this section has been amended to reflect the need to minimize nuisances during the facility planning stages. Subsection (a) has been modified to require that a plan be submitted that describes how nuisances will be minimized and controlled. By planning to control and minimize all nuisances, the expectation is that conditions that give rise to public nuisances will be abated. The Department's focus will be on ensuring the effectiveness of the operator's plan to minimize and control nuisances. Subsection (b) has been added to identify specific items that must be addressed in the plan. The plan must include the following: routine assessment and control of vector infestations; methods to minimize and control nuisances from odors, dustfall and noise levels off the property boundary from the facility; and for odors, a determination of normal and adverse weather conditions, based on site-specific meteorological data. The plan continues to allow the inclusion of contractual arrangements for the services of nuisance control professionals.

Section 289.137. Daily volume.

The proposed amendments include a new section that requires identification in an application of the proposed average and maximum daily volumes for the facility and a detailed justification for the volumes. These volumes are necessary to evaluate traffic, air quality and other potential harms during the environmental assessment review. These requirements currently exist in the municipal waste landfill regulations.

Section 289.141. Cover plan.

A cross reference to the operating requirements is proposed to be amended to reflect the deletion of an existing section in the operating requirements. Additionally, in paragraph (3), the requirement that an applicant provide copies of contracts for the cover materials that will be used at the landfill is eliminated.

Section 289.152. Water quality monitoring plan.

Several significant proposed changes have been made to this section based on an overhauling of the groundwater monitoring, abatement and remediation standards. In subsection (a)(2), the proposed amendments require operators of new facilities to provide pre-operational data showing existing groundwater quality in a permit application. For facilities that existed on July 4, 1992, background water quality must be presented in a permit application. "Background," as defined in Act 2, is the concentration of a substance determined by appropriate statistical methods that is present at the site, but is not related to the release of substances at that site. Under subsection (b), the proposed amendments delete all references to the mandatory abatement trigger levels. The proposed amendments require an application to contain procedures and techniques for evaluating analytical results to determine if groundwater degradation has occurred at a monitoring point. Subsections (d) and (e) have been deleted because they pertain to the application of "groundwater parameters" for groundwater monitoring, and groundwater parameters are no longer applicable to groundwater abatement and remediation in the residual waste regulations.

Section 289.172. Closure plan.

This section requires that a closure plan describe measures that will be taken toward and after closure. In subsection (a), the proposed amendments delete the reference to a postclosure period and clarify that the plan includes activities that occur toward and after closure. Subsection (b)(3) has been deleted because activities such as capping of cells in stages are considered activities that occur toward closure. Closure occurs only once at a landfill, the date the facility permanently ceases to accept waste. Subsection (b)(4) has been similarly revised to refer to activities that occur toward and after closure. A correlating change has been made to § 288.292(b) (relating to closure). In subsection (b)(4)(vi), additional language has been proposed to specify that the plan include a description of maintenance of access control after closure. This amendment addresses questions concerning maintenance that have been raised in the field.

*Operating Requirements**Section 289.201. Basic limitations.*

A new subsection (e) has been added that requires all approved mitigation measures identified in the application to be completed before waste may be accepted, unless otherwise authorized in writing by the Department for technical reasons. This proposed requirement bolsters the importance of effective mitigation, which is stressed in the environmental assessment of § 287.127.

Section 289.212. Waste solidification.

Subsection (b) has been proposed to be amended to authorize the Department, in a permit, to waive the minimum bearing capacity and minimum factor of safety requirements for solidification of waste in a residual waste impoundment to account for the intended actual site use after final closure.

Section 289.221. Signs and markers.

In subsection (d), proposed changes eliminate the prescriptive language about the size and content of signs and replace the requirement with a performance standard that the sign can be easily seen and read.

Section 289.223. Access roads.

Proposed changes to this section differentiate between access roads leading to the disposal area and those leading to ancillary structures. Subsection (e) has been changed to remove the minimum cartway width for access roads not leading to a disposal area. Subsection (f) has been changed to remove the requirement that an access road to a treatment facility, impoundment or groundwater monitoring point be negotiable by loaded collection vehicles. Subsection (g), which requires that an access road be constructed on a dry and stable area, has been deleted. The performance standards in this section are sufficient to direct the safe construction of access roads. Subsection (h), which contains the prescriptive requirements that any topsoil be removed prior to construction of an access road and be immediately used as final cover or stored, has been deleted. The impoundment operator may determine the best use for the soil.

Section 289.224. Measurement and inspection of waste.

The title to this section has been amended to include the inspection of waste. In addition, a new subsection (b) has been added that requires an operator of a landfill to inspect and monitor incoming waste for consistency with this article and the permit and to monitor for radioactive isotopes.

Section 289.225. Equipment.

In subsection (b), the requirement that standby equipment must be located on the site or at a place where it can be available within 24 hours has been deleted. This requirement is redundant of the requirement in subsection (a) that the operator maintain on the site equipment necessary for the operation of the facility in accordance with the permit.

Section 289.227. Air resources protection.

Proposed changes to this section clarify the requirements that currently exist in this section. In subsection (a), the changes include the correction of a typographical error ("containment" to "contaminant") and cross referencing the nuisance minimization and control requirements of § 288.218 (relating to nuisance minimization and control). In subsection (a)(3), a requirement to minimize the generation of fugitive dust emissions from the facility has been added. In subsection (b), new language has been added requiring that the operator of a residual waste impoundment comply with the terms and conditions of any air quality plan approval and air quality operating permit issued to the facility.

Section 289.228. Nuisance minimization and control.

Several proposed changes have been made to this section. The title of this section has been amended to reflect the need to minimize nuisances during the operational phase of the facility. The nuisance minimization and control plan, approved under § 289.136, should be implemented to control and minimize all nuisances such that conditions that give rise to public nuisances will be abated. Subsection (b) has been modified to require that an operator minimize and control public nuisances. The Department's focus will be on ensuring that the operator implement its nuisance minimization and control plan effectively. The operator will be responsible for minimizing and controlling nuisances as they arise during operations. A new subsection (c) has been added to specifically address the minimization and control of odors. In addition to implementing the nuisance minimization and control plan, the operator must perform site inspections to evaluate the effectiveness of its waste management practices in

reducing the potential for offsite odor creation. Also, the operator must promptly address any problems or deficiencies discovered in the course of the site inspections.

Section 289.229. Daily volume.

The proposed amendments include a new § 289.229 to require compliance with the daily volumes approved in the permit and to indicate how the daily volumes are to be calculated. The annual computation of the average daily volume received at an impoundment must be included in the operator's annual report. A similar section already exists in the municipal waste regulations.

Section 289.241. Topsoil storage.

This section has been deleted in this proposed rule-making because the volume of topsoil at these sites is inadequate or, in some cases, nonexistent for use as final cover. The operator is required upon closure to supply the necessary soil. The bond calculations include the price of purchasing acceptable soil, if necessary.

Section 289.242. Cover.

In subsection (a), the proposed amendments allow the use of materials other than soil for intermediate cover, if required. In subsection (b), the prescriptive design standards for the cap have been reduced and performance standards have been added to provide greater flexibility. A new subsection (d) enables an operator to obtain an equivalency review for alternative cap designs. In subsection (e), the final cover placed over the drainage layer will now have to be capable of controlling fires and be consistent with the waste acceptance plan for the impoundment. In subsection (f), the design requirement that the combustible or coal content of the cover may not exceed 12% by weight has been deleted because it is prescriptive and the requirement for controlling fires is now a performance standard.

Section 289.255. Water supply replacement.

In subsection (a), new language has been included to clarify that when an operator adversely affects a water supply by degradation, pollution or other means, the operator must restore the affected supply. The proposed amendments include a new subsection (d) that explains what qualifies as a permanent water supply for purposes of water supply replacement. Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply. A permanent water supply does not include provision of bottled water or a water tank supplied by a bulk water hauling system. These changes were made to be consistent with the municipal waste regulations.

Section 289.262. Number, location and depth of monitoring points.

Subsection (b)(3) has been proposed to be modified to require that additional wells be located at the compliance points, which are different from the existing monitoring points. Subsection (e) has been proposed to be deleted because it is no longer necessary to require that monitoring and compliance wells be drilled by drillers licensed under the Water Well Drillers License Act (32 P. S. §§ 645.1—645.13). Section 289.152 requires that an applicant demonstrate that the monitoring wells will accurately measure groundwater quality. The details of well construction are included in this demonstration. Without specifying who must drill the wells, the Department has maintained the design and performance standards that must be met.

Section 289.263. Standards for wells and casing of wells.

The title of this section has been modified to include "wells" to reflect accurately the scope of the section. A grammatical change is proposed to subsection (a)(1) to remove an unnecessary comma. Subsection (a)(3)(iv) has been deleted to eliminate the requirement that slot openings, design and screen diameter allow for effective well development because it is a common practice in the development of wells. In subsection (a)(5) the requirement that well casings be clearly visible has been added. In subsection (a)(7), the prescriptive design requirement about plastic casings has been deleted and replaced with a requirement that plastic casing be designed and constructed in a manner that prevents cross contamination between surface water and groundwater. In subsection (b)(5), the prescriptive design requirement that a well casing enclosing a monitoring well casing protrude at least 1 inch higher above grade than the monitoring well casing has been deleted. The proposed requirement no longer specifies an exact height the protective casing must protrude above the monitoring well casing.

Section 289.266. Groundwater assessment plan.

In subsection (a), the time available to prepare and submit a groundwater assessment plan has been extended from 30 to 60 days. This proposed change was made because field experience has demonstrated that more time is necessary to evaluate the causes of degradation and to prepare a report explaining exceedances at the monitoring points. Also, a fate and transport analysis must be performed to determine the rate and direction of migration of contaminants in the groundwater. Subsection (a)(2) has been deleted because the requirement is outdated. Under subsection (c), new language indicates that if an operator establishes compliance points as part of the assessment, the points shall be constructed in accordance with §§ 288.252 and 288.253 (relating to number, location and depth of monitoring points; and standards for wells and casing of wells). If an operator intends to meet the background standard for remediation, the operator is advised to establish the same points for monitoring and remediation compliance, since compliance with the background standard requires background to be demonstrated in all areas where the contamination occurs. A new subsection (c)(5) has been added to require the identification in the assessment plan of the abatement standard that will be met. By requiring this information in an assessment plan, the operator must plan for the likelihood of implementing abatement where the fate and transport analysis indicates there will be a problem.

Section 289.267. Abatement plan.

In subsection (a)(1), the triggers for requiring abatement have been revised. "Mandatory abatement trigger levels" have been deleted. Abatement is required when one of the following occurs: 1) the groundwater assessment plan shows the presence of groundwater degradation at the monitoring points (within 200 feet of the permitted disposal area) and the fate and transport analysis indicates that an abatement standard will not be met; or 2) monitoring by the Department or the operator shows the presence of an abatement standard exceedance from one or more compliance points.

The proposed amendments include a new subsection (c) which establishes the abatement standards that must be met at a disposal impoundment. The abatement standards and their points of compliance are identified as follows: 1) for constituents for which a Statewide health standard exists, the Statewide health standard for that

constituent with compliance points at and beyond 150 meters of the perimeter of the permitted disposal area or at the property boundary, whichever is closer; 2) the background standard for constituents with compliance points at and beyond 150 meters of the perimeter of the permitted disposal area or at the property boundary, whichever is closer; and 3) for constituents for which no primary MCLs under the Federal and State Safe Drinking Water Acts exist, the risk-based standard for that constituent with compliance points at and beyond 150 meters of the perimeter of the permitted disposal area or at the property boundary, whichever is closer.

The risk-based standard has been developed to be consistent with 40 CFR 258.55(i) (relating to assessment monitoring program). The proposed amendments include several factors that must be considered when using a risk-based standard for abatement. The factors identified are as follows: 1) the risk assessment used to establish the standard must assume that human receptors exist at the property boundary; 2) the level must be derived in a manner consistent with Department guidelines for assessing the health risks of environmental pollution; 3) the level must be based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards or other scientifically valid studies approved by the Department; and for carcinogens, the level must represent a concentration associated with an excess lifetime cancer risk of 1×10^{-5} at the property boundary. The risk-based standard may not be used if a State or Federal MCL exists for the contaminant in question.

In new subsection (d), the Department may approve a compliance point beyond 150 meters on land owned by the owner of the disposal area for measuring compliance with secondary contaminants when using either the Statewide health or risk-based standard.

Section 289.281. Mineral resources.

Proposed changes to subsection (a) delete the prescriptive 25 foot coal seam and coal outcrop isolation distance, replacing it with a requirement that the operator isolate a coal seam, coal outcrop and coal refuse in a manner that prevents combustion of the waste and damage to the liner system.

Section 289.282. Gas control and monitoring.

Proposed changes to subsection (e)(3) delete the standard for gas monitoring in areas adjacent to the permit area. The regulation continues to require the operator to control decomposition gases onsite to prevent danger to occupants of adjacent properties. The onsite monitoring serves as an early warning indicator of potential offsite migration.

Section 289.291. Hazard prevention.

The emergency procedures in this section have been modified to delete information already required in the PPC Plan.

Section 289.292. Emergency equipment.

Subsection (a)(3) has been proposed amended to require that an adequate water supply be available for firefighting equipment.

Section 289.301. Daily operational records.

In subsection (a), the daily report requirements in this section have been proposed to be revised to allow an operator of a captive residual waste facility to maintain a

monthly log instead of a daily record. This requirement is consistent with a change that was made to § 288.281 in the recent "Recordkeeping and Reporting Requirements" regulatory package. To facilitate this change, the word "daily" is deleted from subsection (b) and the word "monthly" is added in subsection (d). To achieve further consistency with § 288.281, a requirement in subsection (b)(7)(iii), that noncaptive facilities keep a record of the analysis of the quality and quantity of leachate flowing from the impoundment into the leachate storage and treatment systems, is added.

Section 289.302. Quarterly operation report.

This section has been deleted in this proposed rulemaking just as the requirement was deleted for residual waste landfills in the "Recordkeeping and Reporting Requirements" regulatory package. All of the requirements of the quarterly report are included in the daily (or monthly) operational record.

Section 289.303. Annual operation report.

In subsection (b)(i), the annual operation reporting requirements have been modified to require noncaptive residual waste impoundments to describe the average daily volume received at the facility since identifying average daily volume is now a requirement for residual waste disposal impoundments. In addition, a proposed change in subsection (c) increases the fee that accompanies the annual operation report from \$2,500 to \$4,600 to cover increases in administrative costs.

Section 289.312. Closure.

In subsection (b), the reference to "partial closure" has been deleted and the language has been conformed to be consistent with the proposed changes made to § 288.182 (relating to closure plan).

A new subsection (c) has been added to the proposed rulemaking that gives a person the option to continue to implement an approved abatement plan or modify a closure plan to address groundwater degradation that exists at closure or occurs after closure. If a person chooses to submit an application for a permit modification, the application must identify the remediation standards that will be met in accordance with the final closure certification requirements in § 287.342. The Department will accept the selection of remediation standards if technical information and supporting documentation of the remediation activities demonstrate that the standards will be met and maintained and if documentation of cooperation or an agreement is in place with a third party where a remedy relies on access to or use of a third party's property for remediation or monitoring.

Additional Application Requirements for Class I Residual Waste Disposal Impoundments

Section 289.412. Liner system and leachate control plan.

In subsection (c), the requirement that the leachate demonstration be based on the EPA Method 9090 compatibility test has been replaced with language that allows the demonstration to be based on EPA or ASTM guidelines approved by the Department. This proposed change will allow applicants to keep up with changing standards and technology. Also, in subsection (d)(19), a requirement has been added to identify in the permit application the percent of recycled material in the proposed primary and secondary liners.

Additional Operating Requirements for Class I Residual Waste Disposal Impoundments

Section 289.422. Areas where Class I residual waste disposal impoundments are prohibited.

Several changes have been proposed in this section. First, subsection (a)(4) currently requires that an operator own the underlying recoverable or mineable coal in order to obtain a Class I residual waste disposal impoundment permit. The proposed revision would extend the requirement to ownership of all recoverable or mineable minerals. As explained in the discussion of § 289.127, the expanded coverage from coal to all mineable minerals will better protect disposal impoundments from potential instability problems associated with mining activities. The proposed revision provides an exemption from this limitation for captive facilities permitted prior to July 4, 1992, to allow for expansions of these facilities on adjacent areas.

Secondly, subsection (a)(7), which refers to distance between occupied dwellings and disposal impoundments, is bifurcated for clarity. Subparagraph (i) refers to disposal impoundments permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, to expansions of residual waste disposal impoundments permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, and to captive residual waste disposal impoundments. In that subparagraph, the reference to "facilities permitted prior to July 4, 1992" is deleted as unnecessary since subsection (a) exempts areas permitted prior to July 4, 1992, in the lead-in language. Subparagraph (ii) refers to residual waste disposal impoundments permitted after the date of publication, except for captive residual waste disposal impoundments. The proposed amendments extend the isolation distance between disposal impoundments and occupied dwellings to 300 yards, from 300 feet. This additional distance will help to reduce complaints from nearby dwellings concerning noise, odors and nuisances. The requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between a facility and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from schools would apply to occupied dwellings. The owner of the dwelling may provide a written waiver consenting to the facility being closer than 300 yards.

In subsection (a)(10), the proposed amendments delete the prohibition against constructing a facility within 25 feet of a coal seam or coal outcrop or of coal refuse. This standard is not necessary because adequate protection from fires can be addressed in the design of the facility. To address fire protection in the facility design, the Department proposes in § 289.281 to require a disposal impoundment operator to isolate coal seams, coal outcrops and coal refuse from waste deposits in a manner that prevents combustion of the waste.

In subsection (a)(11), the proposed regulations amend the isolation distances from airports to reflect the restrictions in the Federal Subtitle D (40 CFR Part 258) regulations. Based on the Department's experience with putrescible waste in landfills in the municipal waste program, this proposed amendments establish a site limitation that must be met unless the applicant can demonstrate that the disposal impoundment will be de-

signed and operated so that it will not pose a bird hazard to aircraft. Definitions for "airport" and "bird hazard" are included in this section that contain language from the Subtitle D regulations.

Subsection (a)(12) has been added to provide for an isolation distance between disposal impoundments and schools, parks and playgrounds that is 300 yards. This requirement will apply to disposal impoundments permitted on or after the date of publication of the final-form regulations in the *Pennsylvania Bulletin*. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Noncaptive impoundments permitted prior to the date of publication of these amendments as final-form regulations in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissuance or renewal of the permit, or expansion of the permit area is sought. This requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between these facilities and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from municipal waste landfills for parks, playgrounds and schools would apply to residual waste disposal impoundments.

Section 289.423. Minimum requirements for acceptable waste.

A new subsection (a)(5) has been proposed to be added that prohibits a person from disposing of residual waste at a Class I residual waste disposal impoundment unless the physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site. This revision has been proposed to ensure the integrity of the liner system.

Section 289.432. General limitations.

In subsection (a), a change has been proposed to the requirement that 4 feet exist between the top of the subbase of the liner system and the seasonal high water table. The revision requires that the bottom of the subbase cannot be in contact with the seasonal high water table or perched water table. The prescriptive buffer between the liner system and the seasonal high water table has been replaced with a performance standard to prevent contact between the two. In subsection (a)(2), the drainage systems may now be used to prevent contact between the bottom of the subbase and the water tables rather than to maintain the 4-foot isolation distance. This change is consistent with the other changes in subsection (a). In subsection (b), the 8-foot isolation distance from the top of the subbase and the regional groundwater table for unconfined aquifers has been changed to the distance from the bottom of the subbase. In subsection (c), the 8-foot isolation distance for confined aquifers from the top of the subbase to the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs has been changed to the distance from the bottom of the subbase. These changes from the top to the bottom of the subbase have been proposed to clarify questions raised during construction of disposal impoundments.

Section 289.433. Subbase.

The design requirement in subsection (b) has been proposed to be deleted. The minimum bearing capacity of

4,500 pounds per square foot plus the total applied load in pounds per square foot is no longer necessary because this standard does not serve as an adequate stability standard for all facility designs.

Section 289.434. Secondary liner.

In subsection (b), the words "at the minimum" were proposed to be added to allow for the use of liners that meet or exceed the design requirements in Appendix A, Table I without an equivalency demonstration.

Section 289.435. Leachate detection zone.

In subsection (b)(5)(ii), the design requirement that the distance between pipes in the piping system for the leachate detection zone not exceed 100 feet on center has been deleted. This change has been proposed because it has not proven necessary for an effective system. In subsection (f), the language concerning monitoring of the leachate detection zone has been revised to replace "exceedance of mandatory abatement trigger levels" with "groundwater degradation at a monitoring well." This change has been proposed because mandatory abatement trigger levels are proposed to be deleted in this rulemaking. Additionally, in subsection (f)(1), the proposed amendments require that an operator not only submit to the Department a remedial plan for controlling the source of leachate in the leachate detection zone, but also that the operator correct a malfunction or defect in the liner system where groundwater degradation has been detected.

Section 289.436. Primary liner.

In subsection (b), the words "at the minimum" were proposed to be added to allow for the use of liners that meet or exceed the design requirements in Appendix A, Table I without an equivalency demonstration.

Section 289.454. Leachate recirculation.

Subsection (b) has been added to allow the Department to authorize an alternative leachate recirculation method for a facility. This proposed revision will allow, for example, an alternative design where intermediate cover may not be necessary or a piping system is not used.

Section 289.455. Leachate collection and storage.

Proposed changes in subsection (b) allow tank or impoundment storage volumes at captive facilities to be performance based as opposed to always requiring the volume to be based on the expected 30-day flow. Most residual waste disposal impoundments are captive facilities and have existing storage and treatment facilities capable of handling the expected leachate flow without increasing storage capacity. A proposed revision to subsection (d) indicates that the storage capacity of impoundments and tanks will be increased if necessary. A new subsection (g) has been added to require secondary containment for pipes that are located outside the lined areas of the facility. This requirement has been added to reduce the likelihood of leaks or releases from the pipes.

Section 289.456. Leachate analysis and sludge handling.

Proposed changes in subsection (a)(2) allow the Department to modify the frequency or chemical constituents of leachate testing if the facility operator demonstrates after four quarters of testing that this will not compromise groundwater protection.

Additional Application Requirements for Class II Residual Waste Disposal Impoundments

Section 289.512. Liner system and leachate control plan.

In subsection (c), the requirement that the leachate demonstration be based on the EPA Method 9090 compatibility test has been replaced with language that allows the demonstration to be based on EPA or ASTM guidelines approved by the Department. This proposed change will allow applicants to keep up with changing standards and technology. Also, in subsection (d)(19), a requirement has been added to identify in the permit application the percent of recycled material in the proposed liner.

Additional Operating Requirements for Class II Residual Waste Disposal Impoundments

Section 289.522. Areas where Class II residual waste disposal impoundments are prohibited.

Several changes have been proposed in this section. First, subsection (a)(4) currently requires that an operator own the underlying recoverable or mineable coal to obtain a Class II residual waste disposal impoundment permit. The proposed revision would extend the requirement to ownership of all recoverable or mineable minerals. As explained in the discussion of § 289.127, the expanded coverage from coal to all mineable minerals will better protect disposal impoundments from potential instability problems associated with mining activities. The proposed revision provides an exemption from this limitation for captive facilities permitted prior to July 4, 1992, to allow for expansions of these facilities on adjacent areas.

Secondly, subsection (a)(7), which refers to distance between occupied dwellings and disposal impoundments, is bifurcated for clarity. Subparagraph (i) refers to disposal impoundments permitted prior to the date of publication of the final-form regulations in the *Pennsylvania Bulletin*, to expansions of residual waste disposal impoundments permitted prior to the date of the final-form regulations in the *Pennsylvania Bulletin*, and to captive residual waste disposal impoundments. In that subparagraph, the reference to "facilities permitted prior to July 4, 1992" is deleted as unnecessary since subsection (a) exempts areas permitted prior to July 4, 1992, in the lead-in language. Subparagraph (ii) refers to residual waste disposal impoundments permitted after the date of publication, except for captive residual waste disposal impoundments. The proposed amendment extends the isolation distance between disposal impoundments and occupied dwellings to 300 yards, from 300 feet. This additional distance will help to reduce complaints from nearby dwellings concerning noise, odors and nuisances. The requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between a facility and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from schools would apply to occupied dwellings. The owner of the dwelling may provide a written waiver consenting to the facility being closer than 300 yards.

In subsection (a)(10), the proposed amendments delete the prohibition against constructing a facility within 25 feet of a coal seam or coal outcrop or of coal refuse. This standard is not necessary because adequate protection from fires can be addressed in the design of the facility.

In subsection (a)(11), the proposed amendments amend the isolation distances from airports to reflect the restrictions in the Federal Subtitle D (40 CFR Part 258) regulations. Based on the Department's experience with putrescible waste in landfills in the municipal waste program, this proposed rulemaking establishes a site limitation that must be met unless the applicant can demonstrate that the disposal impoundment will be designed and operated so that it will not pose a bird hazard to aircraft. Definitions for "airport" and "bird hazard" are included in this section that contain language from the Subtitle D regulations.

Subsection (a)(12) has been added to be consistent with the municipal waste regulations. It provides for an isolation distance between disposal impoundments and schools, parks and playgrounds that is 300 yards. This requirement will apply to disposal impoundments permitted on or after the date of publication of the final-form regulations in the *Pennsylvania Bulletin*. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Noncaptive impoundments permitted prior to the date of publication of these amendments as final-form in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissuance or renewal of the permit, or expansion of the permit area is sought. This requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste treatment facilities. Section 511(c) of Act 101 authorizes the Department to establish site limitations by regulation that are in addition to or more stringent than the site limitation between these facilities and parks, playgrounds or schools. The same Legislative concerns that apply to setback distances from municipal waste landfills for parks, playgrounds and schools would apply to residual waste disposal impoundments.

In addition, misnumbering corrections have been made in subsection (b).

Section 289.523. Minimum requirements for acceptable waste.

The phrase "groundwater parameter" has been proposed to be changed to "waste classification standard" to be consistent with that term's definition in § 287.1.

A new subsection (a)(11) has been added that prohibits a person from disposing of residual waste at a Class II residual waste landfill unless the physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site. This revision has been proposed to ensure the integrity of the liner system.

Section 289.532. General limitations.

In subsection (a), a change has been proposed to the requirement that 4 feet exist between the top of the subbase of the liner system and the seasonal high water table. The revision requires that the bottom of the subbase cannot be in contact with the seasonal high water table or perched water table. The prescriptive buffer between the liner system and the seasonal high water table has been replaced with a performance standard to prevent contact between the two. In subsection (a)(2), the drainage systems may now be used to prevent contact between the bottom of the subbase and the water tables rather than to maintain the 4-foot isolation distance. This change is consistent with the other changes in

subsection (a). In subsection (b), the 8-foot isolation distance from the top of the subbase and the regional groundwater table for unconfined aquifers has been changed to the distance from the bottom of the subbase. In subsection (c), the 8-foot isolation distance for confined aquifers from the top of the subbase to the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs has been changed to the distance from the bottom of the subbase. These changes from the top to the bottom of the subbase have been proposed to clarify questions raised during construction of disposal impoundments.

Section 289.534. Leachate detection zone.

In subsection (b)(4)(ii), the design requirement that the distance between pipes in the piping system for the leachate detection zone not exceed 100 feet on center has been deleted. This change has been proposed because it has not proven necessary for an effective system. In subsection (f), the language concerning monitoring of the leachate detection zone has been revised to replace "exceedance of mandatory abatement trigger levels" with "groundwater degradation." This change has been proposed because mandatory abatement trigger levels are proposed to be deleted in this rulemaking. Additionally, in subsection (f)(1), the proposed amendments require that an operator not only submit to the Department a remedial plan for controlling the source of leachate in the leachate detection zone, but also that the operator correct a malfunction or defect in the liner system where groundwater degradation has been detected.

Section 289.535. Liner.

In subsection (b), the words "at the minimum" were proposed to be added to allow for the use of liners that meet or exceed the design requirements in Appendix A, Table I without an equivalency demonstration.

Section 289.554. Leachate recirculation.

Subsection (b) has been added to allow the Department to authorize an alternative leachate recirculation method for a facility. This proposed revision will allow, for example, an alternative design where intermediate cover may not be necessary or a piping system is not used.

Section 289.555. Leachate collection and storage.

Proposed changes in subsection (b) allow tank or impoundment storage volumes at captive facilities to be performance based as opposed to always requiring the volume to be based on the expected 30-day flow. Most residual waste disposal impoundments are captive facilities and have existing storage and treatment facilities capable of handling the expected leachate flow without increasing storage capacity. A proposed revision to subsection (d) indicates that the storage capacity of impoundments and tanks will be increased if necessary. A new subsection (g) has been added to require secondary containment for pipes that are located outside the lined areas of the facility. This requirement has been added to reduce the likelihood of leaks or releases from the pipes.

Section 289.556. Leachate analysis and sludge handling.

Proposed changes in subsection (a)(2) allow the Department to modify the frequency or chemical constituents of leachate testing if the facility operator demonstrates after four quarters of testing that this will not compromise groundwater protection.

Appendix A.

The proposed amendments modify Tables I and II. The proposed changes incorporate technological advances that have been made for liners and caps.

*Chapter 291. Land Application of Residual Waste
Application Requirements*

Section 291.101. General.

In subsection (a)(4) of the proposed amendments, the reference to surface land disposal has been deleted since, under these proposed amendments, that activity will no longer be authorized under the residual waste regulations.

Section 291.102. Operating plan.

In paragraph (1), the reference to surface land disposal has been proposed to be deleted since that activity will no longer be authorized under the residual waste regulations.

Section 291.103. Maps and related information.

In subsection (a)(5) of the proposed amendments, the word "supplies" has been deleted and replaced with the word "sources" because not all water supplies are readily available by mapping or by field survey. Subsection (a)(8) has been deleted because it applies to surface land disposal, an activity that will no longer be authorized by these regulations.

Operating Requirements

Section 291.201. General provisions.

In subsection (b), the proposed amendments delete references to surface land disposal. In addition, a new requirement, paragraph (4), has been proposed to require residual waste operators that manage residual waste that contains human waste and exceeds the pathogen and vector attraction reduction requirements in § 271.911(b) to meet the operating requirements of Chapter 291 and Chapter 271, Subchapter J (relating to beneficial use of sewage sludge by land application).

The proposed amendments include two new subsections, (d) and (e), that prohibit residual waste from being applied to land if it is unlikely to adversely affect a Federal or Commonwealth threatened or endangered species, or its designated critical habitat, or from being applied to a site that is flooded, frozen or snow-covered, except as expressly provided in a permit. The latter requirement is intended to prevent water pollution problems that result from runoff of waste into surface water.

Section 291.202. Areas where the land application of residual waste is prohibited.

Several proposed changes have been made to this section. First, in subsection (a)(2), the buffer between a land application area and a water source has been modified to allow a buffer smaller than 300 feet if the current owner of the water source provides a written waiver consenting to the shorter distance. Also, the buffer no longer applies to water sources that come into existence after the dates upon which adjacent landowner notification is given under § 287.151(b). These changes were made to prevent disruption to existing, ongoing operations.

Subsection (a)(3), relating to a buffer between a land application area and a surface water source, has been proposed to be deleted because the required conservation plans and other site design requirements address the potential to contaminate surface water. The regulations continue to maintain the buffer distance of 300 feet from all water sources. Subsection (a)(4), relating to a buffer between a land application area and a bedrock outcrop, has been deleted because areas where bedrock outcrops occur are commonly farmed and based on the loading

rates of residual waste in these areas there is limited potential for groundwater contamination. Subsection (a)(5), relating to a buffer between a land application area and a property line, has been deleted because this isolation distance has proven to be disruptive to farming activities. Renumbered subsection (a)(3), relating to sink-holes, has been modified to delete the buffer between a land application area and an area draining into a sink-hole because conservation plans prevent direct surface runoff and the isolation distance is disruptive to farming activities. Subsection (a)(7), relating to a buffer between a land application area and an undrained depression, has been deleted because it is difficult to identify these areas by field surveys and because this limitation has proven unnecessary since other requirements adequately protect groundwater and water sources. Subsection (a)(10), relating to a buffer between a surface land disposal activity and a 100-year floodplain, has been deleted because the proposed amendments will no longer authorize surface land disposal activities.

Section 291.203. Limitations on land application of residual waste.

In subsection (a), a proposed change has been made to modify the land application limitation relating to the distance between the regional groundwater table and the surface from 4 feet to 3.3 feet. This change has been made to be consistent with the sewage sludge land application requirements and is based on EPA risk assessment criteria for sewage sludge. The sewage sludge modeling is appropriate for the application of residual waste. In subsection (d), the limitation on growing root vegetables or vegetables which are eaten raw where residual waste is land applied has been changed to eliminate the 2-year time period, and in paragraph (2) the limitation on growing tobacco where residual waste is land applied has been eliminated. These proposed changes were made because it is difficult to project what will be grown on a field, based on farm economics. Heavy metals that may be available for plant uptake are controlled by the loading rates approved for a site. Subsection (g), relating to areas where residual waste is land applied and livestock may graze, has been modified to delete the prescriptive time period limitation of 2 months and replace it with a performance standard based on visibility of the waste.

Section 291.205. Erosion control.

The reference in subsection (c) to surface land disposal has been deleted because the proposed amendments will no longer authorize surface land disposal activities.

Section 291.207. Water supply replacement.

In subsection (a), new language has been included to clarify that when an operator adversely affects a water supply by degradation, pollution or other means, the operator must restore the affected supply. The proposed amendments include a new subsection (d) that explains what qualifies as a permanent water supply for purposes of water supply replacement. Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply. A permanent water supply does not include provision of bottled water or a water tank supplied by a bulk water hauling system. These proposed changes have been made to be consistent with the municipal waste regulations.

Section 291.209. Permit area markers.

This section has been deleted in the proposed amendments because the permit area markers have caused problems in the operation of farm equipment.

Section 291.210. Nuisance control.

The performance standard in subsection (a) of the proposed amendments has been changed from requiring that vectors not be caused or attracted to requiring that vectors be controlled and minimized. In subsection (b), the performance standard requiring the prevention and elimination of conditions that are harmful or that create nuisances has been changed to a performance standard requiring the control and minimization of the conditions. The level of protection the public will receive is the same under the existing and the proposed requirements. These proposed amendments more accurately reflect the standard practice for nuisance control.

Section 291.221. Daily operational records.

A new requirement, subsection (b)(9), has been added to the daily operation record that requires the reporting of waste handling problems or emergency disposal facilities. This change was made because the requirement applies to all residual waste facilities and was inadvertently omitted from the recordkeeping requirements of this chapter.

Section 291.222. Annual operation report.

All references to surface land disposal have been deleted in subsection (b). In subsection (d), the proposed amendments include increased annual permit administration fees to reflect increases in administrative costs.

*Additional Application Requirements for Agricultural Utilization**Section 291.301. Additional application requirements.*

Paragraph (4), relating to a demonstration that best agricultural management practices are environmentally protective when the seasonal high water table is less than 20 inches, has been deleted in this proposed rulemaking because existing studies and field practices have demonstrated that residual waste can be safely land applied to soils with less than 20 inches to the seasonal high water table.

*Additional Operating Requirements for Agricultural Utilization**Section 291.311. General requirements.*

The references in subsection (a) to surface land disposal have been deleted because the proposed amendments will no longer authorize surface land disposal activities.

Section 291.312. Site characteristics.

Several changes have been proposed for this section. Paragraph (2), a requirement for a site limitation of a minimum depth of 20 inches of soil from surface to bedrock, has been deleted because farming practices will dictate the necessary soil depths and the loading rates for land application take attenuation into consideration. In the newly renumbered paragraph (2), the requirement that a site have a minimum depth from surface to seasonal high water table of 20 inches has been modified to 11 inches and the use of a tile drain system to establish a minimum depth has been eliminated. These proposed changes have been made to be consistent with the sewage sludge land application regulations. Research has demonstrated that residual waste can be safely land applied to soils with 11 inches to the seasonal high water table. The maximum slope requirements for agricultural

utilization, in paragraph (3), have been modified across the board and raised from 15% to 25% unless otherwise approved in writing by the Department. This change was made because the higher slopes are commonly used in farming practices and a conservation plan will minimize erosion of waste applied to the site. The existing regulations only allow land application on soil that has less than 6.5 pH if the pH will be 6.5 or greater within 6 months after the first application of residual waste. The proposed amendments delete the 6-month time period for meeting a pH of 6.5 or greater to allow for greater flexibility based on the waste characteristics. Newly renumbered paragraph (5) has been modified to delete the requirement that soil pH be maintained at 6.5 or greater for 2 additional years following the last land application of residual waste to the site because the future use of the land is unpredictable and the maintenance of the pH is unnecessary regardless of use.

Section 291.314. Weather.

This section has been deleted in the proposed amendments because weather conditions are now addressed in § 291.201(e).

Section 291.315. Water quality monitoring.

The requirements of this section have been changed in this proposed rulemaking to indicate that groundwater monitoring is only required if determined necessary by the Department, based on the waste and site characteristics. Groundwater monitoring that is determined to be necessary no longer must meet the requirements of §§ 291.521–291.528 (relating to water quality monitoring). This change was made to allow for flexibility in establishing a water quality monitoring system. A standard has been added that the monitoring accurately characterize background groundwater quality at the facility to properly assess whether groundwater degradation is occurring.

Section 291.316. Soil-pore water monitoring.

The requirements of this section have been changed in this proposed rulemaking to indicate that soil-pore water monitoring is only required if determined necessary by the Department, based on the waste and site characteristics. Soil-pore water monitoring that is determined to be necessary no longer must meet the requirements of § 291.515 (relating to soil-pore water monitoring). This change was made to allow for flexibility in establishing a soil-pore water monitoring system. A standard has been added that the monitoring accurately characterize soil-pore water at the facility in order to properly assess subsurface water quality.

*Additional Operating Requirements for Land Reclamation**Section 291.412. Site characteristics.*

The maximum slope requirement for land reclamation, in paragraph (1), has been raised from 20% to 35% unless otherwise approved in writing by the Department. This change was made to allow for greater flexibility in permitting the application of residual waste for reclamation activities. Paragraph (3) has been modified to delete the requirement that soil pH be maintained at 6.5 or greater for 2 additional years following the last land application of residual waste to the site because the future use of the land is unpredictable and the maintenance of the pH is unnecessary regardless of use.

Section 291.414. Weather.

In subsection (a), the proposed amendments delete the reference to times when the ground is saturated, snow

covered, frozen and during periods of rain as times when an operator may not operate because this limitation is now covered in § 291.201.

Section 291.416. Water quality monitoring.

The requirements of this section have been changed in this proposed rulemaking to indicate that groundwater monitoring is only required if determined necessary by the Department, based on the waste and site characteristics. Groundwater monitoring that is determined to be necessary no longer must meet the requirements of §§ 291.521—291.528. This change was made to allow for flexibility in establishing a monitoring system. A standard has been added that the monitoring accurately characterize background groundwater quality at the facility in order to properly assess whether groundwater degradation is occurring.

Section 291.417. Soil-pore water monitoring.

The requirements of this section have been changed in this proposed rulemaking to indicate that soil-pore water monitoring is only required if determined necessary by the Department, based on the waste and site characteristics. Soil-pore water monitoring that is determined to be necessary no longer must meet the requirements of § 291.515 (relating to soil-pore water monitoring). This change was made to allow for flexibility in establishing a monitoring system. A standard has been added that the monitoring accurately characterize soil-pore water at the facility to properly assess the quality of subsurface water.

Additional Requirements for Surface Land Disposal

Sections 291.501—291.528, which relate to requirements for surface land disposal, have been deleted in this proposed rulemaking. The activity of surface land disposal will no longer be authorized under the residual waste regulations because this management practice is technologically obsolete.

Chapter 293. Transfer Facilities for Residual Waste

Application Requirements

Section 293.1. Scope.

The proposed amendments include a new subsection (b) that allows the Department to waive or modify a requirement of this chapter for permitted transfer facilities at which no actual loading, unloading or transferring of residual waste occurs, if the absence of the loading, unloading and transferring activity renders the requirement unnecessary.

Section 293.103. Maps and related information.

In subsection (a)(4) of the proposed amendments, the word “supplies” has been deleted and replaced with the word “sources” because not all water supplies are readily available by mapping or by field survey. Additionally, the requirement for the identification of the location of wells by the applicant has been changed to consideration of a 1/4-mile radius instead of 1/2-mile radius because this requirement has been proven unnecessary based on the performance of existing permitted transfer facilities in the residual waste program to date. Deletion of subsection (b), the requirement for a map or aerial photograph of the soils for the proposed permit area and adjacent area showing the site boundaries and soil types, has been proposed because the information has not proven useful for purposes of making a permit decision.

Section 293.104. Plan for access roads.

Amendments to this section have been proposed to require that access roads be designed and constructed to

handle truck traffic adequately. This requirement sets a performance standard by which to gauge the adequacy of proposed access roads.

Section 293.106. Soil and groundwater monitoring plan.

In subsection (a), the words “adverse effects on” have been proposed to be changed to groundwater “degradation” to provide clarity to the monitoring program. “Groundwater degradation” is a defined term in § 287.1.

Section 293.109. Contingency plan.

A minor change to this section proposes to add the word “plans” to correct a clerical error.

Operating Requirements

Section 293.201. Basic limitations.

Subsection (f) has been added to the proposed amendments to allow for implementation of the mitigation measures determined by the environmental assessment process during the appropriate time of site development. The subsection requires that all approved mitigation measures identified in the permit application be completed before a facility may accept waste, unless a later date is authorized in writing by the Department for technical reasons.

Section 293.202. Areas where transfer facilities are prohibited.

The lead-in language in subsection (a) has been modified to correct a clerical error. In addition, several proposed changes have been made to subsection (a). Proposed amendments to paragraph (3), relating to buffer distances between a transfer facility and wetlands that are not exceptional value wetlands, have been proposed to allow for smaller buffers if the storage and processing takes place in an enclosed facility.

Proposed amendments to paragraph (5) allow for a smaller buffer between a transfer facility and a perennial stream if the storage and processing takes place in an enclosed facility and no adverse impacts to the perennial stream will result. Also, new language to this paragraph allows a transfer facility to be next to a perennial stream if the facility transfers waste to barges at the transfer facility location.

The buffer requirement between a transfer facility and a property line, paragraph (6), has been proposed to be amended to allow the operation of a transfer facility at a distance closer than 50 feet if either the storage and processing take place in an enclosed facility or if the owner of the adjacent property provides written consent for a waiver of the buffer.

A new buffer requirement has been added to the proposed rulemaking. Under paragraph (7), a transfer facility may not be located within 300 yards of a park, school or playground. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Transfer facilities permitted prior to the date of publication of these amendments as final-form in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissuance or renewal of the permit, or expansion of the permit area is sought. This requirement is drawn from the isolation distance in Act 101 of 300 yards from a school, park or playground for municipal waste landfills, resource recovery facilities and commercial residual waste facilities.

Section 293.211. Signs.

In subsection (a), proposed changes eliminate the prescriptive language about the size and content of signs and replace the requirement with a performance standard that the sign can be easily seen and read.

Section 293.213. Access roads.

Subsection (c) has been amended to require that an access road's drainage system comply with the erosion control requirements in Chapter 102. In subsection (d), language has been added that requires Departmental approval in a permit for the use of materials equivalent to asphalt, gravel, or cinders in paving access roads. This requirement was added to allow the Department to review materials proposed for use prior to their application to the site. A new performance standard, subsection (h), has been added to require that an access road be maintained to control dust and to prevent or control the tracking of mud on and offsite.

Section 293.215. Operations and equipment.

In subsection (c), the requirement that standby equipment must be located on the site or at the place where it can be available within 24 hours has been deleted. This requirement is redundant of the requirement in subsection (b) that the operator maintain on the site equipment necessary for the operation of the facility in accordance with the permit. In subsection (e), a separate frequency for cleaning equipment used to handle putrescible waste has been eliminated to allow for flexibility in the cleaning frequency based on the specific waste type. The proposed amendments include a new subsection (f) that requires an operator of a transfer facility to inspect and monitor incoming waste for consistency with this article and the permit and to monitor for radioactive isotopes. This new requirement was added to address problems that have occurred at landfills that receive problem wastes from transfer facilities.

Section 293.216. Unloading area.

A proposed change to subsection (b) allows leachate to be collected in holding tanks prior to its transport to the sewage treatment plant. This requirement was added to provide for more flexibility in managing the leachate in areas where a facility cannot be feasibly connected to a sanitary sewer system.

Section 293.217. Cleaning and maintenance.

A proposed change to subsection (b) allows for an extension of time for storage of putrescible waste up to 72 hours over a weekend or 3-day weekend if the transfer facility permit so provides. This change was made to address where the storage of waste through a transfer operation can be properly stored over 3-day weekends.

Section 293.218. Air resources protection.

An amendment to subsection (a) includes a new cross reference to § 293.219 (relating to nuisance control).

Section 293.219. Nuisance control.

The performance standard in subsection (a) of the proposed amendments has been changed from requiring that vectors be prevented and eliminated to requiring that vectors be controlled and minimized. In subsection (b), the performance standard requiring the prevention and elimination of conditions that are harmful or that create nuisances has been changed to a performance standard requiring the control and minimization of the conditions. The level of protection the public will receive is the same under the existing and the proposed require-

ments. These proposed amendments more accurately reflect the standard practice for nuisance control.

Section 293.221. Litter.

A clarification to subsection (c) of the proposed amendments requires that "blown off and intercepted" litter be collected from fences, roadways, tree line barriers and other barriers.

Section 293.231. General requirements.

In subsection (b), the word "pollution" has been proposed to be added for clarification.

Section 293.232. Soil erosion and sedimentation control.

A cross reference to Chapter 102 has been proposed to be added to paragraph (1) to indicate that compliance with that chapter is required.

Section 293.234. Water supply replacement.

In subsection (a), new language has been included to clarify that when an operator adversely affects a water supply by degradation, pollution or other means, the operator must restore the affected supply. The proposed amendments include a new subsection (d) that explains what qualifies as a permanent water supply for purposes of water supply replacement. Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply. A permanent water supply does not include provision of bottled water or a water tank supplied by a bulk water hauling system. These modifications were made to be consistent with the municipal waste regulations.

Section 293.241. Hazard prevention.

The emergency procedures in this section have been modified to delete information already required in a PPC Plan.

Section 293.251. Daily operational records.

The proposed amendments include a new requirement, subsection (a)(10), which requires that a record of rejected waste loads and the reasons for rejecting the loads be included in the daily operational records. This requirement has been added to help identify and track problem wastes that are rejected at transfer facilities.

Section 293.262. Cessation of operations.

A clerical error has been corrected in subsection (b) that clarifies Departmental approval is required to discontinue soil monitoring upon cessation of processing operations.

*Chapter 295. Composting Facilities for Residual Waste**Application Requirements**Section 295.112. Maps and related information.*

In subsection (a), a clarification has been made that the topographic map should contain the proposed permit area and adjacent area. Also, in paragraph (1), a requirement was added that the boundaries of the land within the proposed permit area be identified on the maps. In subsection (a)(4), the word "sources" has been substituted for "supplies" because not all water supplies are readily available by mapping or by field survey. In subsection (a)(14), the proposed amendments require loading and unloading areas to be identified on maps. Deletion of subsection (b), the requirement for a map or aerial photograph of the soils for the proposed permit area and adjacent area showing the site boundaries and soil types, has been proposed because the information has not proven useful for purposes of making a permit decision.

Section 295.115. Plan for access roads.

Amendments to this section have been proposed to require that access roads be designed and constructed to handle truck traffic adequately. This requirement sets a performance standard by which to gauge the adequacy of proposed access roads.

Section 295.121. Composting pad design.

The proposed amendments allow for the use of vessels for composting. The changes in this section incorporate existing performance and design standards for vessels.

*Operating Requirements**Section 295.201. Basic limitations.*

Subsection (f) has been added to the proposed amendments to allow for implementation of the mitigation measures determined by the environmental assessment process during the appropriate time of site development. The subsection requires that all approved mitigation measures identified in the permit application be completed before a facility may accept waste, unless a later date is authorized in writing by the Department for technical reasons.

Section 295.202. Areas where composting facilities are prohibited.

Several changes have been proposed for this section. In subsection (a)(1), a composting facility may be sited in a 100-year floodplain if it can be demonstrated that the facility can be protected during flooding. A composting facility does not provide for permanent placement of waste and measures can easily be undertaken to prevent impacts from flooding. Amendments to subsection (a)(3), relating to buffer distances between a composting facility and wetlands that are not exceptional value wetlands, have been proposed to allow for smaller buffers if the storage and processing takes place in an enclosed facility. In subsection (a)(4), the buffer from sinkholes has been deleted because all water collected on the pad or in the vessel is contained and managed to prevent surface water contamination. In newly renumbered subsection (a)(5), the buffer between a composting facility and a perennial stream has been revised to allow a smaller buffer if the storage and processing takes place in an enclosed facility. In newly renumbered subsection (a)(6), the buffer between a property line and a composting facility has been revised to allow storage and processing closer than 50 feet from the property line if the activities take place in an enclosed facility. In newly renumbered subsection (a)(8), the prohibition for siting a facility in an area that has a seasonal high water table less than four feet from the surface has been replaced with a requirement that the pad or vessel not be in contact with the seasonal high water table. This change was made because all water collected on the pad or vessel will be contained and managed to prevent contamination. In newly renumbered subsection (a)(9), a new buffer requirement has been added to the proposed rulemaking. The new requirement has been added to be consistent with section 511 of Act 101, which requires an isolation distance of 300 yards between commercial residual waste treatment facilities and parks, playgrounds and schools. The property owner of the park, playground or school may provide a written waiver consenting to the facility being closer than 300 yards. Composting facilities permitted prior to the date of publication of these amendments as final-form regulations in the *Pennsylvania Bulletin* are not intended to be affected by the more stringent isolation distances proposed in this section when reissuance or renewal of the permit, or expansion of the permit area is sought.

Section 295.211. Signs and markers.

In subsection (a), proposed changes eliminate the prescriptive language about the size and content of signs and replace the requirement with a performance standard that the sign can be easily seen and read.

Section 295.212. Access roads.

Subsection (c) has been amended to require that an access road's drainage system comply with the erosion control requirements in Chapter 102. In subsection (d), language has been added that requires Departmental approval in a permit for the use of materials equivalent to asphalt, gravel, or cinders in paving access roads. This requirement was added to allow the Department to review materials proposed for use prior to their application to the site. A new performance standard, subsection (j), has been added to require that an access road be maintained to control dust and to prevent or control the tracking of mud on and offsite.

Section 295.214. Measuring and inspection of waste.

A new subsection (c) has been proposed to be added that requires an operator to inspect incoming waste to ensure that the waste received is consistent with this article and the permit unless otherwise approved by the Department.

Section 295.215. Equipment.

In subsection (b), the requirement that standby equipment must be located on the site or at the place where it can be available within 24 hours has been deleted. This requirement is redundant of the requirement in subsection (a) that the operator maintain on the site equipment necessary for the operation of the facility in accordance with the permit. In subsection (d), a separate frequency for cleaning equipment used to handle putrescible waste has been eliminated to allow for flexibility in the cleaning frequency based on the specific waste type.

Section 295.217. Air resources protection.

An amendment to subsection (a) includes a new cross reference to § 295.218 (relating to nuisance control).

Section 295.218. Nuisance control.

The performance standard in subsection (a) of the proposed amendments has been changed from requiring that vectors be prevented and eliminated to requiring that vectors be controlled and minimized. In subsection (b), the performance standard requiring the prevention and elimination of conditions that are harmful or that create nuisances has been changed to a performance standard requiring the control and minimization of the conditions. The level of protection the public will receive is the same under the existing and the proposed requirements. These proposed amendments more accurately reflect the standard practice for nuisance control.

Section 295.220. Litter.

A clarification to subsection (c) of the proposed amendments requires that "blown off and intercepted" litter be collected from fences, roadways, tree line barriers and other barriers.

Section 295.231. Composting pad or vessel.

This section has been modified throughout to allow for the use of a vessel for composting. In subsection (c)(1), the permeability standard has been deleted and replaced with a requirement that the pad or vessel be capable of preventing the migration of waste or leachate generated from the composting process. This change was made because materials used for a pad or vessel may not meet

the existing permeability standard but may prevent contamination. Subsection (f) has been deleted because the proposed changes in this section identify which requirements apply to in-vessel composting.

Section 295.253. Sedimentation ponds.

Subsection (b) has been amended to include a requirement that sedimentation ponds be operated and maintained in accordance with this section, Chapter 102, Chapter 105 and the minimum criteria in the United States Soil Conservation Service's Engineering Standard, 378, "Pond" Pa., as amended.

Section 295.255. Water supply replacement.

In subsection (a), new language has been included to clarify that when an operator adversely affects a water supply by degradation, pollution or other means, the operator must restore the affected supply. The proposed amendments include a new subsection (d) that explains what qualifies as a permanent water supply for purposes of water supply replacement. Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply. A permanent water supply does not include provision of bottled water or a water tank supplied by a bulk water hauling system. These modifications were made to be consistent with the municipal waste regulations.

Section 295.261. Hazard prevention.

The emergency procedures in this section have been modified to delete information already required in PPC Plan.

Section 295.271. Daily operational records.

A new requirement, subsection (b)(6), has been added to the daily operation record that requires the reporting of waste handling problems or emergency disposal facilities. This change was made because the requirement applies to all residual waste facilities and was inadvertently omitted from the recordkeeping requirements of this chapter.

Section 295.282. Cessation of operations.

A clerical error has been corrected in subsection (c) that clarifies Departmental approval is required to discontinue soil monitoring upon cessation of processing operations.

*Chapter 297. Incinerators and Other Processing Facilities
Application Requirements*

Section 297.103. Maps and related information.

A clarification has been made that the topographic map should contain the proposed permit area and adjacent area. Also, in paragraph (1), a requirement was added that the boundaries of the land within the proposed permit area be identified on the maps. In paragraph (4), the word "sources" has been substituted for "supplies" because not all water supplies are readily available by mapping or by field survey. Additionally, the requirement for the identification of the location of wells by the applicant has been changed to consideration of a 1/4-mile radius instead of 1/2-mile radius because this requirement has been proven unnecessary based on the performance of existing permitted processing facilities in the residual waste program to date.

Section 297.105. Plan for access roads.

Amendments to this section have been proposed to require that access roads be designed and constructed to

handle truck traffic adequately. This requirement sets a performance standard by which to gauge the adequacy of proposed access roads.

Operating Requirements

Section 297.201. Basic limitations.

Subsection (f) has been added to the proposed amendments to allow for implementation of the mitigation measures determined by the environmental assessment process during the appropriate time of site development. The subsection requires that all approved mitigation measures identified in the permit application be completed before a facility may accept waste, unless a later date is authorized in writing by the Department for technical reasons.

Section 297.202. Areas where incinerators and other processing facilities are prohibited.

Amendments to subsection (a)(3), relating to buffer distances between a processing facility and wetlands that are not exceptional value wetlands, have been proposed to allow for smaller buffers if the storage and processing takes place in an enclosed facility. In subsection (a)(5), the buffer between a processing facility and a perennial stream has been revised to allow a smaller buffer if the storage and processing takes place in an enclosed facility. In subsection (a)(6), the buffer between a property line and a processing facility has been revised to allow storage and processing closer than 50 feet from the property line if the activities take place in an enclosed facility.

Section 297.211. Signs and markers.

In subsection (a), proposed changes eliminate the prescriptive language about the size and content of signs and replace the requirement with a performance standard that the sign can be easily seen and read.

Section 297.212. Access control.

Subsection (b) has been proposed to be revised to delete the reference to construction of a fence or barrier.

Section 297.213. Access roads.

Subsection (c) has been amended to require that an access road's drainage system comply with the erosion control requirements in Chapter 102. In subsection (d), language has been added that requires Departmental approval in a permit for the use of materials equivalent to asphalt, gravel, or cinders in paving access roads. This requirement was added to allow the Department to review materials proposed for use prior to their application to the site. A new performance standard, subsection (i), has been added to require that an access road be maintained to control dust and to prevent or control the tracking of mud on and offsite.

Section 297.214. Measuring and inspection of waste.

The proposed amendments include a new subsection (c) that requires an operator of a processing facility to inspect and monitor incoming waste for consistency with this article and the permit and to monitor for radioactive isotopes. This new requirement was added to address problems that have occurred at processing facilities.

Section 297.215. Equipment.

In subsection (b), the requirement that standby equipment must be located on the site or at the place where it can be available within 24 hours has been deleted. This requirement is redundant of the requirement in subsection (a) that the operator maintain on the site equipment necessary for the operation of the facility in accordance with the permit. In subsection (d), a separate frequency

for cleaning equipment used to handle putrescible waste has been eliminated to allow for flexibility in the cleaning frequency based on the specific waste type.

Section 297.216. Unloading area.

Subsection (b) has been proposed to be amended to allow drains or treatment systems to be connected to sanitary sewer systems if a waste characterization is submitted to the sewage treatment plant operator and the treatment plant operator can completely treat the waste stream. This change is consistent with the existing requirements for unloading areas for transfer facilities. Also, a proposed change to subsection (b) allows leachate to be collected in holding tanks prior to its transport to the sewage treatment plant. This requirement was added to provide for more flexibility in managing the leachate in areas where a facility cannot be feasibly connected to a sanitary sewer system.

Section 297.217. Cleaning and maintenance.

A proposed change to subsection (b) allows for an extension of time for storage of putrescible waste up to 72 hours over a weekend or 3-day weekend if the processing facility permit so provides.

Section 297.218. Air resources protection.

In subsection (a), the specific reference to Subpart C has been proposed to be deleted.

Section 297.219. Nuisance control.

The performance standard in subsection (a) of the proposed amendments has been changed from requiring that vectors be prevented and eliminated to requiring that vectors be controlled and minimized. In subsection (b), the performance standard requiring the prevention and elimination of conditions that are harmful or that create nuisances has been changed to a performance standard requiring the control and minimization of the conditions. The level of protection the public will receive is the same under the existing and the proposed requirements. These proposed regulations more accurately reflect the standard practice for nuisance control.

Section 297.221. Litter.

A clarification to subsection (c) of the proposed amendments requires that "blown off and intercepted" litter be collected from fences, roadways, tree line barriers and other barriers.

Section 297.232. Soil erosion and sedimentation control.

A cross reference to Chapter 102 has been proposed to be added to paragraph (1) to indicate that compliance with that chapter is required.

Section 297.234. Water supply replacement.

In subsection (a), new language has been included to clarify that when an operator adversely affects a water supply by degradation, pollution or other means, the operator must restore the affected supply. The proposed amendments include a new subsection (d) that explains what qualifies as a permanent water supply for purposes of water supply replacement. Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply. A permanent water supply does not include provision of bottled water or a water tank supplied by a bulk water hauling system. These proposed modifications have been made to be consistent with the municipal waste regulations.

Section 297.253. Implementation of contingency plan.

Subsection (c)(2) has been proposed to be revised to require Department approval for resumption of operation after a cleanup from an emergency.

Section 297.261. Daily operational records.

The proposed amendments include a new requirement, subsection (a)(10), which requires that a record of rejected waste loads and the reasons for rejecting the loads be included in the daily operational records. This requirement has been added to help identify and track problem wastes that are rejected at processing facilities.

Section 297.262. Annual operation report.

The fee has been changed in subsection (c)(1) from \$1,900 for facilities that incinerate waste to \$650. This proposed change was made to reflect the current costs of reviewing the annual report in conjunction with inspections conducted at these facilities.

Chapter 299. Storage and Transportation of Residual Waste

Section 299.101. Scope.

In subsection (b)(2), the proposed amendments expand the scope of types of waste to include waste tires.

Section 299.115. Nuisance control.

The performance standard in subsection (a)(2) of the proposed amendments has been changed from requiring that vectors be prevented to requiring that vectors be controlled and minimized. In subsection (b), the performance standard requiring the prevention and elimination of conditions that are harmful or that create nuisances has been changed to a performance standard requiring the control and minimization of the conditions. The level of protection the public will receive is the same under the existing and the proposed requirements. These proposed amendments more accurately reflect the standard practice for nuisance control.

Section 299.121. Containers.

In subsection (a), a new performance standard, requiring the prevention of leaks, has been added. In subsection (d), a requirements has been added that all containers be clearly labeled as "residual waste" or as the specific waste type of residual waste. This proposed new requirement will improve the management of residual waste by providing clear identification of the type of material being handled.

Section 299.122. Storage tanks.

The proposed amendments modify this section to clarify that all tanks that store residual waste must meet the design and performance standards established under the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2105). In addition, a new requirement was added that requires all tanks be clearly labeled as "residual waste" or as the specific waste type of residual waste. This requirement will improve the management of residual waste by providing clear identification of the type of material being handled.

Section 299.131. General requirements.

The proposed amendments include a new subsection (e) that allows the Department to require a person or municipality to install a water quality monitoring system in accordance with §§ 288.251—288.255. This requirement has been added because experiences in the field have proven that waste pile storage, without liners or pads, can result in groundwater degradation.

Section 299.144. Operating requirements.

Several clerical corrections have been made to this section. In subsection (a)(2), the cross reference to the section relating to access roads has been corrected. In subsection (a)(3), the cross references to sections relating to air resources protection and nuisance control have been modified to require the same protections as those that apply to transfer and processing facilities, rather than disposal facilities. In subsection (a)(8), the cross reference to § 289.522(a)(10) has been deleted to be consistent with changes proposed in Chapter 289. A new cross reference, § 289.522(a)(6), has been included to prevent conditions that may lead to complete failure based on sinkhole-prone geologic formations. In subsection (a)(9), clerical errors in the cross references have been corrected. Also, the phrase “notwithstanding the references to disposal” has been inserted in subsection (a)(9), (10) and (11) to clarify that the minimum requirements for acceptable waste will apply to storage impoundments. In subsection (a)(10) and (11), the words “shall be met” have been added to correct clerical errors. In subsection (a)(10)(i), a cross reference has been corrected and a new cross reference has been added to allow storage impoundments to be located where confined aquifers exist. In subsection (a)(11), a reference to § 289.432(a)—(c) was inadvertently omitted from the July 4, 1992, final-form regulations and has been added to this proposed rulemaking.

Section 299.155. Storage of waste tires and tire derived materials.

The proposed amendments include new requirements for the storage of waste tires. These requirements are proposed to be consistent with policies developed as a result of Act 190 and in response to many instances of improper management of tires that have resulted in abandoned tire piles.

Section 299.156. Notice by waste tire storage sites.

This new section is included in the proposed amendments to assist the Department in its identification of existing tire piles. Subsection (a) requires that each operator of a waste tire storage site file a notice that includes the following: a description of the types and number of waste tires and volume or weight of tire derived materials being stored; a description of the physical design of the site; the approximate date of initiation of operations; information showing how the operator will prevent long-term accumulation of tires and tire derived materials; verification of landowner consent to operate a waste tire storage site; and the address of the storage site and the individual responsible for operating the storage site. Under subsection (b), if a person or municipality becomes subject to §§ 299.155—299.163, based on the quantity thresholds of tires or tire derived materials in § 299.155(a), then a notice must be filed. Subsection (c) prohibits the operation of a waste tire storage site if a person fails to file the required notice within 6 months after the date the regulations are published as final-form regulations in the *Pennsylvania Bulletin*.

Section 299.157. General limitations on storage of waste tires and tire derived materials.

The proposed requirements in this new section include performance and design standards for indoor and outdoor storage of waste tires and tire derived material. The requirements for indoor storage are based on the “Standard for the Storage of Rubber Tires,” published by the National Fire Protection Association. For outdoor storage, there are limits on the surface area that may be covered

by piles, on the height of piles and on firebreak distances between piles and on mosquito propagation. A PPC Plan must be prepared and maintained at the storage facility. The proposed amendment include a 5-acre limit on the size of any waste tire or tire derived material storage facility. Also, there are limits on the number or amount of tires or tire derived material that may stored at a permitted processing or disposal facility.

Section 299.158. Areas where storage of waste tires or tire derived materials is prohibited.

The proposed requirements in this new section identify areas where the storage of waste tires and tire derived materials is prohibited. The requirements include buffers for storage in 100-year floodplains, in or within wetlands, near occupied dwellings, near sinkholes, near perennial streams, near water sources and near property lines.

Section 299.159. Access control.

This new section includes proposed requirements for preventing unauthorized access to a storage facility, by requiring barriers at access points, barriers around the storage areas and the availability of access to the facility only when an attendant is on duty.

Section 299.160. Hazard prevention.

This new section includes proposed requirements for preventing hazards and responding to events that may threaten public health, safety or the environment. The requirements include prohibitions on the burning of waste tires and tire derived materials, the availability of communications and alarm equipment, the availability of fire control equipment and sufficient water and foaming agents for containment of fires. The requirements also include immediate response activities in the event of an emergency.

Section 299.161. Soil and water protection.

This new section includes proposed performance standards for the protection of soil and water. The standards include minimization of runoff from and run-on to surface water.

Section 299.162. Annual report for waste tire storage sites.

This proposed new section establishes the requirements for reporting to the Department, on an annual basis, information pertaining to the quantities of waste received and managed at a storage facility and the locations of end-users of the waste shipped offsite.

Section 299.163. Cessation of operations.

This proposed new section requires proper management of wastes that exist at the time the storage facility ceases operations.

Section 299.201. Scope.

Subsection (a) has been amended to include a cross reference to § 285.218 (relating to signs on vehicles) because that section contains standards that apply to all types of solid waste. Also, subsection (b) includes a cross reference to § 285.218 for the same reason.

Section 299.219. Recordkeeping and reporting.

Subsection (a)(8), which requires that a daily record include the license plate number of the trailer transporting the waste, has been added to this section because of problems encountered in the field when enforcing the backhauling requirements.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

Benefits

The proposed amendments to the residual waste regulations eliminate requirements that are more stringent than standards imposed by Federal law; eliminate requirements which are no longer necessary or redundant; encourage performance based requirements; encourage green technologies; and support a pollution prevention approach.

The current residual waste regulations are largely performance based and include requirements for a source reduction strategy for pollution prevention. No comprehensive Federal requirements exist for the management of residual waste.

This proposed rulemaking amends certain terms and add additional terms which assist in the identification of materials which are considered waste and which are not considered waste, such as coproducts. To a large extent these new and revised terms are identical to terms defined under the hazardous waste program and the Federal waste management regulations. This will allow industry, already familiar with the Federal definition of "waste," to easily use the hazardous and residual definition of "waste."

The proposed amendments include provisions for industry wide coproduct determination and include a permit exemption for the beneficial use of scrap metal. These provisions streamline the requirements for recycling that has historically and safely been done in the past.

The proposed amendments include the assessment and abatement standards to clarify the interface with the Act 2 regulations for operating facilities.

To promote green technologies, the proposed amendments allow for the demonstration of new technology at existing facilities to be done through a permit modification process.

Compliance Costs

Although this is a large comprehensive rulemaking, it should not result in increased costs to the regulated community. The regulated community may realize savings up to \$7 million due to changes in the definition of "waste," and the addition of industry-wide coproduct provisions. The revised assessment and abatement standards included to be consistent with the Act 2 regulations may also provide savings for facilities where groundwater degradation exists.

It is projected that there will be no increased costs or savings to local government for implementation or compliance monitoring activities associated with the regulations. The tire storage requirements have the potential to save local communities significant costs related to compliance monitoring and cleanup.

Compliance Assistance

The Department will assist the regulated community by developing a series of fact sheets explaining changes to the definitions of "waste" and related terms. In addition, the Department will continue to work with the Pennsylvania Chamber of Business and Industry and other industry groups at regularly scheduled intervals. The Department's field staff will provide compliance assistance during routine facility permitting and inspections.

Paperwork Requirements

The proposed amendments should result in a net reduction in paperwork requirements due to revisions to the definition of "waste" and related terms. A formal coproduct determination will not have to be done by the generator in instances where, for example, the materials are recycled by being used as an ingredient in an industrial process.

G. *Pollution Prevention*

The residual waste regulations have required generators to develop a source reduction strategy since 1992. No revisions to the highly successful source reduction strategy requirements have been proposed as part of this rulemaking.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 29, 1998, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

J. *Public Comments*

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by October 14, 1998 (within 60 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary shall not exceed one page in length and must also be received by October 14, 1998 (within 60 days following publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us must also be received by the Board by October 14, 1998. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not

received by the sender within 2-working days, the comments should be retransmitted to ensure receipt.

K. Public Hearings

The Board will hold three public hearings for the purpose of accepting comments on this proposal. Each of the hearings will include an afternoon session beginning at 3 p.m. and an evening session beginning at 7 p.m. The dates and locations are listed below:

- September 16, 1998 Department of Environmental Protection Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, Pa.
September 21, 1998 Sheraton Inn—Pittsburgh North 910 Sheraton Drive Mars, Pa.
September 22, 1998 Department of Environmental Protection Southcentral Regional Office Susquehanna River Conference Room 909 Elmerton Avenue Harrisburg, Pa.

Persons wishing to present testimony at a hearing are requested to contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Kate Coleman directly at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF, Chairperson

Fiscal Note: 7-336. (1) General Fund; (2) Implementing Year 1998-99 is \$450,000; (3) 1st Succeeding Year 1990-00 is \$375,000; 2nd Succeeding Year 2000-01 is \$375,000; 3rd Succeeding Year 20001-02 is \$375,000; 4th Succeeding Year 2002-03 is \$375,000; 5th Succeeding Year 2003-04 is \$375,000; (4) FY 1997-98 \$7,291,000; FY 1996-97 \$7,364,000; FY 1995-96 \$6,382,000; (7) Department of Environmental Protection Subtotal. Licenses, Fees and Miscellaneous; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 250. ADMINISTRATION OF LAND RECYCLING PROGRAM

Subchapter A. GENERAL PROVISIONS

§ 250.9. Interaction with other environmental statutes.

* * * * *

(b) Nothing in this chapter affects the permitting, operation, design, performance or closure requirements under the environmental protection acts or regulations thereunder. [The groundwater standards in Subchapters B and C (relating to background standard; and Statewide health standards) apply as part of a Department-approved assessment and abatement plan that is implemented prior to closure of a solid waste facility and apply as the standards that shall be demonstrated to qualify for liner and leachate treatment system waivers or modifications as specified in Chapter 287 (relating to residual waste management—general provisions).] The remediation standards [in Subchapters B—D apply as groundwater standards for remediation of a release of a regulated substance at closure of a solid waste facility but] as defined in Chapters 271 and 287 (relating to municipal waste management—general provisions; and residual waste management—general provisions), do not substitute for design and performance standards required under the solid waste management regulations. See Articles VII—IX. In the case of hazardous waste facilities, remediations shall comply with requirements applicable under the Resource Conservation and Recovery Act (42 U.S.C.A. §§ 6091—6986). [The groundwater parameters and human health and environmental protection levels in Article IX (relating to residual waste) do not apply to groundwater remediations.]

* * * * *

ARTICLE IX. RESIDUAL WASTE CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. GENERAL

§ 287.1. Definitions.

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

* * * * *

Abatement standards—Background, Statewide health and risk-based standards as those terms are defined under this article.

* * * * *

Accumulated speculatively—A material that is accumulated before being recycled.

(i) The term does not include material if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled or transferred to a different site for recycling, equals at least 75% by weight or volume of the amount of that material accumulated at the beginning of the period.

(A) In calculating the percentage of turnover, the 75% requirement is to be applied to each material of the same type—for example, slags from a single smelting process—that is recycled in the same way (that is, from which the same material is recovered or that is used in the same way).

(B) Materials that are already defined as wastes also are not to be included in making the accumulation.

(ii) Materials are no longer in this category once they are removed from accumulation for recycling.

* * * * *

[Asbestos containing waste—Waste that contains asbestos extracted from asbestos ore. As applied to demolition and renovation operations, the term includes friable asbestos and nonfriable asbestos from Asbestos Hazard Emergency Response Act (AHERA) (15 U.S.C.A. §§ 2601 note, 2614, 2618, 2619, 2641—2654; and 20 U.S.C.A. §§ 4014, 4014 note, 4021 and 4022) regulated removals. The term also includes asbestos waste collected from pollution control devices.]

* * * * *

Background standard—A numerical value as determined under section 302 of the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.302) and § 250.202 (relating to establishing concentrations).

* * * * *

By-product—A material [generated by a manufacturing or production process] that is not [a product or coproduct, regardless of whether it has value to the generator or another person] one of the primary products of a production process or a coproduct and is not solely or separately produced by the production process.

* * * * *

Clean fill—Uncontaminated, nonwater-soluble, [inert solid material used to level an area or bring the area to grade] brick and block, concrete, used asphalt, dredged material that has been sampled and analyzed in accordance with Department-approved tests, soils, stone, rock, gravel and waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material. The term includes de minimis levels of contamination and does not include materials placed in or on the waters of this Commonwealth unless approved by the Department. A person using the material as clean fill has the burden of proof to demonstrate that the material is clean fill.

* * * * *

Coproduct—

(i) A material generated by a manufacturing or production process, or [an expended] a spent material, of a physical character and chemical composition that is consistently equivalent to the physical character and chemical composition of an intentionally manufactured product or produced raw material, if the use of the material presents no greater threat of harm to human health and the environment than the use of the product or raw material. A coproduct determination only applies to materials that will be applied to the land or used to produce products that are applied to the land, including the placement of roadway aggregate, pipe bedding or construction materials, or that will be used for energy recovery with a minimum Btu value of 8,000.

(ii) The term only applies to one of the following:

(A) If the material is to be transferred in good faith as a commodity in trade, for use in lieu of an intentionally manufactured product or produced raw material, without

processing that would not be required of the product or raw material, and the material is [actually used on a regular basis] not accumulated speculatively. Sizing, shaping or sorting of the material will not be considered processing for the purpose of this definition.

(B) If the material is to be used by the manufacturer or producer of the material in lieu of an intentionally manufactured product or produced raw material, without processing that would not be required of the product or raw material, and the material is [actually used on a regular basis] not accumulated speculatively. Sizing, shaping or sorting of the material will not be considered processing for the purpose of this definition.

(iii) If no product or produced raw material exists for purposes of chemical and physical comparison, the Department will review, upon request, information provided and determine whether the material is a coproduct because it is an effective substitute for an intentionally manufactured product or produced raw material, based on the criteria in subparagraph (ii) and whether the material presents a threat of harm to human health and the environment in accordance with § 287.8 (relating to coproduct determinations).

[(iii)] (iv) * * *

(iv) A person (v) Persons producing, selling, transferring, possessing or using a material [as] who claim that the material is a coproduct [has the burden of proving, by a preponderance of evidence, that the material is a coproduct,] and not a waste shall demonstrate that there is a known market or disposition for the material, and that they meet the terms of this definition and § 287.8. In doing so, they shall provide appropriate documentation, such as contracts showing that a second person uses the material as an ingredient in a production process, to demonstrate that the material is not a waste.

* * * * *

Dredged material—Material dredged or excavated from waters for the direct or indirect purpose of establishing or increasing water depth, or increasing the surface or cross-sectional area of a waterway and which includes sediment, soil, mud, shells, gravel or other aggregate.

* * * * *

[Expended material—A material, including a product or coproduct, that has been used for a specific purpose and which can no longer be effectively used for that purpose, without processing or treatment.]

* * * * *

Groundwater degradation—A measurable increase in the concentration of one or more contaminants in groundwater above background [levels] concentrations for those contaminants.

Groundwater parameter—For purposes of this article, the groundwater parameter for a contaminant shall be:

(i) The final maximum contaminant level goal (MCLG) for the contaminant determined by the

EPA under the Safe Drinking Water Act (21 U.S.C.A. § 349; 42 U.S.C.A. §§ 300f–300j25), if one exists, unless the MCLG is 0.

(ii) For contaminants for which no MCLG has been established, or for contaminants for which the MCLG has been established as 0, the final primary maximum contaminant level (MCL) for the contaminant determined by the EPA under the Safe Drinking Water Act, if one exists.

(iii) For contaminants for which no MCLG has been established or for which the MCLG has been established as 0, and for which no MCL has been established, the final secondary maximum contaminant level (SMCL) for the contaminant determined by the EPA under the Safe Drinking Water Act, if one exists.

(iv) For other contaminants, the more stringent of the following concentrations:

(A) For EPA Class A or Class B carcinogens, as specified in the EPA's IRIS or its successor, 0.000035 divided by the oral cancer slope factor of the contaminant in units of (mg/kg/day)–1 obtained from IRIS or its successor. The quotient shall be expressed in units of mg/l. Information about IRIS and access methods to IRIS may be obtained from IRIS User Support (MS-190), Environmental Criteria and Assessment Office, Office of Research and Development, United States Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45286.

(B) For contaminants which produce noncarcinogenic effects, 35 times the oral chronic reference dose in units of mg/kg/day obtained from IRIS or its successor. The product shall be expressed in units of mg/l.]

* * * * *

[*Human health and environmental protection levels*—A standard of protection based upon the most stringent of maximum contaminant levels, secondary MCLs, Department-established cancer risk levels, threshold levels that are protective of human health, and other standards that are protective of the environment.]

* * * * *

Land application—The management of solid waste through agricultural utilization [,] or land reclamation [or surface land disposal]. The term does not include the disposal of solid waste in a landfill or disposal impoundment.

* * * * *

Municipal-like residual waste—Residual waste that has the same physical and chemical characteristics as residential municipal waste.

* * * * *

Product—A commodity that is the sole or primary intended result of a manufacturing or production process. [The term does not include materials that do not meet industry or manufacturing quality specifications or are otherwise off-specification; the materials may be coproducts.]

* * * * *

Reclaimed—A material is “reclaimed” if it is processed to recover a usable product, or if it is regenerated.

Recycled—A material is “recycled” if it is used, reused or reclaimed.

* * * * *

Remediation standards—Background, Statewide health and site-specific standards as those terms are defined under this article.

* * * * *

Risk-based standard—A risk-based abatement standard for substances that have no primary MCLs under the Federal and State Safe Drinking Water Acts (42 U.S.C.A. §§ 300f–300j-18 and 35 P. S. §§ 721.1–721.17) for carcinogens.

(i) The standard represents a concentration associated with an excess lifetime cancer risk level between 1×10^{-4} and 1×10^{-6} , including the cumulative risk of all contaminants.

(ii) For systemic toxicants, the standard represents a concentration to which the human population (including sensitive subgroups) could be exposed on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime.

(iii) When several systemic toxicants affect the same target organ or act by the same method of toxicity, the hazard index may not exceed one.

* * * * *

Scrap metal—Bits and pieces of metal parts—for example—bars, turnings, rods, sheets and wire—or metal pieces that may be combined together with bolts or soldering—for example, radiators, scrap automobiles and railroad box cars—and which when worn or superfluous, can be reused.

* * * * *

Secondary contaminants—A substance for which a secondary MCL exists, and no lifetime health advisory level exists.

* * * * *

Site-specific standard—A numerical value as determined under section 304 of the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.304) and Subchapter F (relating to exposure and risk determinations).

* * * * *

Special handling waste—Solid waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes sewage sludge, infectious waste, chemotherapeutic waste, ash residue from a solid waste incineration facility, friable asbestos containing waste, PCB containing waste and waste oil that is not hazardous waste [oil, fuel contaminated soil, waste tires and water supply treatment plant sludges].

Spent material—Material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

* * * * *

Statewide Health Standard—A numerical value as determined under section 303 of the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.303) and §§ 250.304, except for subsection (d), 250.305 and 250.308 (relating to MSCS for groundwater; MSCS for soil; and soil to groundwater pathway numeric values).

* * * * *

Steel slag—The uncontaminated, nonwater-soluble, inert solid material generated in the making of steel in an electric arc furnace, open hearth furnace, blast furnace or secondary steel-refining process.

* * * * *

[Use or reuse of a waste] Used or reused—A material that meets one of the following conditions:

(i) [The procedure whereby a waste is directly employed in one of the following:

(A) A] The material is employed as an ingredient, including use as an intermediate, in an industrial process to make a product [, unless]. A material will not satisfy this condition if distinct components of the [waste] material are recovered as separate end products, as when metals are recovered from metal-containing secondary materials.

[(B) In] (ii) The material is employed in a particular function or application as an effective substitute for a commercial product.

[(ii) The term does not include source reduction or an activity that occurs during the generation of the waste].

* * * * *

Waste—

[(i) One or more of the following:

(A) A by-product.

(B) An expended material that is not a coproduct.

(C) A material that is abandoned or disposed, including abandoned or disposed products or coproducts.

(D) A contaminated soil, contaminated water or other residue from the dumping, deposition, injection, spilling or leaking of a material into the environment.

(ii) The term does not include:

(A) Materials that are directly recycled or reused onsite in an ongoing manufacturing or industrial process by the generator of the material, without treatment or processing or release into the environment.

(B) Materials determined not to be a waste under § 287.7 (relating to determination that a material is no longer a waste) if the materials are used in accordance with the terms of the determination.

(C) Materials from the slaughter and preparation of animals that are used as raw materials in the production or manufacture of products.]

(i) Discarded material which is recycled or abandoned. A waste is abandoned by being disposed of, burned or incinerated or accumulated, stored or

processed before or in lieu of being abandoned by being disposed of, burned or incinerated. A discarded material includes contaminated soil, contaminated water, contaminated dredge material, spent material or by-product recycled in accordance with subparagraph (ii)(B), processed or disposed.

(ii) Materials that are not waste when recycled include materials when they can be shown to be recycled by being:

(A) Used or reused as ingredients in an industrial process to make a product or employed in a particular function or application as an effective substitute for a commercial product, provided the materials are not being reclaimed. This includes materials from the slaughter and preparation of animals that are used as raw materials in the production or manufacture of products. Steel slag is not waste if used onsite as a waste processing liming agent in acid neutralization or onsite in place of aggregate. Sizing, shaping or sorting of the material will not be considered processing for the purpose of this subclause of the definition.

(B) Coproducts.

(C) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material shall be returned as a substitute for feedstock materials. When the original process to which the material is returned is a secondary process, the materials shall be managed so that there is no placement on the land and the secondary process takes place onsite.

(ii) The following materials are wastes, even if the recycling involves use, reuse or return to the original process (as described as follows):

(A) Except for coproducts, materials used in a manner constituting disposal, or used to produce products that are applied to the land.

(B) Except for coproducts, materials burned for energy recovery, used to produce fuel or contained in fuel.

(C) Materials accumulated speculatively.

(iii) A discarded or recycled material may not be waste if a determination is made by the Department in accordance with § 287.7 (relating to determination that a material is no longer a waste).

(iv) In enforcement actions implementing the act, a person who claims that the material is not a waste in accordance with subparagraph (ii) shall demonstrate that there is a known market or disposition for the material, and that the terms of the exclusion have been met. In doing so, appropriate documentation shall be provided (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste. In addition, owners or operators of facilities claiming that they actually are recycling materials shall show that they have the necessary equipment to do so.

Waste classification standard—For purposes of this article, the waste classification standard for a contaminant shall be:

(i) The final maximum contaminant level goal (MCLG) for the contaminant determined by the Department or the EPA under the Safe Drinking

Water Acts (21 U.S.C.A. § 349; 42 U.S.C.A. §§ 300f—300j-25; and 35 P. S. §§ 721.1—721.17), if one exists, unless the MCLG is 0.

(ii) For contaminants for which no MCLG has been established, or for contaminants for which the MCLG has been established as 0, the final primary maximum contaminant level (MCL) for the contaminant determined by the Department or the EPA under the Safe Drinking Water Acts, if one exists.

(iii) For contaminants for which no MCLG has been established or for which the MCLG has been established as 0, and for which no MCL has been established, the final secondary maximum contaminant level (SMCL) for the contaminant determined by the Department or the EPA under the Safe Drinking Water Acts, if one exists.

(iv) For other contaminants, the more stringent of the following concentrations:

(A) For EPA Class A or Class B carcinogens, as specified in the EPA's IRIS or its successor, 0.000035 divided by the oral cancer slope factor of the contaminant in units of (mg/kg/day)-1 obtained from IRIS or its successor. The quotient shall be expressed in units of mg/l. Information about IRIS and access methods to IRIS may be obtained from IRIS User Support (MS-190), Environmental Criteria and Assessment Office, Office of Research and Development, United States Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45286.

(B) For contaminants which produce noncarcinogenic effects, 35 times the oral chronic reference dose in units of mg/kg/day obtained from IRIS or its successor. The product shall be expressed in units of mg/l.

[Waste reclamation—

(i) The processing of a waste in one or more of the following ways:

(A) To recover a usable product.

(B) To recover distinct components as separate end products.

(C) To make waste suitable for use or reuse, through regeneration or otherwise.

(ii) The term does not include source reduction or an activity that occurs during the generating of residual waste.]

* * * * *

§ 287.2. Scope.

* * * * *

(b) Management of the following types of residual waste is subject to Subpart D, Article VIII (relating to municipal waste) instead of this article, and shall be regulated as if the waste is municipal waste regardless of whether the waste is a municipal waste or residual waste:

* * * * *

(3) Sewage sludge, including sewage sludge that is mixed with [other] a small quantity of residual waste.

* * * * *

(c) Management of the following types of waste is subject to this article instead of Article VIII, and shall be regulated as if the waste is residual waste, regardless of whether the waste is municipal waste or residual waste:

* * * * *

(2) Waste oil that is not hazardous waste [oil].

(3) Waste tires and autofluff.

(4) [Fuel contaminated] Contaminated soil.

* * * * *

(6) Dredged material.

(d) The disposal, processing, storage and transportation at a municipal waste management facility of the following types of special handling waste is subject to the applicable additional requirements for the disposal, processing, storage and transportation of these wastes in this article, and shall be regulated as if the waste is residual waste regardless of whether the waste is municipal waste or residual waste:

(1) [Asbestos] Friable asbestos containing waste.

* * * * *

§ 287.8. Coproduct determinations.

(a) In addition to meeting the conditions of the definition of "coproduct" in § 287.1 (relating to definitions), a person performing a coproduct determination shall evaluate chemical composition and threat of harm to the environment and public health in accordance with this section. A proposed coproduct may not present a greater threat of harm to human health and the environment than use of an intentionally manufactured product or produced raw material. A greater threat of harm is presented if one of the following is met:

(1) For comparison of the proposed coproduct with a product or produced raw material, hazardous or toxic constituents are present at elevated levels unless an assessment of hazardous and toxic constituents demonstrates that the constituents are not biologically available.

(2) For a proposed coproduct where no product or produced raw material will be replaced, an assessment of hazardous and toxic constituents demonstrates that the constituents are not biologically available.

(b) If the proposed coproduct is being compared to an intentionally manufactured product or produced raw material, a person performing a coproduct determination shall demonstrate that the use of a proposed coproduct does not present a greater threat of harm to human health and the environment by performing the following:

(1) An evaluation to determine which, if any, hazardous or toxic constituents are present in the proposed coproduct at levels exceeding those found in the material it is replacing.

(2) An evaluation of the total levels of hazardous or toxic constituents, including the constituents in § 261.34(e) (relating to appendices), to determine whether the total levels of constituents contained in the proposed coproduct exceed the total levels found in the intentionally manufactured product or produced raw material it is replacing. Based on

generator knowledge, if a hazardous or toxic constituent is not present evaluation of total levels is not required.

(3) An evaluation of the levels of leaching of hazardous or toxic constituents, including the constituents in § 261.34(e), to determine whether the levels of leaching from the proposed coproduct exceed the levels of leaching from the manufactured product or produced raw material it is replacing, based on a leaching procedure that is appropriate for the intended use of the proposed product. Based on generator knowledge, if a hazardous or toxic constituent is not present evaluation of leaching levels is not required.

(4) The routes of exposure to humans and ecological receptors shall be identified. These routes of exposure shall include ingestion, inhalation, dermal contact, leaching to the groundwater, plant uptake and surface runoff potential. Mitigating circumstances, such as protective gear worn by workers to reduce exposure during processing or application of the proposed coproduct, shall be identified.

(5) The use of a 95% upper confidence interval, using the "test methods for evaluating solid waste" (EPA SW-846), may be applied to the comparisons of constituent levels between the proposed coproduct and the intentionally manufactured product or produced raw material it is replacing.

(c) If the proposed coproduct is not being compared to an intentionally manufactured product or produced raw material, a person performing a coproduct determination shall demonstrate that the presence of hazardous or toxic constituents are not biologically available by performing the following:

(1) An evaluation of the total levels of hazardous or toxic constituents, including the constituents in § 261.34(e). Based on generator knowledge, if a hazardous or toxic constituent is not present evaluation of total levels is not required.

(2) An evaluation of the levels of leaching of hazardous or toxic constituents, including the constituents in § 261.34(e). Based on generator knowledge, if a hazardous or toxic constituent is not present evaluation of leaching levels is not required.

(3) The routes of exposure to humans and ecological receptors shall be identified. These routes of exposure include ingestion, inhalation, dermal contact, leaching to the groundwater, plant uptake and surface runoff potential. Mitigating circumstances, such as protective gear worn by workers to reduce exposure during processing or application of the proposed coproduct, shall be identified.

(4) The use of a 95% upper confidence interval, using the "Test Methods for Evaluating Solid Waste" (EPA SW-846), may be applied to the analytical results of the constituents evaluated.

(d) A person who completes a coproduct determination shall maintain documentation supporting the determination. This documentation shall be available to the Department upon request.

(e) A person who completes a coproduct determination shall provide documentation supporting the determination to persons selling, transferring, possessing or using the material.

§ 287.9. Industry-wide coproduct determinations.

(a) Based on existing documentation for coproduct determinations, the Department may determine that, on an industry-wide basis, classes of materials are coproducts for specific uses if the following conditions are met:

(i) Chemical and physical characteristics of the material generated do not vary over time.

(ii) Historical use of the material complies with industry standards and specifications.

(iii) Historical use of the material over an extended time period has demonstrated that the material, when used as specified, performs as an effective substitute for an intentionally manufactured product or produced raw material.

(iv) There is historical documentation that a market for the material and its use exists.

(v) Historical use of the material does not violate the environmental protection acts or regulations thereunder and does not harm or present a threat of harm to public health, safety, welfare or the environment based on an evaluation under § 287.8 (relating to coproduct determinations).

(b) The Department may establish a list of approved coproducts that meet the requirements of subsection (a). The Department will publish notice of its intent to establish or modify the list in the *Pennsylvania Bulletin* and will establish a comment period of at least 30 days. After the close of the 30-day comment period, the Department will publish the final list or any modification to the final list in the *Pennsylvania Bulletin*.

(c) The Department may remove an approved coproduct from the list if it finds that one or more of the criteria used as a basis for the Department's determination was incorrect, or new information has become available that invalidates the determination. Removal of an approved coproduct from the list will be published in the *Pennsylvania Bulletin* with a comment period of at least 30 days. After the close of the comment period, the Department will publish any modification of the list in the *Pennsylvania Bulletin*.

Subchapter B. DUTIES OF GENERATORS

§ 287.51. Scope.

(a) A person or municipality that generates more than an average of 2,200 pounds of residual waste per generating location per month based on generation in the previous year shall [submit a] comply with the biennial report and source reduction strategy under §§ 287.52 and 287.53 (relating to biennial report; and source reduction strategy).

* * * * *

§ 287.52. Biennial report.

(a) By [January 4, 1993, and by] March 1 of each odd numbered year [thereafter], a person or municipality subject to this subchapter shall file a report with the Department.

* * * * *

§ 287.53. Source reduction strategy.

* * * * *

(b) For each type of waste generated, the strategy shall include:

(1) A description of the source reduction activities conducted by the person or municipality in the 5 years prior to the date that the strategy is required to be prepared. The description shall quantify reductions in the weight or toxicity of waste generated on the premises. [The first strategy prepared by a person or municipality under this section shall describe source reduction activities conducted by the person or municipality in the 5 years prior to July 4, 1992, if the generator has sufficient records to accurately document these activities.]

* * * * *

§ 287.54. Chemical analysis of waste.

(a) In accordance with subsection (b), a person or municipality subject to this subchapter shall:

* * * * *

(3) Evaluate the potential for the waste and the constituents in the waste to leach into the environment.

[(3)] (4) Submit a copy of the analysis, determination and a record of laboratory quality control procedures and the use of those procedures to the Department on forms prepared by the Department and to each solid waste management facility which accepts or proposes to accept the waste from the person or municipality for processing or disposal in accordance with written approval from the Department. The information which shall be submitted to a solid waste management facility may be limited to information pertaining to the particular types of waste which the facility receives in accordance with Departmental approval. The submittal of quality control procedures and procedure information may be waived by the Department if the [generator] information has previously been submitted [the information] to the Department.

* * * * *

(g) The Department may, in writing, waive or modify the requirements of this section for special handling waste and municipal-like residual waste.

§ 287.55. [Small quantity generator] retained recordkeeping [requirements].

(a) A person or municipality that generates [an average of 2,200 pounds or less of] residual waste [per generating location per month based on generation in the previous year, or which is otherwise exempted from this subchapter,] shall:

* * * * *

Subchapter C. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS

GENERAL

§ 287.101. General requirements for permit.

* * * * *

(b) A person or municipality is not required to obtain a permit under this article, comply with the bonding or insurance requirements of Subchapter E (relating to bonding and insurance requirements) or comply with Subchapter B (relating to duties of generators) for one or more of the following:

(1) Agricultural waste produced in the course of normal farming operations, if the waste is not hazardous. An agricultural waste will be presumed to be produced in the course of normal farming operations if its application is consistent with that for normal farming operations. A person managing mushroom waste shall implement best management practices. The Department will prepare a manual for the management of mushroom waste which identifies best management practices and may approve additional best management practices on a case-by-case basis. If a person fails to implement best management practices for mushroom waste, the Department may require compliance with the land application, composting and storage operating requirements of Chapters 291, 295 and 299 (relating to land application of residual waste; composting facilities for residual waste; storage and transportation of residual waste).

(2) The use of food processing waste or food processing sludge in the course of normal farming operations if the waste is not hazardous [and if the land application of food processing waste or food processing sludge complies with the operating requirements of Chapter 291 (relating to land application of residual waste), unless waived or modified by the Department]. A person managing food processing waste shall implement best management practices. The Department will prepare a manual for the management of food processing waste which identifies best management practices and may approve additional best management practices on a case-by-case basis. If a person fails to implement best management practices for food processing waste, the Department may require compliance with the land application, composting and storage operating requirements of Chapters 291, 295 and 299.

* * * * *

(6) [The use as clean fill of the materials in subparagraphs (i) and (ii) if they are separate from other waste. The person using the material as clean fill has the burden of proof to demonstrate that the material is clean fill.

(i) The following materials, if they are uncontaminated: soil, rock, stone, gravel, brick and block, concrete and used asphalt.

(ii) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.] Processing that results in the beneficial use of scrap metal.

* * * * *

§ 287.102. Permit-by-rule.

(a) Purpose.

* * * * *

(3) A facility is not subject to permit-by-rule under this section unless the operator prepares and maintains the following at the facility in a readily accessible place:

* * * * *

TRANSITION SYSTEM FOR EXISTING FACILITIES

§ 287.112. Storage impoundments and storage facilities.

* * * * *

(f) Modification of operating requirements on repermitting are as follows:

(1) For residual waste storage impoundments permitted and constructed on or before July 4, 1992, the Department may waive or modify the liner system and leachate treatment system requirements that would otherwise be applicable under this article if the following conditions are met:

* * * * *

(ii) The operator demonstrates based on sampling and analysis data taken by the operator or the Department that groundwater degradation from the facility does not exceed one of the following for any contaminant:

(A) The [**groundwater parameter**] **Statewide health standard** for the contaminant at [**one or more monitoring points**] **the property boundary**.

(B) [**Background levels**] **The background standard** for the contaminant at the property boundary.

* * * * *

§ 287.115. Filing by permitted facilities.

* * * * *

(c) *Modification.*

(1) For residual waste landfills permitted under the act before July 4, 1992, and residual waste disposal impoundments permitted under the act or The Clean Streams Law before July 4, 1992, the Department may waive or modify the liner system and leachate treatment requirements that would otherwise be applicable under this article after approval of a complete application for permit modification, if the following conditions are met:

* * * * *

(ii) The operator demonstrates one of the following in the preliminary application:

(A) Groundwater degradation from the facility, based on sampling and analysis data for a 1 year period that meets the requirements of this article, does not exceed the [**groundwater parameter for a contaminant at one or more monitoring points, or background levels for a contaminant**] **background or Statewide health standard for a contaminant** at the property boundary.

(B) The operator has complied and will continue to comply with the applicable requirements for groundwater assessment and groundwater abatement in this article and has demonstrated that the abatement will result in restoration of the groundwater to levels that are at least equivalent to the [**groundwater parameters**] **background or Statewide health standards for a contaminant at the property boundary**. It is not necessary, for purposes of this demonstration, that restoration of groundwater to these levels occur before closure. However, this paragraph in no way alters the operator's obligations for final closure certification under § 287.342 (relating to final closure certification) or as otherwise provided in Subchapter E (relating to bonding and insurance requirements).

* * * * *

(4) **The liner system and leachate treatment system requirements may not be modified or waived for areas identified in an application for a new permit or permit modification submitted after July 4, 1997.**

* * * * *

(g) **A person or municipality that is required under subsection (e) or (f) to cease storage, disposal or processing of waste shall submit a closure plan under § 287.117 (relating to closure plan). An application for a new permit shall be filed in accordance with this article to receive, process or dispose of solid waste.**

§ 287.117. Closure plan.

(a) A closure plan for a residual waste processing or disposal facility submitted under § 287.113 or 287.115 (relating to permitting procedure for unpermitted processing or disposal facilities; and filing by permitted facilities) shall show how the operator plans to close in a manner that will protect public health, safety and the environment. Except as provided in subsections [(b)] (c) and [(c)] (d), the closure plan shall be consistent, at a minimum, with the applicable regulations for the type of facility concerning the following:

* * * * *

(b) **The Department may waive or modify the applicable regulations concerning subsection (a) if a person or municipality can demonstrate that an existing system or design performs at a level that is equivalent to the applicable regulations.**

[(b)] (c) ***

[(c)] (d) ***

[(d)] (e) ***

[(e)] (f) ***

[(f)] (g) ***

* * * * *

[(g)] (h) ***

* * * * *

[(h)] (i) ***

(j) **Groundwater degradation at a solid waste facility that ceased receiving waste after September 7, 1980, shall be remediated in accordance with one of the following:**

(1) **An approved closure plan, permit or any prior administrative consent order, consent adjudication, judicially approved consent order or other settlement agreement entered into with the Department.**

(2) **Section 287.342(c) (relating to final closure certification), if paragraph (1) is not applicable or if a remediation is conducted under a document in paragraph (1) that has been so modified and approved.**

GENERAL APPLICATION REQUIREMENTS

§ 287.127. Environmental assessment.

(a) *Impacts.* Each environmental assessment in a permit application shall include a detailed analysis of the potential impact of the proposed facility on the environment, public health and public safety, including traffic, aesthetics, air quality, water quality, stream flow, fish and wildlife, plants, aquatic habitat, threatened or endangered species, water uses and land use. The applicant shall consider environmental features such as **scenic rivers**, recreational river corridors, State and Federal forests and parks, the Appalachian trail, historic and archaeological sites, National wildlife refuges, State natural areas, **National landmarks**, prime farmland,

wetland, special protection watersheds designated under Chapter 93 (relating to water quality standards), public water supplies and other features deemed appropriate by the Department or the applicant.

(b) [The Department, after consultation with appropriate governmental agencies and potentially affected persons, will evaluate the assessment provided under subsection (a) to determine whether the proposed operation has the potential to cause environmental harm. If the Department determines that the proposed operation has that potential, it will notify the applicant in writing.] *Harms.* The environmental assessment shall describe the known and potential environmental harms of the proposed project. The applicant shall provide the Department with a written mitigation plan which explains how the applicant plans to mitigate each known or potential environmental harm identified and which describes any known and potential environmental harms not mitigated. The Department will review the assessment and mitigation plans to determine whether there are additional harms and whether all known and potential environmental harms will be mitigated. In conducting its review, the Department will evaluate each mitigation measure and will collectively review mitigation measures to ensure that individually and collectively they adequately protect the environment and the public health, safety and welfare.

(c) [If the Department or the applicant determines that the proposed operation may cause environmental harm, the applicant shall provide the Department with a written explanation of how it plans to mitigate the potential harm, through alternatives to the proposed facility or portions thereof, including alternative locations, traffic routes or designs, or other appropriate mitigation measures.] *Noncaptive landfills, disposal impoundments and incinerators.* If the application is for the proposed operation of a noncaptive landfill, disposal impoundment or incinerator, the applicant shall demonstrate that the benefits of the project to the public clearly outweigh the known and potential environmental harms. In making this demonstration, the applicant shall describe in detail the benefits relied upon. The benefits of the project shall consist of social and economic benefits that remain after taking into consideration the known and potential social and economic harms of the project and shall also consist of the environmental benefits of the project, if any.

(d) [The applicant shall describe in writing the social and economic benefits of the project to the public if one of the following applies:

(1) The application is for a residual waste landfill or residual waste disposal impoundment.

(2) The application is for another type of facility, and the Department determines, after consultation with appropriate governmental agencies and potentially affected persons, that the potential for significant environmental harm remains despite the mitigation measures described in subsection (c).] *Other facilities.* If the application is for the proposed operation of another type of facility and the applicant or the Department upon review determines that known or potential environmental harm remains despite the mitigation measures described in

the mitigation plans, the applicant shall demonstrate that the benefits of the project to the public clearly outweigh the remaining known and potential environmental harms. In making this demonstration, the applicant shall describe in detail the benefits relied upon. The benefits of the project shall consist of social and economic benefits that remain after taking into consideration the known and potential social and economic harms of the project and shall also consist of the environmental benefits of the project, if any.

(e) [The description shall include a detailed explanation of the need for the facility and the consistency of the facility with municipal, county or regional solid waste plans approved by the Department.] *Identification of harms and benefits.* Known and potential harms and benefits of a proposed project may also be identified by the Department or any other person or municipality.

(f) *Evaluation.* After consultation with other appropriate agencies and potentially affected persons, the Department will evaluate the environmental assessment in Phase I of permit review or otherwise prior to technical review.

(g) *Revision.* The Department may require submission of a revised environmental assessment if additional harms or potential harms are discovered during any phase of permit application review.

WASTE ANALYSIS

§ 287.131. Scope.

(a) Sections 287.132—287.134 (relating to chemical analysis of waste; source reduction strategy; and waste analysis plan) apply to residual waste management facilities that apply to receive residual waste [for processing or disposal]. Sections 287.132—287.134 do not apply to:

* * * * *

§ 287.132. Chemical analysis of waste.

(a) *Application.*

(1) An application shall contain the following information for each waste on a form provided by the Department:

* * * * *

(v) If the waste will be disposed of at a residual waste landfill or residual waste disposal impoundment, a demonstration that the waste meets the requirements for disposal at the facility without adversely affecting the effectiveness of the liner or leachate treatment system.

* * * * *

(4) The Department may, in writing, waive or modify the evaluation required by this subsection for waste to be [disposed] received at [lined disposal] permitted facilities if all of the following are met:

* * * * *

(ii) The waste [has the same characteristics as municipal waste that does not contain hazardous waste]. is municipal-like residual waste and no changes in operation or management of the permitted facility are required to accept the waste.

(iii) The applicant has demonstrated to the Department's satisfaction that no additional analysis is necessary to determine if the waste can be [disposed of] received at the facility without adversely affecting the effectiveness of the liner or leachate treatment systems.

* * * * *

§ 287.133. Source reduction strategy.

An application for the processing or disposal of residual waste shall contain a copy of the source reduction strategy required by § 287.53 (relating to source reduction strategy) for each residual waste to be [disposed of or processed] received at the facility.

§ 287.134. Waste analysis plan.

(a) The application shall include a waste analysis plan for each type of waste proposed to be [disposed] received at the permitted facility. The plan shall take into account the waste analysis required by § 287.132 (relating to chemical analysis of waste). At a minimum, the plan shall include:

* * * * *

(b) The application shall also include a plan for screening and managing incoming waste to ensure that the disposal or processing of the waste is consistent with the permit and this [chapter] article. Except as otherwise required by the Department, the application shall include, at a minimum, a plan for checking each load of waste received at the facility for color, physical state and phases of waste.

* * * * *

FEES

§ 287.141. Permit application fee.

(a) Each application for a new permit and each application for permit modification under § 287.115 (relating to filing by permitted facilities) shall be accompanied by a nonrefundable fee in the form of a check payable to the "Commonwealth of Pennsylvania" for the following amount:

(1) [Fifteen] Twenty-five thousand [six] nine hundred dollars for residual waste landfills.

(2) [Ten] Eight thousand [nine] five hundred dollars for residual waste disposal impoundments.

(3) [One] Five thousand [seven] one hundred dollars for the agricultural utilization of residual waste.

(4) Five thousand [four] one hundred dollars for the utilization of residual waste for land reclamation [or surface land disposal].

(5) [Two] Five thousand two hundred dollars for residual waste transfer facilities.

(6) For residual waste processing facilities other than transfer facilities:

(i) [Six] Eight thousand [six] three hundred dollars for noncaptive residual waste incinerators.

(ii) [One] Two thousand [six] two hundred dollars for captive residual waste incinerators.

(iii) [Three] Five thousand [three] two hundred dollars for other residual waste processing facilities.

(7) [Fourteen] Eight thousand five hundred dollars for demonstration facilities.

(b) Each application for a permit modification under § 287.154 (relating to public notice and public hearings for permit modifications) shall be accompanied by a nonrefundable fee in the form of a check payable to the "Commonwealth of Pennsylvania" for the following amount:

(1) [Eight] Six hundred dollars for the addition of types of waste not approved in the permit.

(2) [Six] Seven thousand [three] eight hundred dollars for residual waste landfills.

(3) [Five] Six hundred dollars for the agricultural utilization of residual waste.

(4) One thousand [six] nine hundred dollars for the utilization of residual waste for land reclamation or surface land disposal.

(5) [Three] Four thousand six hundred dollars for residual waste disposal impoundments.

(6) For residual waste processing facilities:

(i) One thousand [two] five hundred dollars for incinerators.

(ii) [Six] Seven hundred dollars for other residual waste processing facilities.

(7) Five thousand [four] eight hundred dollars for demonstration facilities.

(8) [Two] Three hundred [fifty] dollars for a minor permit modification.

* * * * *

PUBLIC NOTICE AND COMMENTS

§ 287.151. Public notice by applicant.

(a) An applicant for a new permit, major permit modification, permit renewal, permit reissuance and a person or municipality submitting a closure plan shall publish once a week for 3 consecutive weeks a notice in a newspaper of general circulation in the area where the facility or proposed facility is located. The notice shall meet the following requirements:

(1) The notice shall include a brief description of the location and proposed operation or closure of the facility, and shall indicate where copies of the application or closure plan will be filed. If groundwater degradation exists at closure or occurs after closure, the notice shall include a list of contaminants, abatement measures taken prior to closure, if applicable, proposed remediation measures and proposed remediation standards to be met. If the permittee proposes to utilize the site-specific standard, the notice shall include a 30-day public and municipal comment period during which the municipality can request to be involved in the development of the remediation and reuse plans for the site.

* * * * *

(d) An applicant for a new permit, permit reissuance, permit renewal or major permit modification, and a person or municipality submitting a closure plan shall, immediately before the application or plan is filed with the Department, give written notice to each municipality in which the site or proposed permit area is located. If groundwater degradation exists at closure or occurs after closure, the notice shall include a list of contaminants, abatement measures taken prior to closure, if applicable, proposed remediation mea-

...sures and proposed remediation standards to be met. If the permittee proposes to utilize the site-specific standard, the notice shall include a 30-day public and municipal comment period during which the municipality can request to be involved in the development of the remediation and reuse plans for the site. The notice shall state if the applicant proposes a design alternative under § 287.231, and shall briefly describe the alternative design. The applicant shall file with the Department a copy of the notice as part of the application or plan. The Department will not issue a permit for 60 days from the date of this notice unless each municipality to which this notice is sent submits a written statement to the Department expressly waiving the 60-day period.

* * * * *

§ 287.152. Public notice by Department.

(a) The Department will publish a notice in the *Pennsylvania Bulletin* of the following:

* * * * *

(2) Receipt of a closure plan and if groundwater degradation exists at closure or occurs after closure, the notice shall include a list of contaminants, abatement measures taken prior to closure, if applicable, proposed remediation measures and proposed remediation standards to be met. If the permittee proposes to utilize the site-specific standard, the notice shall include a 30-day public and municipal comment period during which the municipality can request to be involved in the development of the remediation and reuse plans for the site.

* * * * *

(b) The Department will submit a copy of each application for a new permit, permit reissuance, permit renewal or major permit modification, and each closure plan to the host municipality and the appropriate county, county planning agency and county health department, if one exists. If groundwater degradation exists at closure or occurs after closure, the Department will include a copy of the applicant's list of contaminants, identification of abatement measures taken prior to closure, if applicable, proposed remediation measures and proposed remediation standards to be met. For new or expanded residual waste landfills or residual waste disposal impoundments for which the Phase I and Phase II applications are submitted separately, copies of the Phase I and Phase II applications will be submitted.

* * * * *

§ 287.154. Public notice and public hearings for permit modifications.

(a) An application for a permit modification for a residual waste landfill or residual waste disposal impoundment shall be considered an application for a major permit modification under §§ 287.151—287.153 (relating to public notice by applicant; public notice by Department; and public comments) if the application involves one or more of the following:

* * * * *

(2) A change in the average or maximum daily waste volume.

(3) A change in excavation contours or final contours, including final elevations and slopes, if the change

results in increased disposal or storage capacity or impacts groundwater isolation distances or groundwater quality.

* * * * *

(5) A change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters, or a change in the groundwater monitoring plan for a facility permitted prior to the effective date of these regulations to comply with the requirements of this article.

(6) A change in approved leachate collection and treatment [plan] method.

(7) A change in gas monitoring or management plan, or both, except where installation of additional wells or improvements to the collection systems are proposed.

[(8) A change in the approved type, amount, origin or application of daily, intermediate and final cover materials. A change in origin of cover materials will not, however, be considered an application for a major permit modification if the origin of the cover materials in the existing permit is an offsite borrow area.

(9)] (8) ***

[(10)] (9) ***

[(11)] (10) A change in approved design under § 287.231 (relating to equivalency review procedure) if the design has not been previously approved through an equivalency review.

(11) The submission of an abatement plan.

(b) An application for a permit modification for a residual waste processing facility shall be considered an application for a major permit modification under §§ 287.151—287.153 if the application involves one or more of the following:

(1) A change in specifications or dimensions of waste storage or residue storage areas if the change results in an increase in processing or storage capacity.

(2) A change in the approved groundwater monitoring plan, except for the addition or replacement of wells or parameters.

(3) A change in an approved closure plan [, if applicable].

* * * * *

(6) A change in approved design under § 287.231 if the design has not been previously approved through an equivalency review.

* * * * *

Subchapter D. PERMIT REVIEW PROCEDURES AND STANDARDS

PERMIT REVIEW

§ 287.202. Completeness review.

(a) After receipt of a permit application, the Department will determine whether the application is administratively complete. For purposes of this section, an application is administratively complete if it contains the necessary information, maps, fees and other documents, regardless of whether the information, maps, fees and documents would be sufficient for issuance of the permit. If the Phase I and Phase II parts of the application

for a landfill are submitted separately, the application will not be considered to be administratively complete until both parts are determined to be administratively complete.

* * * * *

GENERAL PERMIT RESTRICTIONS

§ 287.211. Term of permits.

* * * * *

(c) Residual waste may not be disposed [or], processed [at a facility] or beneficially used under a permit after the expiration of [its] the permit term for disposal, processing or beneficial use. Expiration of the permit term does not limit the operator's responsibility for complying with closure and postclosure requirements and all other requirements under the act, the environmental protection acts, the regulations promulgated thereunder[,] or the terms or conditions of its permit.

* * * * *

(e) If no residual waste is processed or disposed [at a facility] under a permit within 5 years of the date of issuance by the Department of a permit for the facility, the permit is void.

§ 287.212. Conditions of permits—general and right of entry.

Each permit issued by the Department will ensure and contain the following conditions:

* * * * *

(4) The permittee shall notify the Department within the time stated in the permit and if no time is stated not later than 45 days, on a form prepared by the Department, after the transfer has occurred of a controlling interest in the permittee. The notification shall contain the same information about the person who obtained the controlling interest in the permittee as is required of a permit applicant under §§ 287.124 and 287.125 (relating to identification of interests; and compliance information). A "controlling interest" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.

PERMIT REISSUANCE, MODIFICATION AND RENEWAL

§ 287.221. Permit reissuance.

(a) A transfer, assignment or sale of rights granted under a permit may not be made [except as provided in this section] without obtaining permit reissuance.

* * * * *

§ 287.222. Permit modification.

* * * * *

(c) The Department may approve, onsite, a minor permit modification for the construction of liner systems or of erosion and sedimentation control devices if it is impracticable to comply with subsections (a) and (b) and if the modification will improve the permitted design.

OTHER PERMITTING PROVISIONS

§ 287.231. Equivalency review procedure.

* * * * *

(e) [For a specific section in this article that expressly allows approval of an alternative design under this section, the Department may publish in the *Pennsylvania Bulletin* a notice and findings that a particular design not identified in the section represents best available demonstrated technology for accomplishing the performance standards in the section.

(1) The Department will not publish such a notice until after it has approved the particular design at least once under this section.

(2) After publication of the notice, a permit applicant may propose, and the Department may approve, the design contained in the notice without use of the procedure in this section.] If an alternative design is approved through a major permit modification, the Department may approve the applicability of the alternative design to another applicant through a minor permit modification.

Subchapter E. BONDING AND INSURANCE REQUIREMENTS

BOND RELEASE

§ 287.341. Release of bonds.

* * * * *

(g) The following apply with regard to bond release:

(1) The Department will not release a bond amount deposited for a facility if the release would reduce the total remaining amount of bond to an amount which would be insufficient for the Department to complete closure and postclosure care, including long-term maintenance of remediation measures, and to take measures that may be necessary to prevent adverse effects upon the environment or public health, safety or welfare under the act, the environmental protection acts, this title, the terms and conditions of the permits and orders of the Department.

(2) The release of a bond by the Department does not constitute a waiver or release of other liability provided in law, nor does it abridge or alter rights of action or remedies of a person or municipality now or hereafter existing in equity or under criminal and civil common law or statutory law. The release of a bond does not discharge an owner or operator from liability to restore the groundwater to [background conditions] remediation standards and to maintain groundwater quality, at a minimum, at those levels.

* * * * *

[(4) For facilities which have not achieved background levels for groundwater at final closure certification, the Department may make a determination that additional remediation has become technologically feasible during the 10-year period following final closure certification. If a determination is made, the Department may require the application of the newly developed technology at the site provided the new technology will not cause more environmental harm than the contaminants. When determining whether the new technology should be applied, the Department will consider whether the financial burden of additional

remediation so outweighs the environmental benefit that it would be unreasonable to require it at the time of evaluation. If the new technology required by the Department is not applied by the operator or if the technology is not applied in accordance with manufacturer's instructions and reasonable standards of the profession the bond will not be released.]

§ 287.342. Final closure certification.

* * * * *

(b) The final closure certification request shall be accompanied by a nonrefundable administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" for the following amount:

(1) [**Seven**] **Eight** thousand [**one**] **eight** hundred dollars for residual waste landfills and residual waste disposal impoundments.

(2) [**Four**] **Six** hundred [**and fifty**] dollars for all other residual waste processing or disposal facilities.

(c) [**Except as provided in subsection (d),**] The Department will not issue a final closure certification unless the operator demonstrates that:

* * * * *

(2) **One of the following remediation standards is met and maintained at the identified compliance points:**

(i) **The Statewide health standard at and beyond the property boundary.**

(ii) **The background standard at each well selected to determine the extent of contamination, as identified in § 288.256(c)(1) or § 289.266(c)(1) (relating to groundwater assessment plan).**

(iii) **The site-specific standard at and beyond the property boundary.**

[(2)] (3) ***

[(3)] (4) ***

(d) [**The Department may issue a final closure certification, although groundwater monitoring indicates that there is groundwater degradation at the facility, if the facility otherwise complies with subsection (c), and the operator demonstrates, to the Department's satisfaction, that the following conditions have been met:**

(1) **It is impossible or infeasible to restore the groundwater quality to background levels using the technology that is available at the time of the request for final closure certification.**

(2) **The operator's groundwater remediation activities have restored the groundwater quality to levels as close to background as possible, using the most effective feasible technology that is available at the time of the request for final closure certification.**

(3) **For facilities that are not permitted as of July 4, 1992, and for facilities permitted after July 4, 1992, the groundwater remediation for the facility has achieved at least human health and environmental protection levels.**

(4) **For facilities permitted prior to July 4, 1992, including facility expansions, the groundwater**

remediation for the facility has achieved levels that are at least equivalent to the groundwater parameters.]

For measuring compliance with secondary contaminants, under subsection (c)(2)(i) or (iii), the Department may approve a compliance point beyond the property boundary up to a water source.

* * * * *

(g) The final closure certification will not be construed as a guarantee of future performance nor will it constitute a waiver or release of bond liability or other liability existing in law or equity for adverse environmental effects or conditions of noncompliance at the time of the certification or at a future time, for which the operator shall remain expressly liable. The issuance of a final closure certification does not discharge an owner or operator from liability to restore the groundwater to [**background conditions**] **remediation standards and maintain groundwater quality, at a minimum, at those levels.**

* * * * *

(i) **If after the issuance of a certification of final closure the Department determines that the level of risk is increased beyond the acceptable range at a facility due to substantial changes in exposure conditions, such as in a change in land use from a nonresidential to a residential use, or new information is obtained about a substance associated with the facility which revises exposure assumptions beyond the acceptable range, additional remediation shall be required.**

PUBLIC LIABILITY INSURANCE REQUIREMENTS

§ 287.371. Insurance requirement.

(a) A person or municipality that has not submitted proof of insurance under the act may not dispose or process residual waste unless the person or municipality has submitted proof of a commercial policy of liability insurance covering third-party claims for property damage and bodily injury as provided by this section [**by August 3, 1992**].

* * * * *

Subchapter F. CIVIL PENALTIES AND ENFORCEMENT

ENFORCEMENT

§ 287.421. Administrative inspections.

* * * * *

(b) The Department, its employes and agents may conduct routine inspections as follows:

(1) For residual waste landfills [,] **and residual waste disposal impoundments [and facilities for the land disposal of residual waste]**, at least 12 times per year.

* * * * *

(5) For facilities **and beneficial use areas** subject to permit by rule under § 287.102 (relating to [**permit-by-rule**] **permit by rule**), general permit for beneficial use or processing, or both, under §§ 287.611, 287.612, 287.621—287.625, 287.631, 287.632, 287.641—287.644, 287.651 and 287.652 and beneficial use areas under §§ 287.661—287.665, at least once per year.

* * * * *

Subchapter G. DEMONSTRATION FACILITIES

§ 287.501. Scope.

This subchapter applies to applications for residual waste processing or disposal facilities or parts of facilities, that are based on a new or unique technology for processing or disposing of residual waste. For purposes of this subchapter, a technology is new or unique if it has not previously been demonstrated in this Commonwealth or another comparable area. **The Department may approve in writing, as a permit modification, the demonstration of new or unique technology for the processing or disposal of residual waste at permitted residual waste processing or disposal facilities provided the requirements of this subchapter are met.**

§ 287.502. Relationship to other requirements.

[This chapter does not create exceptions to, or authorize the Department to grant variances from, other provisions of this article.]

(a) An operation that is approved under this subchapter is subject to this article.

(b) The Department may waive or modify any application and operating requirements in this article. The Department will not waive or modify Subchapter A, §§ 287.124, 287.125 and 287.128, Subchapter E or Subchapter F.

§ 287.504. Operating requirements.

In addition to applicable operating requirements set forth in this article, each person or municipality that operates a demonstration facility shall comply with the following:

(1) [The facility may not exceed 1 acre in size, unless the applicant demonstrates, and the Department finds, that a larger area is needed to adequately test the technology. In that case, the] The facility may not be larger than the area needed to adequately test the new or unique technology.

* * * * *

(6) If Chapter 288, 289, 291, 293, 295, 297 or 299 is not clearly applicable to the facility, the permittee shall annually submit to the Department a nonrefundable [annual] permit administration fee of an amount set forth in the approved permit, but not more than \$1,800, in the form of a check payable to the "Commonwealth of Pennsylvania." The fee will be based on the administrative costs of the Department under section 104 of the act (35 P. S. § 6018.104(8)).

Subchapter H. BENEFICIAL USE

GENERAL PERMITS FOR PROCESSING OR BENEFICIAL USE, OR BOTH, OF RESIDUAL WASTE OTHER THAN CERTAIN USES OF COAL ASH—AUTHORIZATION AND LIMITATIONS

§ 287.611. Authorization for general permit.

* * * * *

(e) The Department will not issue a general permit for the following:

* * * * *

(7) The use of residual waste for construction or operations at a disposal facility.

* * * * *

(g) The Department may issue a general permit on a regional or Statewide basis for the use, as construction material, of soil and other materials that do not meet the clean fill criteria.

BENEFICIAL USE OF COAL ASH

§ 287.661. Use of coal ash as structural fill.

* * * * *

(e) Coal ash used as a structural fill will not be considered a beneficial use unless the following requirements are met:

* * * * *

(3) The slope of a structural fill may not be greater than 2.5 horizontal to 1.0 vertical. **The Department may approve a greater slope based on a demonstration of structural stability.**

* * * * *

(8) Coal ash may not be placed [within 4 feet of] in contact with the seasonal high water table.

(9) Coal ash may not be placed within 8 feet of the [permanent] regional groundwater table.

* * * * *

(f) Structural fills may not be located:

* * * * *

(2) Within 300 feet of a [groundwater] water source unless the operator obtains a waiver from the water source's owner, allowing for another distance.

[(3) Within 500 feet upgradient of a surface water source.

(4)] (3) ***

[(5)] (4) ***

[(6)] (5) ***

[(7) In or within 300 feet of an exceptional value wetland.

(8) Within] (6) In or within 100 feet of a wetland [, other than an exceptional value wetland] .

§ 287.662. Use of coal ash as a soil substitute or soil additive.

* * * * *

[(f)] (e) ***

* * * * *

CHAPTER 288. RESIDUAL WASTE LANDFILLS

Subchapter B. APPLICATION REQUIREMENTS

PHASE I APPLICATION REQUIREMENTS—GENERAL

§ 288.112. Facility plan.

An application to operate a residual waste landfill shall contain conceptual drawings and a narrative describing the following:

* * * * *

(2) [The quantity, quality and availability of acceptable cover material and liner system construction material, both on and off the proposed permit area] A detailed description of the volume of soil needed to construct and operate the facility.

§ 288.113. Maps and related information.

(a) An application shall contain a topographic map, on a scale of 1 inch equals no more than 200 feet with 10-foot maximum contour intervals. The Department may, in writing, approve the use of a different horizontal scale [for facilities larger than 250 acres]. The application shall include the map and necessary narrative descriptions, which show the following:

* * * * *

[(c) An application shall also contain a United States Department of Agriculture Soil Conservation Service soil map, or aerial photographs when current soils maps are unavailable, for the proposed permit area and adjacent area showing the site boundaries, soil types and the location of test pits or excavations taken under § 288.124.]

PHASE I APPLICATION REQUIREMENTS—SITE ANALYSIS

§ 288.122. Geology and groundwater description.

(a) An application shall contain a description of the geology and groundwater in the proposed permit area and adjacent area down to and including the lowest aquifer that may be affected by the facility, including the following:

* * * * *

(8) Well head protection areas in accordance with § 109.1 (relating to definitions) that may be impacted by the facility.

(9) A groundwater contour map based upon the highest groundwater level recorded monthly in each boring for the previous year.

* * * * *

§ 288.124. Soil description.

(a) An application for a Class I or Class II landfill shall contain:

(1) [A description of the soils within the proposed permit area and adjacent area down to the bedrock, including for each soil horizon, depth, matrix color, texture, structure, consistency, degree of mottling, mottling colors and laboratory particle size analyses] The depth to the seasonal high water table within the proposed permit area and adjacent area to demonstrate that the seasonal high water table will not be in contact with the liner system.

(2) A description of the soils to be used for daily, intermediate and final cover, [attenuating soil base, liner system] and facility construction, including [for each onsite and offsite borrow area] chemical description, texture, laboratory particle size analyses[,] and quantity [and cross section]. Cross sections of the borrow pits within the proposed permit area shall be included.

(b) An application for a Class III landfill shall contain:

(1) A description of the soils within the proposed permit area and adjacent area down to the bedrock, including for each soil horizon, depth, matrix color, texture, structure, consistency, degree of mottling, mottling colors and laboratory particle size analyses.

(2) The depth to the seasonal high water table within the proposed permit area and adjacent area to demonstrate that the seasonal high water table will not be in contact with the liner system.

(3) A description of the soils to be used for daily, intermediate and final cover, attenuating soil base and facility construction, including texture, chemical description, laboratory particle size analyses and quantity. Cross sections of the borrow pits within the proposed permit area shall be included.

[(b)] (c) ***

* * * * *

§ 288.127. Mineral deposits information.

* * * * *

(b) If the proposed permit area and adjacent area [overlies] overlie recoverable or mineable [coals] mineral deposits, the applicant shall demonstrate that the applicant owns the [coal] mineral deposits and shall warrant that the [coal] minerals will not be mined as long as residual waste remains on the site. This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.

§ 288.128. Notification of proximity to airport.

An applicant shall notify the Federal Aviation Administration, the Department and the airport if a proposed landfill or lateral expansion, that plans to receive putrescible waste, is within a 5-mile radius of an airport runway end used by turbojet or piston-type aircraft.

PHASE II APPLICATION REQUIREMENTS—GENERAL

§ 288.132. Operation plan.

An application shall contain a description of the residual waste landfill operations proposed during the life of the facility within the proposed permit area, including the following:

(1) A narrative describing the type and method of residual waste landfill procedures, inspection and monitoring of incoming waste, sequence of landfilling activity, type of landfilling activity, proposed engineering techniques and the major equipment to be used under § 288.215 (relating to equipment), using the maps and grids required by § 288.133 (relating to map and grid requirements) as a basis for the description.

* * * * *

[(3) A narrative describing the type and size of equipment that is proposed to be used at the facility, as well as a description of the availability of standby equipment in the event of breakdown or maintenance.

(4) A narrative describing a plan for training facility operators and other personnel concerning the operation and approved design of the facility.

(5)] (3) ***

[(6)] (4) ***

[(7)] (5) ***

* * * * *

[(8)] (6) The proposed operating hours of the proposed facility. The operating hours include those

hours related to construction and other activities related to operation of the facility.

§ 288.134. Plan for access roads.

The application shall contain designs, cross sections and specifications for access roads, including load limits, under § 288.213 (relating to access roads). Access roads shall be designed and constructed to adequately handle the truck traffic expected at the disposal facility.

§ 288.136. Nuisance minimization and control plan.

(a) The application shall contain a plan in accordance with § 288.218 (relating to nuisance minimization and control) to [prevent] minimize and control hazards or nuisances from vectors, odors, noise, dust and other nuisances not otherwise provided for in the permit application. [The plan shall provide for the routine assessment of vector infestation and shall also provide for countermeasures. The plan may include a control program involving a contractual arrangement for services with an exterminator.]

(b) The plan shall include the following:

(1) Provisions for the routine assessment and control of vector infestation.

(2) Methods to minimize and control nuisances from odors, dustfall and noise off the property boundary from the facility.

(3) For odors, the determination of normal and adverse weather conditions based on site-specific meteorological data. Prior to the installation of equipment and collection of meteorological data, a protocol for the installation and data collection shall be approved by the Department.

(c) The plan required in subsection (a) may include a contractual arrangement for services of an exterminator or an air quality, noise, dust control or other professional.

§ 288.138. Daily volume.

The application shall contain proposed average and maximum daily volumes for the facility, and a detailed justification for these volumes, based on §§ 287.126 and 287.127 (relating to requirements for environmental assessment; and environmental assessment).

PHASE II APPLICATION REQUIREMENTS—COVER AND REVEGETATION

§ 288.141. Compaction and cover plan.

An application shall contain a plan for compaction and cover at the proposed facility under §§ 288.216 and [288.231] 288.232—288.234 and shall include the following information:

* * * * *

(3) The materials and procedures for application of daily, intermediate and final cover material, that meet the standards in §§ 288.232—288.234 (relating to daily cover; intermediate cover and slopes; and final cover and grading).

* * * * *

[(5) If cover material will be obtained from an offsite area not owned by the applicant, copies of contracts or other binding agreements showing

that the applicant is authorized to obtain cover material from the offsite area for the term of the permit.]

PHASE II APPLICATION REQUIREMENTS—WATER QUALITY PROTECTION AND MONITORING

§ 288.152. Water quality monitoring plan.

(a) An application shall contain a water quality monitoring plan showing how the operator intends to comply with §§ 288.251—288.258 (relating to water quality monitoring). The plan shall include the following:

* * * * *

(2) For new facilities, pre-operational data showing existing groundwater quality, as required by § 288.123 (relating to groundwater quality description), and a procedure to establish [background water] this groundwater quality. For existing facilities, adequate monitoring data as required by § 288.123 to characterize background groundwater quality and a procedure to establish [background water] this groundwater quality.

(b) The application shall contain a groundwater sampling and analysis plan. The plan shall include:

* * * * *

(4) Procedures and techniques for evaluation of analytical results to determine if groundwater degradation [, exceedances of mandatory abatement trigger levels or adverse effects on groundwater have] has occurred.

[(5) Proposed mandatory abatement trigger levels for each monitoring well for each contaminant for which monitoring is required under §§ 288.251—288.258.

(i) For facilities other than monofills which are permitted after July 4, 1992, including the expansion of facilities that are operating or permitted on or before July 4, 1992, the proposed mandatory abatement trigger level for a contaminant at a monitoring point shall be equivalent to the background levels for the contaminant.

(ii) For monofills which are permitted after July 4, 1992, including the expansion of facilities that are operating or permitted on or before July 4, 1992, the proposed mandatory abatement trigger level shall be the maximum level of degradation that will be predicted, through modeling, to exist at the monitoring point for that contaminant based on the design, construction, and operation of the facility. The application shall also include a demonstration of the validity and accuracy of the model at the proposed facility. A mandatory abatement trigger level may not exceed a groundwater parameter for a contaminant at a monitoring point, or background levels for the contaminant at the property boundary. If the background level for a contaminant is higher than the groundwater parameter for a contaminant, the proposed mandatory abatement trigger level shall not exceed the background level for a contaminant at a monitoring point.

(iii) For facilities that are operating or permitted on or before July 4, 1992, the proposed mandatory abatement trigger level for a contaminant at a monitoring point shall be equivalent to the groundwater parameter for the contaminant, and shall be equivalent to background levels for the contami-

nant at the property boundary. If the background level for a contaminant is higher than the groundwater parameter for the contaminant, the proposed mandatory abatement trigger level for these facilities shall be the background level for the contaminant at a monitoring point.]

* * * * *

[(d) Once an application is determined to be administratively complete under § 287.202 (relating to completeness review), the applicant is not required to amend the application because a groundwater parameter has changed due to a change in data from the EPA's IRIS.

(e) The Department may approve a change in the groundwater parameter which is based on IRIS for a contaminant, if the applicant makes a clear and convincing demonstration to the Department that new studies not yet considered by the EPA in IRIS more accurately reflect the human health and environmental effects of a contaminant than IRIS.]

PHASE II APPLICATION REQUIREMENTS—CLOSURE PROVISIONS

§ 288.182. Closure plan.

(a) The application shall contain a plan describing the activities that are proposed to occur [during the postclosure period] toward and after closure to ensure compliance with this chapter.

(b) The closure plan shall include:

* * * * *

[(3) If the facility will close in stages, a description of how and when the facility will begin and implement partial closure.

(4)] (3) ***

[(5)] (4) A narrative description, including a schedule, of measures that are proposed to be carried out toward and after closure at the facility, including measures relating to the following:

* * * * *

(vi) Access control, including maintenance of access control.

[(6)] (5) ***

[(7)] (6) ***

Subchapter C. OPERATING REQUIREMENTS GENERAL PROVISIONS

§ 288.201. Basic limitations.

* * * * *

(f) All approved mitigation measures identified in the application shall be completed before a facility may accept waste unless otherwise authorized in writing by the Department for technical reasons.

§ 288.202. Certification.

(a) The operator shall submit a certification by a Pennsylvania registered professional engineer on forms provided by the Department upon completion of each major construction activity identified in the permit for each phase or sequence of construction at the facility. Major construction activities include the following:

* * * * *

(12) Construction of the landfill gas extraction system.

* * * * *

DAILY OPERATIONS

§ 288.211. Signs and markers.

* * * * *

(d) A person or municipality that operates a noncaptive residual waste landfill shall identify the facility for the duration of operations by posting and maintaining a sign which is clearly visible and can be easily seen and read at the junction of each access road and public road. The sign shall be constructed of a durable, weather-resistant material [and shall be of a minimum size of 3 feet by 4 feet with a light background and contrasting letters and numbers of a minimum height of 3 inches that can be easily seen and read. The sign shall show the name, business address and telephone number of the person or municipality that operates the facility, the operating hours of the facility and the number of the current permit authorizing operation of the facility.]

§ 288.213. Access roads.

* * * * *

(e) Except for local captive facilities where the Department has set forth alternate requirements in the permit, and except for roads not leading to the disposal area, the landfill shall maintain a minimum cartway width of one of the following:

* * * * *

(f) An access road negotiable by loaded collection vehicles shall be provided from the entrance gate of the facility to each unloading area[,]. An access road shall also be provided to each treatment facility [or], impoundment [located on the site. An access road shall also be provided to] and groundwater monitoring [points] point. Other monitoring points shall be readily accessible.

[(g) An access road shall be constructed on a dry and stable area.

(h) Prior to the construction of a road at a facility other than a local captive facility, topsoil shall be removed and shall meet one of the following conditions:

- (1) Be immediately used as final cover.
(2) Be stored on a stable site and protected against erosion and compaction.

(i)] (g) ***

[(j)] (h) ***

[(k)] (i) ***

§ 288.214. Measurement and inspection of waste.

* * * * *

(c) The operator of a noncaptive facility shall inspect and monitor incoming waste to insure that the disposal of waste is consistent with this article, unless otherwise required by the Department. The monitoring and inspection shall include screening of waste for radioactive isotopes and be consistent with § 287.134 (relating to waste analysis plan).

§ 288.215. Equipment.

[(a)] ***

[(b) Standby equipment shall be located on the site or at a place where it can be available within 24 hours.] If a breakdown of the operator's equipment occurs, the operator shall utilize standby equipment as necessary to comply with the act, the environmental protection acts, this subchapter and permit conditions.

§ 288.216. Unloading and compaction.

(a) Solid waste shall be spread and compacted in [layers not to exceed 2 feet in depth, unless an alternative depth is approved by the Department as part of the permit] accordance with § 288.141 (relating to compaction and cover plan).

* * * * *

§ 288.217. Air resources protection.

(a) The operator shall implement fugitive air [containment] contaminant control measures and otherwise prevent and control air pollution [under] in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—[4014] and Subpart C, [4015]; Article III (relating to air resources) and § 288.218 (relating to nuisance minimization and control). Minimization and control measures shall include the following:

[(b) The operator may] (1) Ensuring that operation of the facility will not cause or contribute to an exceedance of an ambient air quality standard under § 131.3 (relating to ambient air quality standards).

[(c) A person or municipality may not cause or allow] (2) Ensuring that no open burning occurs at the facility.

(3) Minimizing the generation of fugitive dust emissions from the facility.

(b) The operator shall comply with the terms and conditions of an air quality plan approval and air quality operating permit issued to the facility.

§ 288.218. Nuisance minimization and control.

(a) [The] Vectors. An operator may not cause or allow the attraction, harborage or breeding of vectors.

(b) [The] Other conditions. An operator shall [also prevent and eliminate] minimize and control other conditions [not otherwise prohibited by this subchapter] that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

(c) Odors.

(1) An operator shall implement the plan approved under § 288.136 (relating to nuisance minimization and control plan) to minimize and control nuisances from odors. If the Department determines during operation of the facility that the plan is inadequate to minimize or control nuisance, the Department may modify the plan or require the operator to modify the plan and obtain Department approval.

(2) An operator shall perform regular, frequent and comprehensive site inspections to evaluate the effectiveness of cover, capping, gas collection and

destruction, waste acceptance and all other waste management practices in reducing the potential for offsite odor creation.

(3) An operator shall promptly address and correct problems and deficiencies discovered in the course of inspections performed under paragraph (2).

§ 288.221. Daily volume

(a) A person or municipality operating a residual waste landfill may not receive solid waste at the landfill in excess of the maximum or average daily volume approved in the permit.

(b) The average daily volume is a limit on the volume of solid waste that is permitted to be received at the facility, and shall be computed annually by averaging the total volume received over the year.

COVER AND REVEGETATION

§ 288.231. [Topsoil storage] (Reserved).

[(a) Unless topsoil is not needed for final cover under § 288.234 (relating to final cover and grading) or is unsuitable for final cover the following apply:

(1) Topsoil shall be removed in a separate layer prior to preparation of an area for disposal or other surface disturbances.

(2) If topsoil is less than 12 inches, a 12-inch layer which includes the topsoil and the unconsolidated materials immediately below the topsoil shall be removed, segregated, conserved and replaced as the upper layer of final cover.

(3) If topsoil or other materials removed under this subsection are not promptly redistributed as cover, they shall be stockpiled, temporarily vegetated and otherwise protected from wind and water erosion, unnecessary compaction and contaminants which lessen the capability of materials to support vegetation when redistributed on the site.

(b) Topsoil and other material removed under this section may not be removed from the site.]

§ 288.232. Daily cover.

* * * * *

(c) The composition of the daily cover material shall meet the following performance standards. The daily cover shall:

* * * * *

(4) Be [noncombustible] capable of controlling fires.

(5) Be consistent with the waste acceptance plan for the facility.

[(d) Unless alternative design requirements to meet the performance standards in subsection (c) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), daily cover shall meet the following design requirements:

(1) The cover shall fall within the United States Department of Agriculture textural classes of sandy loam, loam, sandy clay loam, silty clay loam, loamy sand and silt loam, as defined in the Soil Survey Manual published by the United States Department

of Agriculture, Soil Conservation Service (available from the Department of the Northeast National Technical Center of the Soil Conservation Service, 160 E. 7th Street, Chester, Pennsylvania 19013-6092).

(2) At least 40% by weight of the cover soil shall be capable of passing through a 2 millimeter, No. 10 mesh sieve.

(3) The combustible or coal content of the cover may not exceed 12% by weight.

(4) The cover may not include rock fragments that are greater than 6 inches in diameter.

(5) The layer of cover soil shall be a minimum of 6 inches in thickness.

(6) The layer of cover soil shall be compacted.

(e)] (d) ***

§ 288.233. Intermediate cover and slopes.

* * * * *

(b) The Department may waive the intermediate cover requirements of this section if the operator demonstrates that the composition of solid waste disposed at the facility prevents vectors, odors, blowing litter, erosion and other nuisances, is noncombustible, allows loaded vehicles to successfully maneuver over it after placement without change in its properties and without regard to weather, and is capable of supporting the germination and propagation of vegetative cover as required by §§ 288.236 and 288.237 (relating to revegetation; and standards for successful revegetation).

(c) The composition of the intermediate cover material shall meet the following performance standards. The intermediate cover shall:

* * * * *

(4) Be [noncombustible] capable of controlling fires.

(5) Be consistent with the waste acceptance plan for the facility.

[Be capable of supporting] (6) Support the germination and propagation of vegetative cover as required by §§ 288.236 and 288.237 unless vegetative cover is not necessary to control infiltration of precipitation and erosion and sedimentation.

(7) Control infiltration of precipitation and erosion and sedimentation.

(d) Unless alternative design requirements to meet the performance standards in subsection (c) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), intermediate cover shall meet the following design requirements:

(1) [The cover soil shall fall within the United States Department of Agriculture Textural Classes of sandy loam, loam, sandy clay loam, silty clay loam, loamy sand and silt loam as defined in the Soil Survey Manual published by the United States Department of Agriculture, Soil Conservation Service (available from the Department or the Northeast National Technical Center of the Soil Conservation Service, 160 E. 7th Street, Chester, Pennsylvania 19013-6092).

(2) At least 40 by weight of the cover soil shall be capable of passing through a 2 millimeter, No. 10 mesh sieve.

(3) The combustible or coal content of the cover may not exceed 12% by weight.

(4) The cover may not include rocks that are greater than 6 inches in diameter.

(5) The] If soil or soil-like material is used, the layer of cover soil shall be at least 12 inches in thickness.

[(6) The] (2) If soil or soil-like material is used, the layer of cover soil shall be [compacted] uniformly graded.

[(e) A 5-day supply of cover material shall be maintained on the site.]

[(f) Areas on which] (e) If intermediate cover [has been placed, and on which neither waste nor final cover is placed] requires revegetation, the revegetation shall be established within 30 days [thereafter, shall be temporarily revegetated and otherwise protected against erosion and sedimentation under § 288.236, and other applicable requirements].

[(g) Intermediate slopes] (f) Slopes constructed during daily landfilling and intermediate cover activities may not exceed 50%. [Intermediate slopes shall be covered, compacted with 1 foot of intermediate cover material and revegetated to control erosion.]

§ 288.234. Final cover and grading.

(a) Except as provided in subsection (b), the operator shall provide final cover in the following manner:

(1) A cap [consisting of a uniform and compacted 2-foot layer of clay] shall be placed and graded over the entire surface of each final lift. [The Department may approve, in the permit, synthetic material of the type and specifications set forth for primary liners in § 288.436 (relating to primary liner) and for caps in Appendix A, Table II (relating to minimum liner design standards) in lieu of the 2-foot layer of clay.] The cap may be no more permeable than 1.0 x 10⁻⁷ cm/sec. The following performance standards for the cap shall be met:

(i) The cap shall limit the migration of precipitation into the landfill to the greatest degree that is technologically possible.

(ii) The cap shall be resistant to physical and chemical failure.

(iii) The cap shall cover all areas where waste is disposed.

* * * * *

(b) The Department may waive [or modify] the cap and drainage layer requirements of subsection (a)(1) and (2) based on a demonstration that it is not necessary to limit infiltration into the waste.

(c) Unless alternative design requirements to meet the performance standards in subsection (a)(1) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the cap shall meet the design requirements set forth for caps in Appendix A, Table II (relating to liner design standards).

[(c)](d) ***

[(d)] (e) The layer of material described in subsection (a)(3) shall meet the following performance standards. The layer shall:

* * * * *

(4) Be [noncombustible] Capable of controlling fires.

* * * * *

(8) Be consistent with the waste acceptance plan.

[(e)] (f) Unless alternative design requirements to meet the performance standards in subsection [(d)] (e) are approved as part of the permit under § 287.231 (relating to equivalency review procedure) the layer of material described in subsection (a)(3) shall meet the following design requirements:

* * * * *

(3) [The combustible or coal content of the cover may not exceed 12% by weight.

(4)] The cover may not include rocks that are greater than 6 inches in diameter.

* * * * *

[(5)] (4) * * *

[(f)] (g) * * *

* * * * *

[(g)] (h) Unless the Department authorizes a different slope design in the permit based on a demonstration that the different design can meet the requirements of subsection [(f)] (g), slopes shall be designed, installed and maintained as follows:

* * * * *

WATER QUALITY PROTECTION

§ 288.245. Water supply replacement.

(a) A person or municipality operating a residual waste landfill which adversely affects a water supply by degradation, pollution, or other means shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

* * * * *

(d) Permanent water supplies include development of a new well with distribution system, interconnection with a public water supply or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.

WATER QUALITY MONITORING

§ 288.252. Number, location and depth of monitoring points.

* * * * *

(b) The upgradient and downgradient monitoring wells shall be:

* * * * *

(3) Located within 200 feet of the permitted disposal area, except as necessary to comply with subsection (c), and located at the points of compliance.

* * * * *

[(e) Wells drilled under this section shall be drilled by drillers licensed under the Water Well Drillers License Act (32 P. S. §§ 645.1—645.13).

(f)] (e) * * *

§ 288.253. Standards for wells and casing of wells.

(a) A monitoring well shall be cased as follows:

* * * * *

(3) The well shall be constructed with a screen that meets the following requirements:

* * * * *

[(iv) The slot openings, design and screen diameter shall allow for effective well development.]

* * * * *

(5) The casing shall be clearly visible and protrude at least 1 foot aboveground, unless the Department has approved flush mount wells.

* * * * *

(7) [If plastic casing is used, it shall be threaded to preclude potential sample contamination from solvent welded joints, unless otherwise provided by the Department in the permit] The casing shall be designed and constructed to prevent cross contamination between surface water and groundwater.

(b) Monitoring well casings shall be enclosed in a protective casing that meets the following requirements. The well casing shall:

* * * * *

(5) Protrude [at least 1 inch higher] above [grade than] the monitoring well casing.

* * * * *

§ 288.256. Groundwater assessment plan.

(a) Submittals of plans shall be as follows:

[(1)] A person or municipality operating a residual waste landfill shall prepare and submit to the Department a groundwater assessment plan within [30] 60 days after one of the following occurs:

[(i)] (1) * * *

[(ii)] (2) Laboratory [analyses] analysis is of one or more public or private water supplies indicates groundwater degradation that could reasonably be attributed to the facility.

[(2) For residual waste landfills permitted under the act or operating on July 4, 1992, and for which data triggering the submission of a plan under this section exist on July 4, 1992, the plan shall be submitted to the Department by January 4, 1993.]

* * * * *

(c) The groundwater assessment plan shall specify the manner in which the operator will determine the existence, quality, quantity, areal extent and depth of groundwater degradation and the rate and direction of migration of contaminants in the groundwater. A groundwater assessment plan shall be prepared by an expert in the field of hydrogeology. The plan shall contain the following information:

(1) The number, location, size, casing type and depth of wells, lysimeters, borings, pits, piezometers and other

assessment structures or devices to be used. If the operator establishes compliance points as part of the assessment, the points shall be wells constructed in accordance with §§ 288.252 and 288.253 (relating to number, location and depth of monitoring points; and standards for wells and casing of wells).

* * * * *

(5) Identification of the abatement standard that will be met.

* * * * *

§ 288.257. Abatement plan.

(a) The operator of a residual waste landfill shall prepare and submit to the Department an abatement plan whenever one of the following occurs:

(1) The groundwater assessment plan prepared and implemented under § 288.256 (relating to groundwater assessment plan) shows the presence of groundwater degradation for one or more contaminants at one or more monitoring points [that exceeds the mandatory abatement trigger levels established by the Department in the permit for the contaminant at the monitoring point. If mandatory abatement trigger levels have not yet been established for the facility, the operator shall prepare and submit the abatement plan when the groundwater assessment plan shows either of the following:

(i) The presence of groundwater degradation for one or more contaminants at one or more monitoring points that exceeds the groundwater parameter for those contaminants or, if background water quality exceeds the groundwater parameter degradation that exceeds background for those contaminants.

(ii) Groundwater degradation at the property boundary] and the analysis under § 288.256(c) indicates that an abatement standard under subsection (c) will not be met.

(2) Monitoring by the Department or operator shows the presence of [groundwater degradation] an abatement standard exceedance from one or more [monitoring] compliance points [at a level that exceeds the mandatory abatement trigger level for the contaminant at the monitoring point] as indicated in subsection (c) even if a groundwater assessment plan has not been completed. [If mandatory abatement trigger levels have not yet been established by the Department in the permit for the facility, the mandatory abatement trigger level shall be groundwater degradation for one or more contaminants at one or more monitoring points that exceeds the groundwater parameter for those contaminants or groundwater degradation at the property boundary, based on monitoring by the Department or operator. If the background level for a contaminant is higher than the groundwater parameter for the contaminant, the mandatory abatement trigger level shall be the background level for the contaminant at the monitoring point.] The operator is not required to implement an abatement plan under this paragraph if the following apply:

(i) Within 10 days after receipt of sample results showing an exceedance of [the mandatory abatement trigger levels described in this paragraph] an

abatement standard at a point of compliance described in subsection (c), the operator resamples the affected wells.

(ii) Analysis from resampling shows to the Department's satisfaction that [the mandatory abatement trigger levels described in this paragraph have not been exceeded] an exceedance of an abatement standard has not occurred.

[(b) In addition to subsection (a), the Department may require the operator of a residual waste landfill to prepare and submit to the Department an abatement plan whenever one of the following occurs:

(1) The groundwater assessment plan prepared and implemented under § 288.256 confirms the presence of groundwater degradation at one or more monitoring points.

(2) Monitoring by the Department or the operator shows the presence of groundwater degradation from one or more monitoring points, even if a groundwater assessment plan has not been completed.

(3) The Department has reason to believe that the operator is responsible for groundwater degradation.

(c)] (b) * * *

(c) If abatement is required in accordance with subsection (a), the operator shall demonstrate compliance with one or more of the following standards at the identified compliance points:

(1) For constituents for which Statewide health standards exist, the Statewide health standard for that constituent at and beyond 150 meters of the perimeter of the permitted disposal area or at and beyond the property boundary, whichever is closer.

(2) The background standard for constituents at and beyond 150 meters of the perimeter of the permitted disposal area or at and beyond the property boundary, whichever is closer.

(3) For constituents for which no primary MCLs under the Federal and State Safe Drinking Water Acts (42 U.S.C.A. §§ 300f-300j-18; and 35 P. S. §§ 721.1-721.17) exist, the risk-based standard at and beyond 150 meters of the perimeter of the permitted disposal area or at and beyond the property boundary, whichever is closer, if the following conditions are met:

(i) The risk assessment used to establish the standard assumes that human receptors exist at he property boundary.

(ii) The level is derived in a manner consistent with Department guidelines for assessing the health risks of environmental pollution.

(iii) The level is based on scientifically valid studies conducted in accordance with 40 CFR Part 792 (relating to good laboratory practice standards) promulgated under the Toxic Substances Control Act (15 U.S.C.A. §§ 2601-2692) or other scientifically valid studies approved by the Department.

(iv) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level of 1 x 10-5 at the property boundary.

(d) For measuring compliance with secondary contaminants under subsection (c), paragraph (1) or (3), the Department may approve a compliance point beyond 150 meters on land owned by the owner of the disposal area.

[(d)] (e) * * *

[(e) The Department will consider the following factors in its review of the abatement plan:

(1) Whether the operator can restore the groundwater quality to background levels.

(2) Whether the operator has demonstrated that it is technologically impossible or infeasible to restore the groundwater quality to background levels.

(3) Whether the use of the chosen feasible technology will achieve remediation as close to background levels as possible.

(4) Whether the groundwater remediation for unpermitted facilities existing prior to the effective date of these regulations and for facilities permitted after the effective date of these regulations, including facility expansions, will achieve at least human health and environmental protection levels.

(5) Whether the groundwater remediation for facilities permitted prior to the effective date of these regulations will achieve levels that are at least equivalent to the groundwater parameters.

(6) Whether the methods or techniques proposed will cause more environmental harm than the contaminants.

(f) For facilities permitted prior to July 4, 1992, the Department may approve a change in the groundwater parameter which is based on IRIS for a contaminant if the operator makes a clear and convincing demonstration to the Department that new studies not yet considered by the EPA in IRIS more accurately reflect the human health and environmental effects of a contaminant than IRIS.

[(f)] (g) * * *

[(g)] (h) * * *

[(h)] (i) * * *

* * * * *

MINERALS AND GAS

§ 288.261. Mineral resources.

(a) The operator shall isolate coal seams [and], coal outcrops and coal refuse from combustible waste deposits [by barriers of natural and compacted soil that are at least 25 feet in thickness] to prevent the combustion of the waste and that prevents damage to the liner system.

* * * * *

§ 288.262. Gas control and monitoring.

* * * * *

(e) Combustible gas levels may not equal or exceed:

* * * * *

[(3) Twenty-five percent of the lower explosive limit in any adjacent area, including buildings or structures on the adjacent area.]

* * * * *

EMERGENCY PROCEDURES

§ 288.271. Hazard prevention.

[(a)] A residual waste landfill shall be designed, constructed, maintained and operated to prevent and minimize the potential for fire, explosion or release of solid waste constituents to the air, water or soil of this Commonwealth that could threaten public health or safety, public welfare or the environment.

[(b) First aid facilities shall be available and job safety shall be practiced.]

§ 288.272. Emergency equipment.

(a) Except as provided in subsection (b), the operator shall have available, in proper working condition, the following equipment at the immediate operating area of the facility:

* * * * *

(3) Portable fire extinguishers, fire control equipment, spill control equipment, self contained breathing apparatus and decontamination equipment. For fire control equipment requiring water, the facility shall have a water supply of adequate quantity and pressure to supply the equipment.

* * * * *

RECORDKEEPING AND REPORTING

§ 288.283. Annual operation report.

* * * * *

(b) The annual operation report, which shall be submitted on a form supplied by the Department, shall include the following:

(1) The weight or volume of each type of solid waste received. For noncaptive facilities, the report shall include the average daily volume totals computed in accordance with § 288.221 (relating to daily volume).

* * * * *

(c) The annual operation report shall be accompanied by a nonrefundable annual permit administration fee of [\$2,500] \$4,600 in the form of a check payable to the "Commonwealth of Pennsylvania."

* * * * *

CLOSURE PROVISIONS

§ 288.292. Closure.

* * * * *

(b) At least 180 days before implementation of a closure [or partial closure] plan, the operator shall review its approved closure plan to determine whether the plan requires modification, and shall submit proposed changes to the Department for approval under § 287.222 (relating to permit modification).

(c) If groundwater degradation exists at closure or occurs after closure, a person shall meet one of the following:

(1) Continue to implement an approved abatement plan.

(2) Submit an application for a closure plan modification in accordance with the procedures for a major permit modification. The operator shall select one or more remediation standards that will be met in accordance with the final closure certifi-

ation requirements in § 287.342 (relating to final closure certification). The Department will accept the operator's selection of remediation standards if the requirements of subsection (d) are met.

(d) An application for a closure plan modification shall include the following:

(1) Technical information and supporting documentation identifying the remediation activities that will be conducted to meet and maintain the remediation standards.

(2) If a remedy relies on access to or use of properties owned by third parties, for remediation or monitoring, documentation of cooperation or agreement.

Subchapter D. ADDITIONAL REQUIREMENTS FOR CLASS I RESIDUAL WASTE LANDFILLS ADDITIONAL APPLICATION REQUIREMENTS

§ 288.412. Liner system and leachate control plan.

* * * * *

(c) The application shall demonstrate that leachate will not adversely affect the physical or chemical characteristics of the proposed liner system, or inhibit the liner's ability to restrict the flow of solid waste, solid waste constituents or leachate, based on [the most recent edition of EPA Method 9090, (Compatibility Test for Wastes and Membrane Liners), or other documented data. The most recent edition of EPA Method 9090 can be obtained from the Department or from the National Technical Information Service (NTIS), United States Department of Commerce, Springfield, VA 22161] EPA or ASTM guidelines approved by the Department.

(d) The application shall include a complete description of the physical, chemical, mechanical and thermal properties for the proposed primary and secondary liners, based on ASTM methods when appropriate. Except to the extent that the Department waives in writing one or more of the following for nonsynthetic secondary liners, these properties [shall] include:

* * * * *

(19) The percentage of recycled material.

ADDITIONAL OPERATING REQUIREMENTS—GENERAL

§ 288.422. Areas where Class I residual waste landfills are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992, Class I residual waste landfills may not be operated as follows:

* * * * *

(4) In [coal bearing] areas underlain by recoverable or mineable [coals] minerals unless the operator of the facility demonstrates and the Department finds, in writing, that the operator owns the underlying [coal] minerals. This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.

* * * * *

(7) [Within] If occupied dwellings are nearby, the following apply:

(i) For a residual waste landfill permit issued prior to _____ (Editor's Note: The blank refers

to the effective date of adoption of this proposal), or for an expansion of a residual waste landfill that was permitted prior to _____ (Editor's Note: The blank refers to the effective date of final adoption of this proposal), or for a captive residual waste landfill within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the facility being closer than 300 feet. [Except for facilities permitted prior to July 4, 1992, the] The disposal area of a residual waste landfill may not be within 500 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(ii) For a residual waste landfill, except for a captive residual waste landfill, permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 yards. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

* * * * *

(10) [Within 25 feet of a coal seam, coal outcrop or coal refuse, unless the applicant demonstrates that the waste is noncombustible.

(11) ***

* * * * *

[(12)] (11) If the facility receives or proposes to receive putrescible waste the following apply:

(i) Within 10,000 feet—or 3,048 meters—of an airport runway [that is or will be end] used by [turbine-powered] turbojet aircraft during the life of disposal operations under the permit unless the operator can demonstrate that he landfill is designed and operated so that the landfill does not pose a bird hazard to aircraft.

(ii) Within 5,000 feet—or 1,524 meters—of an airport runway [that is or will be end] used by piston-type aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the landfill is designed and operated so that the landfill does not pose a bird hazard to aircraft.

(iii) For purposes of this subsection:

(A) "Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(12) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a noncaptive residual waste landfill permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), for a noncaptive

residual waste landfill permit issued on or after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal*), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

* * * * *

§ 288.423. Minimum requirements for acceptable waste.

(a) A person or municipality may not dispose of residual waste at a Class I residual waste landfill unless the waste meets the following criteria:

* * * * *

(6) The physical characteristics of this waste will not cause or contribute to structural instability or other operating problems at the site.

* * * * *

ADDITIONAL OPERATING REQUIREMENTS—LINER SYSTEM

§ 288.432. General limitations.

(a) [At least 4 feet shall be maintained between the top] The bottom of the subbase of the liner system [and] cannot be in contact with the seasonal high water table or perched water table without the use of groundwater pumping systems.

* * * * *

(2) Drainage systems may be utilized to [maintain a 4-foot isolation distance] prevent contact between the [top] bottom of the subbase of the liner system and the seasonal high water table or perched water table. The operator may not use a drainage system if the system is likely to adversely affect the quality or quantity of water provided by a public or private water supply, even if a replacement supply is available under § 288.245 (relating to water supply replacement). The drainage system shall be limited to drain tile, piping, french drains or equivalent methods.

(b) For unconfined aquifers, at least 8 feet shall be maintained between the [top] bottom of the subbase of the liner system and the regional groundwater table. The regional groundwater table may not be artificially lowered.

(c) For confined aquifers, at least 8 feet shall be maintained between the [top] bottom of the subbase of the liner system and the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs as a result of leakage from natural or other preexisting causes. The integrity of the confining layer shall not be compromised by excavation.

* * * * *

§ 288.433. Subbase.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the subbase shall meet the following design requirements. The subbase shall:

* * * * *

(2) [Have a minimum bearing capacity of 4,500 pounds per square foot plus the total applied load in pounds per square foot.

(3)] Have a postsettlement slope of at least 2% and no more than [25%] 33%.

§ 288.434. Secondary liner.

* * * * *

(b) *Alternative design requirements.* Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the secondary liner shall meet, at the minimum, the requirements of Appendix A, Table I (relating to minimum liner design standards).

* * * * *

§ 288.435. Leachate detection zone.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the leachate detection zone of a liner system shall meet the following design requirements:

* * * * *

(5) The piping system shall also meet the following requirements:

* * * * *

(ii) [The distance between pipes in the piping system may not exceed 100 feet on center.

(iii)] * * *

[(iv)] (iii) * * *

[(v)] (iv) * * *

* * * * *

(f) If sampling results indicate the presence of constituents at concentrations that could result in [exceedance of mandatory abatement trigger levels for the facility] groundwater degradation at a monitoring well, the operator shall:

(1) Submit to the Department a remedial plan for controlling the source of leachate in the leachate detection zone and correcting a malfunction or defect in the liner system, and implement the plan upon Department approval.

* * * * *

§ 288.436. Primary liner.

* * * * *

(b) *Alternative design standards.* Unless alternative design standards to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the

primary liner shall meet, **at the minimum**, the requirements of Appendix A, Table I (relating to minimum liner design standards).

* * * * *

§ 288.438. Leachate collection system within protective cover.

(a) The leachate collection system within the protective cover shall meet the following performance standards. The leachate collection system shall:

* * * * *

(2) Ensure that the depth of leachate on or above the primary liner does not exceed 1 foot, **unless a greater depth is approved by the Department in the permit for sump areas or for a 25-year, 24-hour precipitation event where the 1 foot of head will be exceeded for less than 3 days.**

* * * * *

ADDITIONAL OPERATING REQUIREMENTS—LEACHATE TREATMENT

§ 288.454. Leachate recirculation.

(a) * * *

* * * * *

(b) **An alternative leachate recirculation method may be used if approved by the Department.**

§ 288.455. Leachate collection and storage.

* * * * *

(b) An onsite leachate storage system shall be part of each leachate treatment method used by the operator. The storage system shall contain impoundments or tanks for storage of leachate. **[The] for noncaptive facilities, the tanks or impoundments shall have a storage capacity at least equal to the maximum expected production of leachate for a 30-day period for the life of the facility estimated under § 288.413 (relating to leachate treatment plan). For captive facilities, the tank or impoundment shall have sufficient storage capacity to ensure proper operation of the treatment facility in accordance with the approved leachate treatment plan, shall meet the performance standard in § 288.438(a)(2) (relating to leachate collection system within protective cover) and shall comply with The Clean Streams Law. No more than 25% of the total leachate storage capacity may be used for flow equalization on a regular basis.**

* * * * *

(d) The storage capacity of impoundments and tanks at a site shall be increased, **if additional storage is required**, prior to each major phase of construction and as otherwise necessary.

* * * * *

(g) **All underground pipes used for the transport of leachate from the liner system to the leachate storage impoundments or tanks shall be equipped with secondary containment. The secondary containment shall be designed, constructed and installed to direct any release to an area that can be inspected for leaks.**

§ 288.456. Leachate analysis and sludge handling.

(a) Upon commencement of leachate flow from the facility, the operator shall sample, analyze and maintain a record of the following:

* * * * *

(2) On a quarterly basis, unless otherwise specified in the permit, the chemical composition of leachate flowing into the leachate treatment system. The analysis shall be sufficient to determine the impact of leachate on the liner system, the effectiveness of the leachate treatment system, the need for modification of the groundwater monitoring system or the effluent limitations in an NPDES permit, and the actual characteristics of leachate from the waste disposed at the facility. For the purpose of this analysis, the leachate sample shall be collected from the influent storage tank or impoundment and shall be representative of the average mixed influent leachate quality. **The Department may modify the frequency of chemical analysis or not require certain constituents to be tested following four consecutive quarters of analysis if the operator demonstrates that modifying the frequency of chemical analysis will not compromise groundwater protection.**

* * * * *

Subchapter E. ADDITIONAL REQUIREMENTS FOR CLASS II RESIDUAL WASTE LANDFILLS ADDITIONAL APPLICATION REQUIREMENTS

§ 288.512. Liner system and leachate control plan.

* * * * *

(c) The application shall demonstrate that leachate will not adversely affect the physical or chemical characteristics of the proposed liner system, or inhibit the liner's ability to restrict the flow of solid waste, solid waste constituents or leachate based on **[the most recent edition of EPA Method 9090, (Compatibility Test for Wastes and Membrane Liners) or other documented data. The most recent edition of EPA Method 9090 can be obtained from the Department or from the National Technical Information Service (NTIS), United States Department of Commerce, Springfield, VA 22161] EPA or ASTM guidelines approved by the Department.**

* * * * *

(19) **The percentage of recycled material.**

ADDITIONAL OPERATING REQUIREMENTS—GENERAL

§ 288.522. Areas where Class II residual waste landfills are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992, Class II residual waste landfills may not be operated as follows:

* * * * *

(4) In **[coal bearing]** areas underlain by recoverable or mineable **[coals] minerals**, unless the operator of the facility demonstrates and the Department finds, in writing, that the operator owns the underlying **[coal] minerals. This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.**

* * * * *

(7) **[Within] If occupied dwellings are nearby, the following apply:**

(i) For a residual waste landfill permit issued prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), or for an expansion of a residual waste landfill that was permitted prior to _____ (*Editor's Note: The blank refers to the effective date of publication of this proposal.*), or for a captive residual waste landfill within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the facility being closer than 300 feet. [Except for facilities permitted prior to July 4, 1992, the] The disposal area of a residual waste landfill may not be within 500 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(ii) For a residual waste landfill, except for a captive residual waste landfill permit issued on or after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), within 300 yards measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 yards. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

* * * * *

(10) [Within 25 feet of a coal seam, coal outcrop or coal refuse, unless the applicant demonstrates that the waste is noncombustible.

(11)] (10) * * *

[(12)] (11) If the facility receives or proposes to receive putrescible waste as follows:

(i) Within 10,000 feet—or 3,048 meters—of an airport runway [that is or will be end] used by [turbine-powered] turbojet aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the landfill is designed and operated so that the landfill does not pose a bird hazard to aircraft.

(ii) Within 5,000 feet—or 1,524 meters—of an airport runway [that is or will be end] used by piston-type aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the landfill is designed and operated so that the landfill does not pose a bird hazard to aircraft.

(iii) For purposes of this subsection:

(A) "Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(12) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a noncaptive residual waste landfill permit issued prior to _____ (*Editor's Note: The blank refers to the effective date*

of adoption of this proposal.), for a noncaptive residual waste landfill permit issued on or after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

* * * * *

§ 288.523. Minimum requirements for acceptable waste.

(a) A person or municipality may not dispose of residual waste at a Class II residual waste landfill unless the waste meets the following criteria:

(1) The residual waste may not be of a type from which the maximum concentration obtained for a contaminant, based on a chemical analysis of its leachate submitted under § 287.132 (relating to chemical analysis of waste), and approved by the Department, exceeds 50 times the [groundwater parameter] waste classification standard for that contaminant. If analytical quantitation limits prevent determination of the acceptability of a residual waste under this paragraph, the Department may consider the total analysis of the waste as well as the physical and chemical characteristics of the contaminant in making a determination of acceptability of the waste at the facility.

(2) Notwithstanding the limitation in paragraph (1), the Department may authorize the disposal of residual waste at a monofill if the waste is of a type from which the maximum concentration obtained for a contaminant, based on a chemical analysis of its leachate submitted under § 287.132, exceeds 50 times the SMCL for that contaminant, if the SMCL is the [groundwater parameter] waste classification standard for the contaminant. The Department may authorize the disposal of the waste only upon a demonstration that disposal of the waste at the facility will not cause groundwater degradation that exceeds the SMCL for a contaminant at a monitoring point or groundwater degradation that exceeds background levels at the property boundary for the contaminant.

* * * * *

(4) The Department may authorize a facility which disposes of a waste in accordance with a permit under this article to continue to dispose of the waste at the facility although a [drinking water standard] waste classification standard for a contaminant has been changed so that the waste would no longer meet the criteria for disposal of the waste at the facility under paragraph (1), if the operator of the facility demonstrates to the Department's satisfaction that disposal of the waste will not cause groundwater degradation that exceeds the [groundwater parameter] waste classification standard for a contaminant at a monitoring point or groundwater degradation that exceeds background levels at the property boundary for a contaminant.

* * * * *

(12) The physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site.

* * * * *

ADDITIONAL OPERATING REQUIREMENTS—LINER SYSTEM

§ 288.532. General limitations.

(a) [At least 4 feet shall be maintained between the top] The bottom of the subbase of the liner system [and] cannot be in contact with the seasonal high table or perched water table without the use of groundwater pumping systems.

* * * * *

(2) Drainage systems may be utilized to [maintain a 4-foot isolation distance] prevent contact between the [top] bottom of the subbase of the liner system and the seasonal high water table or perched water table. The operator may not use a drainage system if the system is likely to adversely affect the quality or quantity of water provided by any public or private water supply, even if a replacement supply is available under § 288.245 (relating to water supply replacement). The drainage system shall be limited to drain tile, piping and french drains, or equivalent methods.

(b) For unconfined aquifers, at least 8 feet shall be maintained between the [top] bottom of the subbase of the liner system and the regional groundwater table. The regional groundwater table may not be artificially lowered.

(c) For confined aquifers, at least 8 feet shall be maintained between the [top] bottom of the subbase of the liner system and the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs as a result of leakage from natural or other pre-existing causes. The integrity of the confining layer shall not be compromised by excavation.

* * * * *

§ 288.533. Subbase.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the subbase shall meet the following design requirements. The subbase shall:

* * * * *

(2) [Have a minimum bearing capacity of 4,500 pounds per square foot plus the total applied load in pounds per square foot.

(3)] Have a postsettlement slope of at least 2% and no more than [25%] 33%.

§ 288.534. Leachate detection zone.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the leachate detection zone of a liner system shall meet the following design requirements. The leachate detection zone shall:

* * * * *

(4) Contain a perforated piping system capable of detecting and intercepting liquid within the leachate detection zone and conveying the liquid to a collection sump for storage, processing or disposal. The sump shall be separate from the leachate collection sump and shall be of sufficient size to transmit leachate that is generated. The piping system shall also meet the following:

* * * * *

(ii) [The distance between pipes in the piping system may not exceed 100 feet on center.

(iii)] * * *

[(iv)] (iii) * * *

[(v)] (iv) * * *

* * * * *

(f) If sampling results indicate the presence of constituents at concentrations that could result in [exceedance of mandatory abatement trigger levels for the facility] groundwater degradation, the operator shall submit the following to the Department:

(1) A remedial plan for controlling the source of leachate in the leachate detection zone and correcting a malfunction or defect in the liner system, and implement the plan upon Department approval.

* * * * *

§ 288.535. Liner.

* * * * *

(b) Alternative design requirements. Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the liner shall meet, at the minimum, the requirements of Appendix A, Table II (relating to minimum liner design standards).

* * * * *

§ 288.537. Leachate collection system within protective cover.

(a) The leachate collection system within the protective cover shall meet the following performance standards. The leachate collection system shall:

* * * * *

(2) Ensure that the depth of leachate on or above the liner does not exceed 1 foot, unless a greater depth approved by the Department in the permit for sump areas or for a 25-year, 24-hour precipitation event where the 1 foot of head will be exceeded for less than 3 days.

* * * * *

ADDITIONAL OPERATING REQUIREMENTS—LEACHATE TREATMENT

§ 288.554. Leachate recirculation.

(a) * * *

* * * * *

(b) An alternate leachate recirculation method may be used if approved by the Department.

§ 288.555. Leachate collection and storage.

* * * * *

(b) An onsite leachate storage system shall be part of each leachate treatment method used by the operator.

The storage system shall contain impoundments or tanks for storage of leachate. **[The] For noncaptive facilities, the tanks or impoundments shall have a storage capacity at least equal to the maximum expected production of leachate for a 30-day period for the life of the facility estimated under § 288.513 (relating to leachate treatment plan). For captive facilities, the tank or impoundment shall have sufficient storage capacity to ensure proper operation of the treatment facility in accordance with the approved leachate treatment plan, shall meet the performance standard in § 288.537(a)(2) and shall comply with the Clean Streams Law.** No more than 25% of the total leachate storage capacity may be used for flow equalization on a regular basis.

* * * * *

(d) The storage capacity of impoundments and tanks at a site shall be increased, **if additional storage is required**, prior to each major phase of construction and as otherwise necessary.

* * * * *

(g) All underground pipes used for the transport of leachate from the liner system to the leachate storage impoundments or tanks shall be equipped with secondary containment. The secondary containment shall be designed, constructed and installed to direct any release to an area that can be inspected for leaks.

§ 288.556. Leachate analysis and sludge handling.

(a) Upon commencement of leachate flow from the facility, the operator shall sample, analyze and maintain a record of the following:

* * * * *

(2) On a quarterly basis, unless otherwise provided in the permit, the chemical composition of leachate flowing into the leachate treatment system. The analysis shall be sufficient to determine the impact of leachate on the liner system, the effectiveness of the leachate treatment system, the need for modification of the groundwater monitoring system or the effluent limitations in an NPDES permit, and the actual characteristics of leachate from the waste disposed at the facility. For the purpose of this analysis, the leachate sample shall be collected from the influent storage tank or impoundment and shall be representative of the average mixed influent quality. **The Department may modify the frequency of chemical analysis or not require certain constituents to be tested following four consecutive quarters of analysis if the operator demonstrates that modifying the frequency of chemical analysis will not compromise groundwater protection.**

* * * * *

**Subchapter F. ADDITIONAL REQUIREMENTS FOR CLASS III RESIDUAL WASTE
ADDITIONAL OPERATING REQUIREMENTS—GENERAL**

§ 288.621. Basic requirements.

(a) In addition to the operating requirements in Subchapter C (relating to operating requirements), a person or municipality that operates a Class III residual waste landfill shall comply with §§ 288.622 **[and 288.624]—288.625 [(relating to areas where Class III residual waste landfills are prohibited; and attenuating soil base).**

* * * * *

§ 288.622. Areas where Class III residual waste landfills are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992, a Class III residual waste landfill may not be operated as follows:

* * * * *

(4) In **[coal bearing]** areas underlain by recoverable or mineable **[coals]** minerals, unless the operator of the facility demonstrates and the Department finds, in writing, that the operator owns the underlying **[coal]** minerals. **This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.**

* * * * *

(7) **[Within]** If occupied dwellings are nearby, the following apply:

(i) For a residual waste landfill permit issued prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), or for an expansion of a residual waste landfill that was permitted prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), or for a captive residual waste landfill within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the facility being closer than 300 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner. **[Except for facilities permitted prior to July 4, 1992, the]** The disposal area of a residual waste landfill may not be within 500 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(ii) For a residual waste landfill, except for a captive residual waste landfill permit issued on or after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), within 300 yards measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 yards. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

* * * * *

(10) **[Within 25 feet of a coal seam, coal outcrop or coal refuse, unless the applicant demonstrates that the waste is noncombustible.**

(11) **[(10) * * ***

[(12)] (11) If the facility receives or proposes to receive putrescible waste as follows:

(i) Within 10,000 feet—or 3,048 meters—of an airport runway **[that is or will be end]** used by **[turbine-powered]** turbojet aircraft during the life of disposal operations under the permit **unless the operator can demonstrate that the landfill is designed and operated so that the landfill does not pose a bird hazard to aircraft.**

(ii) Within 5,000 feet—or 1,524 meters—of an airport runway [that is or will be end] used by piston-type aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the landfill is designed and operated so that the landfill does not pose a bird hazard to aircraft.

(iii) For purposes of this subsection:

(A) "Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(12) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a noncaptive residual waste landfill permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed.), for a noncaptive residual waste landfill permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

* * * * *

§ 288.623. Minimum requirements for acceptable waste.

(a) A person or municipality may not dispose of residual waste at a Class III residual waste landfill unless the waste meets all of the following criteria:

(1) The residual waste may not be of a type from which the maximum concentration obtained for contaminant, based on a chemical analysis of its leachate submitted under § 287.132 (relating to chemical analysis of waste), and approved by the Department, exceeds the following:

(i) For metals and other cations, 25 times the [groundwater parameter] waste classification standard for a contaminant.

(ii) For contaminants other than metals and cations, the [groundwater parameter] waste classification standard for a contaminant. If analytical quantitation limits prevent determination of the acceptability of a residual waste under this paragraph, the Department may consider the total analysis of the waste as well as the physical and chemical characteristics of the contaminant in making a determination of acceptability of the waste at the facility.

(2) Residual waste may not be disposed of at the facility if the disposal of the waste at the facility will result in a level of groundwater degradation at one or more monitoring points that exceeds the level of degradation that would result at the same monitoring points from the disposal of the waste at the facility if the facility were

designed, constructed and operated as a Class II landfill. The Department may approve the disposal of waste at a monofill that contains contaminants other than metals or cations with a maximum concentration that is less than 10 times the [groundwater parameter] waste classification standard for the contaminants, based on a chemical analysis of its leachate submitted under § 287.132, if the following are met:

* * * * *

(4) The Department may authorize a facility which disposes of a waste in accordance with a permit under this article to continue to dispose of the waste at the facility although a [groundwater parameter] waste classification standard for a contaminant has been amended in a way that the waste would no longer meet the criteria for disposal of the waste at the facility under paragraph (1), if the operator of the facility demonstrates to the Department's satisfaction that disposal of the waste will not cause degradation that exceeds the [groundwater parameter] waste classification standard for a contaminant at a monitoring point or groundwater degradation that exceeds background levels at the property boundary for a contaminant.

* * * * *

(14) The physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site.

* * * * *

§ 288.624. Attenuating soil [base].

(a) Disposal of residual waste. Residual waste may not be disposed at a Class III residual waste landfill, unless [the following conditions are met:] attenuating soil exists in the disposal area or has been placed on the entire disposal area.

(1) [At least 4 feet of attenuating soil exists or has been placed on the entire disposal area, or 1 foot of attenuating soil exists or has been placed for every 4 feet of waste approved by the Department in the permit, whichever is greater.

(2)] * * *

[(3)] (2) * * *

(b) Standards of performance. The attenuating soil shall meet the following standards of performance:

(1) The attenuating soil shall prevent migration of contaminants to the surface and groundwater to the greatest degree that is technologically possible.

(2) The performance of the attenuating soil may not be affected by the physical or chemical characteristics of the waste.

(3) The attenuating soil shall cover the bottom and sidewalls of the facility.

(c) Alternative design requirements. Unless alternative design requirements to meet the performance standards in subsection (b) are approved as part of the permit under § 287.231 (relating to equivalency review procedure) where site-specific conditions are included in the demonstration, the attenuating soil shall meet the requirements of subsection (d). If a design under this section is modified, the modification shall be a major permit modification.

[(b)] (d) **Requirements.** The attenuating soil required by this section shall meet the following requirements:

* * * * *

(3) [**The combustible or coal content of the soil may not exceed 12% by weight.**

(4)] (3) * * *

[(5)] (4) * * *

[(6)] (5) * * *

APPENDIX A

TABLE I

MINIMUM LINER DESIGN STANDARDS

<i>LINER MATERIAL</i>	<i>FUNCTION</i>	<i>MINIMUM FIELD THICKNESS (UNITS AS SPECIFIED)</i>	<i>LINER DENSITY (TESTS AS SPECIFIED)</i>	<i>REMARKS</i>
Geomembranes	Primary or Secondary Liner	[50] 30 mil	N/A	1. A greater thickness may be required depending upon the recommendations of the manufacturer. HDPE liners shall be at least 60 mil.
Geomembranes	[Secondary Liner,] Cap	[50] 30 mil [40 mil]	N/A	1. A greater thickness may be required depending upon the recommendations of the manufacturer.
* * * * *				
[Prefabricated Clay Mats] [Geosynthetic Clay Liner (GCL)	Composite Component	[1/4 inch] N/A	N/A	1. Minimum of [one] 3/4 pound of powdered or granular sodium bentonite per square foot.

* Percentage of maximum when using Standard Proctor method of design (Pa. PTM No. 106, Method B).

TABLE II

MINIMUM LINER DESIGN STANDARDS

<i>LINER MATERIAL</i>	<i>FUNCTION</i>	<i>MINIMUM FIELD THICKNESS (UNITS AS SPECIFIED)</i>	<i>LINER DENSITY (TESTS AS SPECIFIED)</i>	<i>REMARKS</i>
Geomembranes	Liner, Cap	[50] 30 mil [40 mil]	N/A	1. A greater thickness may be required depending upon the recommendations of the manufacturer. HDPE liners shall be at least 60 mil.
Natural & Remolded Clay	Cap, Composite Component	2 feet 1 foot	[≥] ≤90%* [≥] ≤90%*	1. Minimum of 30% fines by weight less than 0.074 mm particle size (#200 sieve). 2. Plasticity Index greater than or equal to 10. 3. No coarse fragments greater than 3/4 inch in diameter.
* * * * *				
[Prefabricated Clay Mats] [Geosynthetic Clay Liner (GCL)	Composite Component	[1/4 inch] N/A	N/A	1. Minimum of [one] 3/4 pound of powdered or granular sodium bentonite per square foot.

* Percentage of maximum when using Standard Proctor method of design (Pa. PTM No. 106, Method B).

CHAPTER 289. RESIDUAL WASTE DISPOSAL IMPOUNDMENTS

Subchapter B. APPLICATION REQUIREMENTS

PHASE I APPLICATION REQUIREMENTS—GENERAL PROVISIONS

§ 289.112. Facility plan.

An application to operate a residual waste disposal impoundment shall contain conceptual drawings and a narrative describing the following:

* * * * *

(2) [**The quantity, quality and availability of acceptable cover material and liner system construction material, both on and off the proposed permit area**] A detailed description of the volume of soil needed to construct and operate the facility.

§ 289.113. Maps and related information.

(a) An application shall contain a topographic map, on a scale of 1 inch equals no more than 200 feet with 10-foot maximum contour intervals. The Department may, in writing, approve the use of a different horizontal scale [**for facilities larger than 250 acres**]. The application shall include the map and necessary narrative descriptions, which show the following:

* * * * *

[(c) An application shall also contain a United States Department of Agriculture Soil Conservation Service soil map, or aerial photographs when current soils maps are unavailable, for the proposed permit area and adjacent area showing the site boundaries, soil types, and the location of test pits of excavations taken under § 289.133 (relating to map and grid requirements).]

PHASE I APPLICATION REQUIREMENTS—SITE ANALYSIS

§ 289.122. Geology and groundwater description.

(a) An application shall contain a description of the geology and groundwater in the proposed permit area and adjacent areas down to and including the lowest aquifer that may be affected by the facility, including the following:

* * * * *

(8) **Wellhead protection areas in accordance with § 109.1 (relating to definitions) that may be impacted by the facility.**

(9) **A groundwater contour map based upon the highest groundwater level recorded monthly in each boring for the previous year.**

* * * * *

§ 289.124. Soil description.

(a) An application shall contain:

(1) [**A description of the soils within the proposed permit area and adjacent area down to the bedrock, including, for each soil horizon, depth, matrix color, texture, structure, consistency, degree of mottling, mottling colors and laboratory particle size analyses**] The depth to the seasonal high water table within the proposed permit area and adjacent area to demonstrate that the seasonal high water table will not be in contact with the liner system.

(2) A description of the soils to be used for intermediate and final cover, [**liner system**] and facility construction, including [**for each onsite or offsite borrow area,**] **chemical description**, texture, laboratory particle size analyses, **and quantity [and cross section] cross sections** of the borrow pits within the proposed permit area **shall be included.**

* * * * *

§ 289.127. Mineral deposits information.

* * * * *

(b) If the proposed permit area and adjacent area overlie recoverable or mineable [**coals**] **mineral deposits**, the applicant shall demonstrate that the applicant owns the [**coal**] **mineral deposits** and shall warrant that the [**coal**] **minerals** will not be mined as long as residual waste remains on the site. **This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.**

§ 289.128. Notification of proximity to airport.

An applicant shall notify the Federal Aviation Administration, the Department and the airport if a proposed disposal impoundment or lateral expansion, that plans to receive putrescible waste, is within a 5-mile radius of an airport runway end used by turbojet or piston-type aircraft.

PHASE II APPLICATION REQUIREMENTS—GENERAL PROVISIONS

§ 289.132. Operation plan.

An application shall contain a description of the residual waste disposal impoundment operations proposed during the life of the facility within the proposed permit area, including, at a minimum, the following:

(1) A narrative describing the type and method of residual waste disposal impoundment procedures, **inspection and monitoring of incoming waste**, sequence of disposal activity, type of disposal activity, proposed engineering techniques and the major equipment to be used under § 289.225 (relating to equipment), using the maps and grids required by § 289.133 (relating to map and grid requirements) as a basis for the description.

* * * * *

[(3) A narrative describing the type and size of equipment that is proposed to be used at the facility, as well as a description of the availability of standby equipment in the event of breakdown or maintenance.

(4) A narrative describing a plan for training facility operators and other personnel concerning the operation and approved design of the facility.]

[(5)] (3) ***

[(6)] (4) ***

[(7)] (5) ***

* * * * *

[(8)] (6) The proposed operating hours of the proposed facility. **The operating hours include those hours related to construction and other activities related to operation of the facility.**

§ 289.134. Plan for access roads.

The application shall contain designs, cross sections and specifications for access roads, including load limits, in accordance with § 289.223 (relating to access roads). **Access roads shall be designed and constructed to adequately handle the truck traffic expected at the disposal facility.**

§ 289.136. Nuisance **minimization and control plan.**

(a) The application shall contain a plan in accordance with § 289.228 (relating to nuisance **minimization and control**) to **[prevent] minimize and control hazards or nuisances from vectors, odors, noise, dust and other nuisances not otherwise provided for in the permit application. [The plan shall provide for the routine assessment of vector infestation and shall also provide for countermeasures. The plan may include a control program involving a contractual arrangement for services with an exterminator.]**

(b) The plan shall include the following:

(1) Provisions for the routine assessment and control of vector infestation.

(2) Methods to minimize and control nuisances from odors, dustfall and noise off the property boundary from the facility.

(3) For odors, the determination of normal and adverse weather conditions based on site-specific meteorological data. Prior to the installation of equipment and collection of meteorological data, a protocol for the installation and data collection shall be approved by the Department.

(c) The plan required in subsection (a) may include a contractual arrangement for services of an exterminator or an air quality, noise, dust control or other professional.

§ 289.137. Daily volume.

The application shall contain proposed average and maximum daily volumes for the facility, and a detailed justification for these volumes, based on §§ 287.126 and 287.127 (relating to requirements for environmental assessment; and environmental assessment).

PHASE II APPLICATION REQUIREMENTS—COVER AND REVEGETATION

§ 289.141. Cover plan.

An application shall contain a plan for cover at the proposed facility under § **[§ 289.241 and]** 289.242 (relating to **[topsoil storage; and]** cover) including, at a minimum, the following information:

* * * * *

[(3) If cover material will be obtained from an offsite area not owned by the applicant, copies of contracts or other binding agreements showing that the applicant is authorized to obtain cover material from the offsite area for the term of the permit.]

PHASE II APPLICATION REQUIREMENTS—WATER QUALITY PROTECTION AND MONITORING

§ 289.152. Water quality monitoring plan.

(a) An application shall contain a water quality monitoring plan showing how the operator intends to comply

with §§ 289.261—289.268 (relating to water quality monitoring). The plan shall include, at a minimum, the following:

* * * * *

(2) For new facilities, preoperational data showing existing groundwater quality, as required by § 289.123 (relating to groundwater quality description), and a procedure to establish **[background water] this groundwater** quality. For existing facilities, adequate monitoring data as required by § 288.123 (relating to groundwater quality description) to characterize **background** groundwater quality and a procedure to establish **[background water] this groundwater** quality.

(b) The application shall contain a groundwater sampling and analysis plan. The plan shall include:

* * * * *

(4) Procedures and techniques for evaluation of analytical results to determine if groundwater degradation**[, exceedances of mandatory abatement trigger levels or adverse effects on groundwater have]** has occurred.

[(5) Mandatory abatement trigger levels for each monitoring well for each contaminant for which monitoring is required under §§ 289.261—289.268.

(i) For facilities other than monofills which are permitted after July 4, 1992, including the expansion of the facilities that are operating or permitted on or before July 4, 1992, the proposed mandatory abatement trigger level for a contaminant at a monitoring point shall be equivalent to the background levels for the contaminant.

(ii) For monofills which are permitted after July 4, 1992, including the expansion of the facilities that are operating or permitted on or before July 4, 1992, the proposed mandatory abatement trigger level shall be equivalent to the maximum level of degradation that will be predicted, through modeling, to exist at the monitoring point for that contaminant based on the design, construction and operation of the facility. The application shall also include a demonstration of the validity and accuracy of the model at the proposed facility. A mandatory abatement trigger level may not exceed a groundwater parameter for a contaminant at a monitoring point, or background levels for the contaminant at the property boundary. If the background level for a contaminant is higher than the groundwater parameter for the contaminant, the proposed mandatory abatement trigger level may not exceed the background level for the contaminant at the monitoring point.

(iii) For facilities that are operating or permitted on or before July 4, 1992, the proposed mandatory abatement trigger level for a contaminant at a monitoring point shall be equivalent to the groundwater parameter for the contaminant, and shall be equivalent to background levels for the contaminant at the property boundary. If the background level for a contaminant is higher than the groundwater parameter for the contaminant, the proposed mandatory abatement trigger level for these facilities shall be the background level for the contaminant at a monitoring point.]

* * * * *

[(d) Once an application is determined to be administratively complete under § 287.202 (relating to completeness review), the applicant is not required to amend the application because a groundwater parameter has changed due to a change in data from the EPA's IRIS.

(e) The Department may approve a change in the groundwater parameter which is based on IRIS for a contaminant, if the applicant makes a clear and convincing demonstration to the Department that new studies not yet considered by the EPA in IRIS more accurately reflect the human health and environmental effects of a contaminant than IRIS.]

PHASE II APPLICATION REQUIREMENTS—CLOSURE PROVISIONS

§ 289.172. Closure plan.

(a) The application shall contain a plan describing the activities that are proposed to occur [during the postclosure period] toward and after closure to ensure compliance with this chapter.

(b) The closure plan shall include:

* * * * *

[(3) If the facility will close in stages, a description of how and when the facility will begin and implement partial closure.

(4)] (3) ***

[(5)] (4) A narrative description, including a schedule of measures that are proposed to be carried out toward and after closure at the facility, including measures relating to the following:

* * * * *

(vi) Access control, including maintenance of access control.

[(6)] (5) ***

[(7)] (6) ***

* * * * *

Subchapter C. OPERATING REQUIREMENTS

GENERAL PROVISIONS

§ 289.201. Basic limitations.

* * * * *

(e) All approved mitigation measures identified in the permit application shall be completed before a facility may accept waste unless otherwise authorized in writing by the Department for technical reasons.

WASTE LIMITATIONS

§ 289.212. Waste solidification.

* * * * *

(b) The waste in the impoundment after the requirements of subsection (a) have been met shall be capable of withstanding a minimum bearing capacity of 1.5 tons per square foot with a minimum factor of safety of 1.5. The bearing capacity and minimum factor of safety may be waived by the Department in the permit based upon the postclosure use of the facility.

DAILY OPERATIONS

§ 289.221. Signs and markers.

* * * * *

(d) A person or municipality that operates a noncaptive residual waste disposal impoundment shall identify the facility for the duration of operations by posting and maintaining a sign which is clearly visible and can be easily seen and read at the junction of each access road and public road. The sign shall be constructed of a durable, weather-resistant material [and shall be of a minimum size of 3 feet by 4 feet with a light background and contrasting letters and numbers of a minimum height of 3 inches that can be easily seen and read. The sign shall show the name, business address and telephone number of the person or municipality that operates the facility, the operating hours of the facility, and the number of the current permit authorizing operation of the facility].

§ 289.223. Access roads.

* * * * *

(e) Except for captive facilities where the Department has set forth alternate requirements in the permit and except for roads not leading to the disposal area, the disposal impoundment shall maintain a minimum cartway width of one of the following:

* * * * *

(f) An access road negotiable by loaded collection vehicles shall be provided from the entrance gate of the facility to each unloading area [,]. An access road shall be provided to each treatment facility, [or] impoundment, [located on the site. An access road shall also be provided to groundwater monitoring points] and groundwater monitoring point. Other monitoring points shall be readily accessible.

[(g) An access road shall be constructed on a dry and stable area.

(h) Prior to the construction of a road at a facility other than a local captive facility, topsoil shall be removed and one of the following requirements shall be met:

(i) The topsoil shall be immediately used as final cover.

(ii) The topsoil shall be stored on a stable site and protected against erosion and compaction.]

[(i)] (g) ***

[(j)] (h) ***

[(k)] (i) ***

§ 289.224. Measurement and inspection of waste.

(a) The operator shall accurately measure waste that is disposed at an impoundment by weight.

(b) The operator of a noncaptive facility shall inspect and monitor incoming waste to insure that the disposal of waste is consistent with this article, unless otherwise required by the Department. The monitoring and inspection shall include screening of waste for radioactive isotopes and be consistent with § 287.134 (relating to waste analysis plan).

§ 289.225. Equipment.

* * * * *

(b) [Standby equipment shall be located on the site or at a place where it can be available within 24 hours.] If a breakdown of the operator's equipment occurs, the operator shall utilize standby equipment as necessary to comply with the act, the environmental protection acts, this subchapter and permit conditions.

§ 289.227. Air resources protection.

(a) The operator shall implement fugitive air contaminant control measures and otherwise prevent and control air pollution [under] in accordance with the Air Pollution Control Act (35 P.S. §§ 4001—4014) [and Subpart C,] Article III (relating to air resources) and § 289.228 (relating to nuisance minimization and control). Minimization and control measures shall include the following:

[(b)] (1) [The operator may] Ensuring that operation of the facility will not cause or contribute to an exceedance of an ambient air quality standard under § 131.3 (relating to ambient air quality standards).

[(c)] (2) [A person or municipality may not cause or allow] Ensuring that no open burning occurs at the facility.

(3) Minimizing the generation of fugitive dust emissions from the facility.

(b) The operator shall comply with the terms and conditions of an air quality plan approval and air quality operating permit issued to the facility.

§ 289.228. Nuisance minimization and control.

(a) *Vectors.* [The] An operator may not cause or allow the attraction, harborage or breeding of vectors.

(b) *Other conditions.* [The] An operator shall [also prevent and eliminate] minimize and control other conditions [not otherwise prohibited by this subchapter] that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

(c) *Odors.*

(1) An operator shall implement the plan approved under § 289.136 (relating to nuisance minimization and control plan) to minimize and control nuisances from odors. If the Department determines during operation of the facility that the plan is inadequate to minimize or control nuisance, the Department may modify the plan or require the operator to modify the plan and obtain Department approval.

(2) An operator shall perform regular, frequent and comprehensive site inspections to evaluate the effectiveness of cover, capping, gas collection and destruction, waste acceptance and all other waste management practices in reducing the potential for offsite odor creation.

(3) An operator shall promptly address and correct problems and deficiencies discovered in the course of inspections performed under paragraph (2).

§ 289.229. Daily volume.

(a) A person or municipality operating a residual waste impoundment may not receive solid waste at the impoundment in excess of the maximum or average daily volume approved in the permit.

(b) The average daily volume is a limit on the volume of solid waste that is permitted to be received at the facility, and shall be computed annually by averaging the total volume received over the year.

COVER AND REVEGETATION

§ 289.241. [Topsoil storage] (Reserved).

[(a) Unless topsoil is not needed for final cover under § 289.242 (relating to cover) or is unsuitable for final cover:

(1) Topsoil shall be removed in a separate layer prior to preparation of an area for disposal or other surface disturbance.

(2) If topsoil is less than 12 inches, a 12-inch layer which includes the topsoil and the unconsolidated materials immediately below the topsoil shall be removed, segregated, conserved and replaced as the upper layer of final cover.

(3) If topsoil or other materials removed under this subsection are not promptly redistributed as cover, they shall be stockpiled, temporarily vegetated and otherwise protected from wind and water erosion, unnecessary compaction and contaminants which lessen the capability of materials to support vegetation when redistributed on the site.

(b) Topsoil and other material removed under this section may not be removed from the site.]

§ 289.242. Cover.

(a) The operator shall place final cover within 1 year after closure. The Department may require placement and revegetation of an intermediate cover [of soil] that meets the requirements of § 288.233 (relating to intermediate cover and slopes), during the period between closure and construction of the final cover system.

(b) Except as provided in subsection (c), the operator shall provide final cover in the following manner:

(1) A cap [consisting of a uniform and compacted 2-foot layer of clay] shall be placed and graded over the entire surface of each final lift. [The Department may approve, in the permit, synthetic material of the type and specifications set forth for primary liners in § 289.436 (relating to primary liner) and for caps in Appendix A, Table I (relating to minimum liner design standards) in lieu of the 2-foot layer of clay.] The cap may be no more permeable than 1.0 × 10⁻⁷ cm/sec. The following performance standards for the cap shall be met:

(i) The cap shall limit the migration of precipitation into the landfill to the greatest degree that is technologically possible.

(ii) The cap shall be resistant to physical and chemical failure.

(iii) The cap shall cover all areas where waste is disposed.

* * * * *

(c) The Department may waive [or modify] the cap and drainage layer requirements of subsection (b)(1) and (2) based on a demonstration that it is not necessary to limit infiltration into the waste.

(d) Unless alternative design requirements to meet the performance standards in subsection (b)(1) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the cap shall meet the design requirements for caps in Appendix A, Table II (relating to liner design standards).

[(d)] (e) The layer of material described in [paragraph] subsection (b)(3) and intermediate cover, if required, shall meet the following performance standards. Cover material shall:

* * * * *

(3) Be [noncombustible] capable of controlling fires.

* * * * *

(8) Be consistent with the waste acceptance plan.

[(e)] (f) Unless alternative design requirements to meet the performance standards in subsection [(d)] (e) are approved as part of the permit under § 287.231 [(relating to equivalency review procedure), cover], the layer of material described in subsection (b)(3) shall meet the following design requirements:

* * * * *

[(3) The combustible or coal content of the cover may not exceed 12% by weight.

(4)] (3) ***

[(5)] (4) ***

WATER QUALITY PROTECTION

§ 289.255. Water supply replacement.

(a) A person or municipality operating a residual waste disposal impoundment which adversely affects a water supply by degradation, pollution or other means shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

* * * * *

(d) Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.

WATER QUALITY MONITORING

§ 289.262. Number, location and depth of monitoring points.

* * * * *

(b) The upgradient and downgradient monitoring wells shall be:

* * * * *

(3) Located within 200 feet of the permitted disposal area, except as necessary to comply with subsection (c), and located at the points of compliance.

* * * * *

[(e) Wells drilled under this section shall be drilled by drillers licensed under the Water Well Drillers License Act (32 P. S. §§ 645.1—645.13).]

[(f)] (e) ***

§ 289.263. Standards for wells and casing of wells.

(a) Monitoring wells shall be cased as follows:

(1) The casing shall maintain the integrity of the monitoring well borehole [,] and shall be constructed of material that will not react with the groundwater being monitored.

* * * * *

(3) The well shall be constructed with a screen that meets the following requirements:

* * * * *

[(iv) The slot openings, design and screen diameter shall allow for effective well development.]

* * * * *

(5) The casing shall be clearly visible and protrude at least 1 foot above the ground, unless the Department has approved flush mount wells.

* * * * *

(7) [If plastic casing is used, it shall be threaded to preclude potential sample contamination from solvent welded joints, unless otherwise provided by the Department in the permit] The casing shall be designed and constructed in a manner that prevents cross contamination between surface water and groundwater.

(b) Monitoring well casings shall be enclosed in a protective casing that shall:

* * * * *

(5) Protrude [at least 1 inch higher] above [grade than] the monitoring well casing.

* * * * *

§ 289.266. Groundwater assessment plan.

(a) Requirement.

[(1)] A person or municipality operating a residual waste disposal impoundment shall prepare and submit to the Department a groundwater assessment plan within [30] 60 days after one of the following occurs:

[(i)] (1) ***

[(ii)] (2) Laboratory [analyses] analysis of one or more public or private water supplies indicates groundwater degradation that could reasonably be attributed to the facility.

[(2) For residual waste disposal impoundments permitted or operating under the act or The Clean Streams Law on July 4, 1992, and for which data triggering the submission of a plan under this section exist on July 4, 1992, the plan shall be submitted to the Department by January 4, 1992.]

* * * * *

(c) Assessment plan. The groundwater assessment plan shall specify the manner in which the operator will determine the existence, quality, quantity, areal extent and depth of groundwater degradation and the rate and direction of migration of contaminants in the groundwa-

ter. A groundwater assessment plan shall be prepared by an expert in the field of hydrogeology. The plan shall contain, at a minimum, the following information:

(1) The number, location, size, casing type and depth of wells, lysimeters, borings, pits, piezometers and other assessment structures or devices to be used. **If the operator establishes compliance points as part of the assessment, the points shall be wells constructed in accordance with §§ 289.262 and 289.263 (relating to number, location and depth of monitoring points; and standards for wells and casing of wells).**

* * * * *

(5) Identification of the abatement standard that will be met.

* * * * *

§ 289.267. Abatement plan.

(a) The operator of a residual waste disposal impoundment shall prepare and submit to the Department an abatement plan when one of the following occurs:

(1) The groundwater assessment plan prepared and implemented under § 289.266 (relating to groundwater assessment plan) shows the presence of groundwater degradation for one or more contaminants at one or more monitoring points **[that exceeds the mandatory abatement trigger levels established by the Department in the permit for the contaminant at the monitoring point]** and the analysis under § 289.266(c) indicates that an abatement standard under subsection (c) will not be met. **[If mandatory abatement trigger levels have not yet been established for the facility, the operator shall prepare and submit the abatement plan when the groundwater assessment plan shows one of the following:**

(i) The presence of groundwater degradation for one or more contaminants at one or more monitoring points at a level that exceeds the groundwater parameter for those contaminants, or, if background water quality exceeds the groundwater parameter, degradation that exceeds background for those contaminants.

(ii) Groundwater degradation at the property boundary.]

(2) Monitoring by the Department or operator shows the presence of **[groundwater degradation]** an abatement standard exceedance for one or more contaminants from one or more **[monitoring]** compliance points **[at a level that exceeds the mandatory abatement trigger level for the contaminant at the monitoring point,]** as indicated in subsection (c) even if a groundwater assessment plan has not been completed. **[If mandatory abatement trigger levels have not yet been established by the Department in the permit for the facility, the mandatory abatement trigger level shall be groundwater degradation for one or more contaminants at one or more monitoring points that exceeds the groundwater parameter for those contaminants or groundwater degradation at the property boundary based on monitoring by the Department or the operator. If the background level for a contaminant is higher than the groundwater parameter for the contaminant, the mandatory abatement trigger level shall be the background level for the contaminant at the**

monitoring point.] The operator is not required to implement an abatement plan under this paragraph if the following apply:

(i) Within 10 days after receipt of sample results showing an exceedance of **[the mandatory abatement trigger levels described in this paragraph]** an abatement standard at a point of compliance described in subsection (c), the operator resamples the affected wells.

(ii) Analysis from resampling shows to the Department's satisfaction that **[the mandatory abatement trigger levels described in this paragraph have not been exceeded]** an exceedance of an abatement standard has not occurred.

[(b) In addition to subsection (a), the Department may require the operator of a residual waste disposal impoundment to prepare and submit to the Department an abatement plan when one of the following occurs:

(1) The groundwater assessment plan prepared and implemented under § 289.266 confirms the presence of groundwater degradation at one or more monitoring points.

(2) Monitoring by the Department or the operator shows the presence of groundwater degradation from one or more monitoring points, even if a groundwater assessment plan has not been completed.

(3) The Department has reason to believe that the operator is responsible for groundwater degradation.

(c)] (b) ***

* * * * *

(c) If abatement is required in accordance with subsection (a), the operator shall demonstrate compliance with one or more of the following standards at the identified compliance points:

(1) For constituents for which a Statewide health standards exists, the Statewide health standard for that constituent at and beyond 150 meters of the perimeter of the permitted disposal area or at and beyond the property boundary, whichever is closer.

(2) The background standard for constituents at and beyond 150 meters of the perimeter of the permitted disposal area or at and beyond the property boundary, whichever is closer.

(3) For constituents for which no primary MCLs under the Federal and Safe Drinking Water Acts (42 U.S.C.A. §§ 300f—300j-18 and 35 P. S. §§ 721.1—721.17) exist, the risk-based standard at and beyond the property boundary, whichever is closer, if the following conditions are met:

(i) The risk assessment used to establish the standard assumes that human receptors exist at the property boundary.

(ii) The level is derived in a manner consistent with Department guidelines for assessment the health risks of environmental pollution.

(iii) The level is based on scientifically valid studies conducted in accordance with the *Good Laboratory Practice Standards* promulgated under the Toxic Substances Control Act (15 U.S.C.A. §§ 2601—

2692) (40 CFR Part 792) or other scientifically valid studies approved by the Department.

(iv) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level of 1 x 10-5 at the property boundary.

(d) For measuring compliance with secondary contaminants under subsection (c)(1) or (3), the Department may approve a compliance point beyond 150 meters on land owned by the owner or the disposal area.

[(d)] (e) ***

[(e) The Department will consider the following factors in its review of the abatement plan:

(1) Whether the operator can restore the groundwater quality to background levels.

(2) Whether the operator has demonstrated that it is technologically impossible or infeasible to restore the groundwater quality to background levels.

(3) Whether the use of the chosen feasible technology will achieve remediation as close to background levels as possible.

(4) Whether the groundwater remediation for unpermitted facilities existing prior to July 4, 1992, and for facilities permitted after July 4, 1992, including facility expansions, will achieve at least human health and environmental protection levels.

(5) Whether the groundwater remediation for facilities permitted prior to July 4, 1992, will achieve levels that are at least equivalent to the groundwater parameters.

(6) Whether the methods or techniques proposed will cause more environmental harm than the contaminants.

(f) For facilities permitted prior to July 4, 1992, the Department may approve a change in the groundwater parameter which is based on IRIS for a contaminant if the operator makes a clear and convincing demonstration to the Department that new studies not yet considered by the EPA IRIS more accurately reflect the human health and environmental effects of a contaminant than IRIS.]

[(g)] (f) ***

[(h)] (g) ***

[(i)] (h) ***

* * * * *

MINERAL AND GAS

§ 289.281. Mineral resources.

(a) The operator shall isolate coal seams, [and] coal outcrops and coal refuse from combustible waste deposits [by barriers of natural and compacted soil that are at least 25 feet thick.] in a manner that prevents the combustion of the waste and that prevents damage to the liner system.

* * * * *

§ 289.282. Gas control and monitoring.

* * * * *

(e) Combustible gas levels may not equal or exceed:

* * * * *

[(3) Twenty-five percent of the lower explosive limit in an adjacent area, including buildings or structures on the adjacent area.]

* * * * *

EMERGENCY PROCEDURES

§ 289.291. Hazard prevention.

[(a)] ***

[(b) First aid facilities shall be available and job safety shall be practiced.]

§ 289.292. Emergency equipment.

(a) Except as provided in subsection (b), the operator shall have available in proper working condition the following equipment at the immediate operating area of the facility:

* * * * *

(3) Portable fire extinguishers, fire control equipment, spill control equipment, self-contained breathing apparatus and decontamination equipment. For fire control equipment requiring water, the facility shall have a water supply of adequate quantity and pressure to supply the equipment.

* * * * *

RECORDKEEPING AND REPORTING

§ 289.301. Daily operational records.

(a) The operator of a facility shall make and maintain an operational record for each day that residual waste is received, processed or disposed, and each day that construction, monitoring or postclosure activity occurs. The operator of a captive residual waste facility may maintain a monthly operational record instead of a daily operational record for each month in which residual waste is received, processed or disposed, and each month that construction, monitoring or postclosure activity occurs. The monthly operational record shall contain the information required in subsection (b)(1)–(6).

(b) The [daily] operational record shall include the following:

* * * * *

(7) For noncaptive facilities, the following:

* * * * *

(iii) An analysis of the quality and quantity of leachate flowing from the impoundment into the leachate storage and treatment systems.

* * * * *

(d) Daily and monthly operational records shall be retained for the life of the facility bond, or longer if determined by the Department to be necessary to meet the standards of the environmental protection acts. These records shall be made available to the Department upon request.

§ 289.302. [Quarterly operation report] (Reserved).

[(a) An operator of a noncaptive facility shall submit to the Department a quarterly report. The report shall be submitted on or before the 20th day

of April, July, October and January for the 3 months ending the last day of March, June, September and December. The report shall be submitted on forms supplied by the Department.

(b) The quarterly operational report shall include the following:

(1) The type and weight or volume of solid waste received in each month of the reported quarter.

(2) The name, mailing address, county and state of each generator.

(3) For lined facilities, an analysis of the quality and quantity of leachate flowing from the landfill into the leachate storage and treatment system.]

§ 289.303. Annual operation report.

* * * * *

(b) The annual operation report, which shall be submitted on a form supplied by the Department, shall include the following information:

(1) The weight or volume of each type of solid waste received. For noncaptive facilities, the report shall include the average daily volume totals computed in accordance with § 289.229 (relating to daily volume).

* * * * *

(c) The annual operation report shall be accompanied by a nonrefundable annual permit administration fee of [\$2,500] \$4,600 in the form of a check payable to the "Commonwealth of Pennsylvania."

* * * * *

CLOSURE PROVISIONS

§ 289.312. Closure.

* * * * *

(b) At least 180 days before implementation of a closure [or partial closure] plan, the operator shall review its approved closure plan to determine whether the plan requires modification, and shall submit proposed changes to the Department for approval under § 287.222 (relating to permit modification).

(c) If groundwater degradation exists at closure or occurs after closure, a person shall meet one of the following:

(1) Continue to implement an approved abatement plan.

(2) Submit an application for a closure plan modification in accordance with the procedures for a major permit modification. The operator shall select one or more remediation standards that will be met in accordance with the final closure certification requirements in § 287.342 (relating to final closure certification). The Department will accept the operator's selection of remediation standards if the requirements of subsection (d) are met.

(d) An application for a closure plan modification shall include the following:

(1) Technical information and supporting documentation identifying the remediation activities that will be conducted to meet and maintain the remediation standards.

(2) If a remedy relies on access to or use of properties owned by third parties, for remediation or monitoring, documentation of cooperation or agreement.

Subchapter D. ADDITIONAL REQUIREMENTS FOR CLASS I RESIDUAL WASTE DISPOSAL IMPOUNDMENTS

ADDITIONAL APPLICATION REQUIREMENTS

§ 289.412. Liner system and leachate control plan.

* * * * *

(c) The application shall demonstrate that leachate will not adversely affect the physical or chemical characteristics of the proposed liner system, or inhibit the liner's ability to restrict the flow of solid waste, solid waste constituents or leachate, based on [the most recent edition of EPA Method 9090 (Compatibility Test for Wastes and Membrane Liners), or other documented data. The most recent edition of EPA Method 9090 may be obtained from the Department or from the National Technical Information Service (NTIS), United States Department of Commerce, Springfield, VA. 22161] EPA or ASTM Guidelines approved by the Department.

(d) The application shall include a complete description of the physical, chemical, mechanical and thermal properties for the proposed primary and secondary liners, based on ASTM methods when appropriate. Except to the extent that the Department waives, in writing, one or more of the following for nonsynthetic secondary liners, these properties shall include, at a minimum:

* * * * *

(19) Percent recycled material.

ADDITIONAL OPERATING REQUIREMENTS—

GENERAL PROVISIONS

§ 289.422. Areas where Class I residual waste disposal impoundments are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992, Class I residual waste disposal impoundments may not be operated:

* * * * *

(4) In [coal bearing] areas underlain by recoverable or mineable [coals] minerals, unless the operator of the facility demonstrates and the Department finds, in writing, that the operator owns the underlying [coal] minerals. This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.

* * * * *

(7) [Within] If occupied dwellings are nearby, the following apply:

(i) For a residual waste disposal impoundment permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), or for an expansion of a residual waste disposal impoundment permitted prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), or for a captive residual waste disposal impoundment within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the facility being closer than 300

feet. [Except for facilities permitted prior to July 4, 1992, the] The disposal area of a residual waste landfill may not be within 500 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(ii) For a residual waste disposal impoundment, except for a captive residual waste disposal impoundment, permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 yards. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

* * * * *

(10) [Within 25 feet of a coal seam, coal outcrop or coal refuse, unless the applicant demonstrates that the waste is noncombustible.

(11)] ***

* * * * *

[(12)] (11) If the facility receives or proposes to receive putrescible waste:

(i) Within 10,000 feet—or 3,048 meters—of an airport runway [that is or will be] end used by [turbine-powered] turbojet aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the impoundment is designed and operated so that the impoundment does not pose a bird hazard to aircraft.

(ii) Within 5,000 feet—or 1,524 meters—of an airport runway [that is or will be] end used by piston-type aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the impoundment is designed and operated so that the impoundment does not pose a bird hazard to aircraft.

(iii) For purposes of this subsection:

(A) Airport means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(B) Bird hazard means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(12) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a noncaptive residual waste disposal impoundment permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), for a noncaptive residual waste disposal impoundment permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

* * * * *

§ 289.423. Minimum requirements for acceptable waste.

(a) A person or municipality may not dispose of residual waste at a Class I residual waste disposal impoundment unless the waste meets the following criteria:

* * * * *

(5) The physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site.

* * * * *

ADDITIONAL OPERATING REQUIREMENTS—LINER SYSTEM

§ 289.432. General limitations.

(a) [At least 4 feet shall be maintained between the top] The bottom of the subbase of the liner system [and] cannot be in contact with the seasonal high water table or perched water table without the use of groundwater pumping systems.

* * * * *

(2) Drainage systems may be utilized to [maintain a 4 foot isolation distance] prevent contact between the [top] bottom of the subbase of the liner system and the seasonal high water table or perched water table. The operator may not use a drainage system if the system is likely to adversely affect the quality [of] or quantity of water provided by a public or private water supply, even if a replacement supply is available under § 289.255 (relating to water supply replacement). The drainage system shall be limited to drain tile, piping, french drains or equivalent methods.

(b) For unconfined aquifers, at least 8 feet shall be maintained between the [top] bottom of the subbase of the liner system and the regional groundwater table. The regional groundwater table may not be artificially lowered.

(c) For confined aquifers, at least 8 feet shall be maintained between the [top] bottom of the subbase of the liner system and the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs as a result of leakage from natural or other [pre-existing] preexisting causes. The integrity of the confining layer may not be compromised by excavation.

* * * * *

§ 289.433. Subbase.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as

part of the permit under § 287.231 (relating to equivalency review procedure), the subbase shall meet the following design requirements. The subbase shall:

* * * * *

[(2) Have a minimum bearing capacity of 4,500 pounds per square foot plus the total applied load in pounds per square foot.

(3)] (2) ***

§ 289.434. Secondary liner.

* * * * *

(b) *Design requirements.* Unless alternative design requirements to meet the performance standards in subsection (a) as part of the permit under § 287.231 (relating to equivalency review procedure) are approved, the secondary liner shall meet, **at the minimum**, the requirements of Appendix A, Table I (relating to minimum liner design standards).

* * * * *

§ 289.435. Leachate detection zone.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the leachate detection zone of a liner system shall meet the following design requirements. The leachate detection zone shall:

* * * * *

(5) The piping system shall also meet the following requirements:

* * * * *

(ii) **[The distance between pipes in the piping system may not exceed 100 feet on center.**

(iii)] ***

[(iv)] (iii) ***

[(v)] (iv) ***

* * * * *

(f) If sampling results indicate the presence of constituents at concentrations that could result in **[exceedance of mandatory abatement trigger levels for the facility] groundwater degradation at a monitoring well**, the operator shall:

(1) Submit a remedial plan for controlling the source of leachate in the leachate detection zone **and correcting a malfunction or defect in the liner system**, and implement the plan upon Department approval.

* * * * *

§ 289.436. Primary liner.

* * * * *

(b) *Design requirements.* Unless alternative design standards to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the primary liner shall meet, **at the minimum**, the requirements of Appendix A, Table I (relating to minimum liner design standards).

* * * * *

**ADDITIONAL OPERATING REQUIREMENTS—
LEACHATE TREATMENT**

§ 289.454. Leachate recirculation.

(a) ***

(b) **An alternate leachate recirculation method may be used if approved by the Department.**

§ 289.455. Leachate collection and storage.

* * * * *

(b) An onsite leachate storage system shall be part of each leachate treatment method used by the operator. The storage system shall contain impoundments or tanks for storage of leachate. **[The] For noncaptive facilities, the tanks or impoundments shall have a storage capacity at least equal to the maximum expected production of leachate for a 30-day period for the life of the facility estimated under § 289.413 (relating to leachate treatment plan). For captive facilities, the tank or impoundment shall have sufficient storage capacity to ensure proper operation of the treatment facility in accordance with the approved leachate treatment plan, shall meet the performance standard in § 289.438(a)(1) (relating to leachate collection system within protective cover) and shall comply with The Clean Streams Law.** No more than 25% of the total leachate storage capacity may be used for flow equalization on a regular basis.

* * * * *

(d) The storage capacity of impoundments and tanks at a site shall be increased, **if additional storage is required**, prior to each major phase of construction and as otherwise necessary.

* * * * *

(g) **All underground pipes used for the transport of leachate from the liner system to the leachate storage impoundments or tanks shall be equipped with secondary containment. The secondary containment shall be designed, constructed and installed to direct any release to an area that can be inspected for leaks.**

§ 289.456. Leachate analysis and sludge handling.

(a) Upon commencement of leachate flow from the facility, the operator shall sample, analyze and maintain a record of the following:

* * * * *

(2) On a quarterly basis unless otherwise provided in the permit, the chemical composition of leachate flowing into the leachate treatment system. The analysis shall be sufficient to determine the impact of leachate on the liner system, the effectiveness of the leachate treatment system, the need for modification of the groundwater monitoring system or the effluent limitations in an NPDES permit and the actual characteristics of leachate from the waste disposed at the facility. For the purpose of this analysis, the leachate sample shall be collected from the influent storage tank or impoundment and shall be representative of the average mixed influent leachate quality. **The Department may modify the frequency of chemical analysis or not require certain constituents to be tested following four consecutive quarters of analysis if the operator demonstrates that modifying the frequency of chemical analysis will not compromise groundwater protection.**

* * * * *

Subchapter E. ADDITIONAL REQUIREMENTS FOR CLASS II RESIDUAL WASTE DISPOSAL IMPOUNDMENTS

ADDITIONAL APPLICATION REQUIREMENTS

§ 289.512. Liner system and leachate control plan.

* * * * *

(c) The application shall demonstrate that leachate will not adversely affect the physical or chemical characteristics of the proposed liner system, or inhibit the liner's ability to restrict the flow of solid waste, solid waste constituents or leachate based on [the most recent edition of EPA Method 9090, (Compatibility Test for Wastes and Membrane Liners) or other documented data. The most recent edition of EPA Method 9090 can be obtained from the Department or from the National Technical Information Service (NTIS), United States Department of Commerce, Springfield, VA 22161] EPA or ASTM Guidelines approved by the Department.

(d) The application shall include a complete description of the physical, chemical, mechanical and thermal properties for the proposed liner, based on ASTM methods when appropriate. These properties shall include, at a minimum:

* * * * *

(19) Percent recycled material.

ADDITIONAL OPERATING REQUIREMENTS—GENERAL

§ 289.522. Areas where Class II residual waste disposal impoundments are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992[.], Class II residual waste disposal impoundments may not be operated as follows:

* * * * *

(4) In [coal bearing] areas underlain by recoverable or mineable [coals] minerals, unless the operator of the facility demonstrates and the Department finds, in writing, that the operator owns the underlying [coal] minerals. This requirement does not apply to the expansion of captive facilities permitted prior to July 4, 1992.

* * * * *

(7) [Within] If occupied dwellings are nearby, the following apply:

(i) For a residual waste disposal impoundment permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), or for an expansion of a residual waste disposal impoundment permitted prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), or for a captive residual waste disposal impoundment within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the facility being closer than 300 feet. [Except for facilities permitted prior to July 4, 1992, the] The disposal area of a residual waste landfill may not be within 500 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the disposal area being closer than 500 feet. A waiver shall be knowingly

made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(ii) For a residual waste disposal impoundment, except for a captive residual waste disposal impoundment, permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 yards. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

* * * * *

(10) [Within 25 feet of a coal seam, coal outcrop or coal refuse, unless the applicant demonstrates that the waste is noncombustible.

(11)] ***

* * * * *

[(12)] (11) If the facility receives or proposes to receive putrescible waste:

(i) Within 10,000 feet—or 3,048 meters—of an airport runway [that is or will be] end used by [turbine-powered] turbojet aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the impoundment is designed and operated so that the impoundment does not pose a bird hazard to aircraft.

(ii) Within 5,000 feet—or 1,524 meters—of an airport runway [that is or will be] end used by piston-type aircraft during the life of disposal operations under the permit unless the operator can demonstrate that the impoundment is designed and operated so that the impoundment does not pose a bird hazard to aircraft.

(iii) For purposes of this subsection:

(A) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

(B) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(12) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a noncaptive residual waste disposal impoundment permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), for a noncaptive residual waste disposal impoundment permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon re-

cept of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

(b) The Department may waive or modify one or more of the isolation distances in subsection (a)(1), (5), (7), (8) and (11) for expansions of captive facilities if the operator of the captive facility demonstrates the following to the Department's satisfaction:

- [(i)] (1) ***
- [(ii)] (2) ***
- [(iii)] (3) ***
- [(iv)] (4) ***
- [(v)] (5) ***
- [(vi)] (6) ***

* * * * *

§ 289.523. Minimum requirements for acceptable waste.

(a) A person or municipality may not dispose of residual waste at a Class II residual waste disposal impoundment unless the waste meets the following criteria:

(1) The residual waste may not be of a type from which the maximum concentration obtained for a contaminant, based on a chemical analysis of its leachate submitted under § 287.132 (relating to chemical analysis of waste), and approved by the Department, exceeds 50 times the **[drinking water standard] waste classification standard** for that contaminant. If analytical quantitation limits prevent determination of the acceptability of a residual waste under this paragraph, the Department may consider the total analysis of the waste as well as the physical and chemical characteristics of the contaminant in making a determination of acceptability of the waste at the facility.

(2) Notwithstanding the limitation in paragraph (1), the Department may authorize the disposal of residual waste at a monofill if the waste is of a type from which the maximum concentration obtained for a contaminant, based on a chemical analysis of its leachate submitted under § 287.132, exceeds 50 times the SMCL for that contaminant if the SMCL is the **[groundwater parameter] waste classification standard** for the contaminant. The Department may authorize the disposal of the waste only upon a demonstration that disposal of the waste at the facility will not cause groundwater degradation that exceeds the SMCL for a contaminant at a monitoring point or groundwater degradation that exceeds background levels at the property boundary for the contaminant.

* * * * *

(4) The Department may authorize a facility which disposes of a waste in accordance with a permit under this article to continue to dispose of the waste at the facility although a **[groundwater parameter] waste classification standard** for a contaminant has been changed so that the waste would no longer meet the criteria for disposal of the waste at the facility under paragraph (1), if the operator of the facility demonstrates to the Department's satisfaction that disposal of the waste will not cause groundwater degradation that exceeds the **[groundwater parameter] waste classification standard** for a contaminant at a monitoring point

or groundwater degradation that exceeds background levels at the property boundary for a contaminant.

* * * * *

(11) The physical characteristics of the waste will not cause or contribute to structural instability or other operating problems at the site.

* * * * *

ADDITIONAL OPERATING REQUIREMENTS—LINER SYSTEM

§ 289.532. General limitations.

(a) **[At least 4 feet shall be maintained between the top] The bottom** of the subbase of the liner system **[and] cannot be in contact with** the seasonal high table or perched water table without the use of groundwater pumping systems.

* * * * *

(2) Drainage systems may be utilized to **[maintain a 4-foot isolation distance] prevent contact** between the **[top] bottom** of the subbase of the liner system and the seasonal high water table or perched water table. The operator may not use a drainage system if the system is likely to adversely affect the quality or quantity of water provided by a public or private water supply, even if a replacement supply is available under § 289.255 (relating to water supply replacement). The drainage system shall be limited to drain tile, piping, french drains or equivalent methods.

(b) For unconfined aquifers, at least 8 feet shall be maintained between the **[top] bottom** of the subbase of the liner system and the regional groundwater table. The regional groundwater table may not be artificially lowered.

(c) For confined aquifers, at least 8 feet shall be maintained between the **[top] bottom** of the subbase of the liner system and the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs as a result of leakage from natural or other preexisting causes. The integrity of the confining layer may not be compromised by excavation.

* * * * *

§ 289.534. Leachate detection zone.

* * * * *

(b) Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the leachate detection zone of a liner system shall meet the following design requirements. The leachate detection zone shall:

* * * * *

(4) Contain a perforated piping system capable of detecting and intercepting liquid within the leachate detection zone and conveying the liquid to a collection sump for storage, processing or disposal. The sump shall be separate from the leachate collection sump and shall be of a sufficient size to transmit leachate that is generated. The piping system shall also meet the following requirements:

* * * * *

(ii) **[The distance between pipes in the piping system may not exceed 100 feet on center.**

- (iii)] ***
- [(iv)] (iii) ***
- [(v)] (iv) ***

* * * * *

(f) If sampling results indicate the presence of constituents at concentrations that could result in **[exceedance of mandatory abatement trigger levels for the facility] groundwater degradation**, the operator shall submit the following to the Department:

(1) A remedial plan for controlling the source of leachate in the leachate detection zone **and correcting a malfunction or defect in that liner system**, and implement the plan upon Department approval.

* * * * *

§ 289.535. Liner.

* * * * *

(b) *Alternative design requirements.* Unless alternative design requirements to meet the performance standards in subsection (a) are approved as part of the permit under § 287.231 (relating to equivalency review procedure), the liner shall meet, **at the minimum**, the requirements of Appendix A, Table II (relating to minimum liner design standards).

* * * * *

**ADDITIONAL OPERATING REQUIREMENTS—
LEACHATE TREATMENT**

§ 289.554. Leachate recirculation.

(a) ***

* * * * *

(b) **An alternate leachate recirculation method may be used if approved by the Department.**

§ 289.555. Leachate collection and storage.

* * * * *

(b) An onsite leachate storage system shall be part of each leachate treatment method used by the operator. The storage system shall contain impoundments or tanks for storage of leachate. **[The] For noncaptive facilities, the tanks or impoundments shall have a storage capacity at least equal to the maximum expected production of leachate for a 30-day period for the life of the facility estimated under § 289.513 (relating to leachate treatment plan). For captive facilities, the tank or**

impoundment shall have sufficient storage capacity to ensure proper operation of the treatment facility in accordance with the approved leachate treatment plan, shall meet the performance standards in § 289.537(a)(1) (relating to leachate collection system within protective cover) and shall comply with The Clean Streams Law. No more than 25% of the total leachate storage capacity may be used for flow equalization on a regular basis.

* * * * *

(d) The storage capacity of impoundments and tanks at a site shall be increased, **if additional storage is required**, prior to each major phase of construction and as otherwise necessary.

* * * * *

(g) **All underground pipes used for the transport of leachate from the liner system to the leachate storage impoundments or tanks shall be equipped with secondary containment. The secondary containment shall be designed, constructed and installed to direct any release to an area that can be inspected for leaks.**

§ 289.556. Leachate analysis and sludge handling.

(a) Upon commencement of leachate flow from the facility, the operator shall sample, analyze and maintain a record of the following:

* * * * *

(2) On a quarterly basis, unless otherwise specified in the permit, the chemical composition of leachate flowing into the leachate treatment system. The analysis shall be sufficient to determine the impact of leachate on the liner system, the effectiveness of the leachate treatment system, the need for modification of the groundwater monitoring system or the effluent limitations in an NPDES permit, and the actual characteristics of leachate from the waste disposed at the facility. For the purpose of the analysis, the leachate sample shall be collected from the influent storage tank or impoundment and shall be representative of the average mixed influent quality. **The Department may modify the frequency of chemical analysis or not require certain constituents to be tested following four consecutive quarters of analysis if the operator demonstrates that modifying the frequency of chemical analysis will not compromise groundwater protection.**

* * * * *

**APPENDIX A
TABLE I
MINIMUM LINER DESIGN STANDARDS**

<i>LINER MATERIAL</i>	<i>FUNCTION</i>	<i>MINIMUM FIELD THICKNESS (UNITS AS SPECIFIED)</i>	<i>LINER DENSITY (TESTS AS SPECIFIED)</i>	<i>REMARKS</i>
Geomembranes	Primary or Secondary Liner	[50] 30 mil	N/A	1. A greater thickness may be required depending upon the recommendations of the manufacturer. HDPE liners shall be at least 60 mil.
Geomembranes	[Secondary Liner,] Cap	[50] 30 mil [40 mil]	N/A	1. A greater thickness may be required depending upon the recommendations of the manufacturer.

Natural & Remolded Clay	Secondary Liner, Cap, Composite Component	2 feet 2 feet 1 foot	$\geq 90\%^*$ $\geq 90\%^*$ $\geq 90\%^*$	1. Minimum of 30% fines by weight less than 0.074 mm particle size (#200 sieve). 2. Plasticity Index greater than or equal to 10. 3. No coarse fragments greater than 3/4 inch in diameter.
Sodium bentonite & Bentonite-like materials/soil mixtures	Secondary Liner, Cap, Composite Component	2 feet 2 feet 1 foot	$\geq 90\%^*$ $\geq 90\%^*$ $\geq 90\%^*$	1. Minimum of 8% powdered sodium bentonite or manufacturer's recommendations, whichever is greater. 2. No coarse fragments greater than 3/4 inch in diameter. 3. No organic matter. 4. Coarse fragment content (those materials greater than 4.76 mm. in diameter) shall not exceed 10% by weight.
[Prefabricated Clay Mats] Geosynthetic clay liner (GCL)	Composite Component	[1/4 inch] N/A	N/A	1. Minimum of [one] 3/4 pound of powdered or granular sodium bentonite per square foot.

* Percentage of maximum when using Standard Proctor method of design (Pa. PTM No. 106, Method B).

**TABLE II
MINIMUM LINER DESIGN STANDARDS**

<i>LINER MATERIAL</i>	<i>FUNCTION</i>	<i>MINIMUM FIELD THICKNESS (UNITS AS SPECIFIED)</i>	<i>LINER DENSITY (TESTS AS SPECIFIED)</i>	<i>REMARKS</i>
Geomembranes	Liner Cap	[50] 30 mil [40 mil]	N/A	1. A greater thickness may be required depending upon the recommendations of the manufacturer. HDPE liners shall be at least 60 mil.
Natural & Remolded Clay	Cap, Composite Component	2 feet 1 foot	$\geq 90\%^*$ $\geq 90\%^*$	1. Minimum of 30% fines by weight less than 0.074 mm particle size (#200 sieve). 2. Plasticity Index greater than or equal to 10. 3. No coarse fragments greater than 3/4 inch in diameter.
Sodium bentonite & Bentonite-like materials/soil mixtures	Cap, Composite Component	2 feet 1 foot	$\geq 90\%^*$ $\geq 90\%^*$	1. Minimum of 8% powdered sodium bentonite or manufacturer's recommendations, whichever is greater. 2. No coarse fragments greater than 3/4 inch in diameter. 3. No organic matter. 4. Coarse fragment content (those materials greater than 4.76 mm. in diameter), shall not exceed 10% by weight.
[Prefabricated Clay Mats] Geosynthetic clay liner (GCL)	Composite Component	[1/4 inch] N/A	N/A	1. Minimum of [one] 3/4 pound of powdered or granular sodium bentonite per square foot.

* Percentage of maximum when using Standard Proctor method of design (Pa. PTM No. 106, Method B).

CHAPTER 291. LAND APPLICATION OF RESIDUAL WASTE

Subchapter B. GENERAL APPLICATION REQUIREMENTS FOR THE LAND APPLICATION OF RESIDUAL WASTE

§ 291.101. General.

(a) An application for the land application of residual waste shall:

* * * * *

(4) Be considered an application for [surface land disposal unless the applicant demonstrates to the Department that the residual waste will be applied for] agricultural utilization or land reclamation.

* * * * *

§ 291.102. Operating plan.

An application shall contain a narrative description explaining the following:

(1) Whether the proposed operation is for agricultural utilization [,] or land reclamation [or surface land disposal] of residual waste.

* * * * *

§ 291.103. Maps and related information.

(a) An application shall contain a topographic map on a scale in which 1 inch equals no more than 400 feet, including necessary narrative descriptions, which show the following:

* * * * *

(5) The location and name of public and private water [supplies] sources and wells within the isolation distances set forth in § 291.202 (relating to areas where the land application of residual waste is prohibited).

* * * * *

(8) [For surface land disposal sites, the location of the permanent physical markers for the grid coordinate system.

(9)] (8) ***

* * * * *

Subchapter C. GENERAL OPERATING REQUIREMENTS FOR THE LAND APPLICATION OF RESIDUAL WASTE

GENERAL

§ 291.201. General provisions.

* * * * *

(b) A person or municipality that owns or operates a land application facility for residual waste shall comply with the following:

(1) The requirements of the act, this subchapter and the additional operating requirements for the specific type of operation that are in Subchapter D [,] or E [or F] (relating to additional requirements for the agricultural utilization of residual waste; and additional requirements for land reclamation [; and additional requirements for the surface land disposal of residual waste]).

* * * * *

(3) The Department guidelines for [agricultural utilization, unless the person or municipality is oper-

ating under a permit that allows use of the loading rate guidelines for land reclamation or surface land disposal, in which case the person or municipality shall comply with the applicable guidelines for the operation] land application.

(4) If the residual waste contains human waste, and exceeds the pathogen and vector attraction reduction requirements in § 271.911(b) (relating to exceptional quality sewage sludge), the residual waste land application operation shall comply with the operating requirements of this chapter and Chapter 271, Subchapter J (relating to beneficial use).

* * * * *

(d) Residual waste may not be applied to the land if it is likely to adversely affect a Federal or Pennsylvania threatened or endangered species, or its designated critical habitat, listed under or under section 4 of the Endangered Species Act (16 U.S.C.A. § 1533), section 2305 of the Fish and Boat Code, 30 Pa.C.S. § 2305, or the Game and Wildlife Code, 34 Pa.C.S.

(e) Residual waste may not be applied to a site that is flooded, frozen, or snow-covered, except as expressly provided in the permit.

§ 291.202. Areas where the land application of residual waste is prohibited.

(a) Except for areas permitted by the Department prior to the effective date of these regulations, the land application of residual waste may not be conducted as follows:

* * * * *

(2) Within 300 feet of a water source unless [otherwise approved by the Department, in writing] the current owner of this water source has provided a written waiver consenting to the activities closer than 300 feet. This paragraph does not apply to features that may come into existence after the dates upon which adjacent landowner notification is given under § 287.151(b) (relating to public notice by applicant).

[(3) Within 1,000 feet upgradient of a surface water source unless otherwise approved by the Department, in writing.

(4) Within 25 feet of a bedrock outcrop.

(5) Within 50 feet of a property line within which the residual waste is applied, unless the owner has provided a written consent to the land application being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(6)] (3) Within 100 feet of a sinkhole [or area draining into a sinkhole.

(7) Within 25 feet of the perimeter of an undrained depression.

(8)] (4) ***

[(9)] (5) ***

[(10) For the surface land disposal of residual waste, within the 100-year floodplain of waters of this Commonwealth.]

* * * * *

§ 291.203. Limitations on land application of residual waste.

(a) Residual waste may not be applied to land where the regional groundwater table is less than [four] 3.3 feet from the surface.

* * * * *

(d) Unless otherwise approved by the Department in writing, residual waste may not be applied to land where [:

(1) Root] root vegetables or vegetables which are eaten raw are grown or will be grown [within 2 years].

[(2) Tobacco is grown or will be grown.]

* * * * *

(g) Livestock may not be allowed to graze [for at least 2 months after the application of residual waste] on areas where the residual waste is visible on the vegetation or the surface of the ground, unless otherwise approved by the Department in writing.

§ 291.205. Erosion control.

* * * * *

(c) For agricultural utilization [and surface land disposal], rills and gullies shall be filled, graded or otherwise stabilized and, when necessary, the area reseeded or replanted, when rills or gullies deeper than 3 inches form in areas where residual waste has been applied or stored.

* * * * *

§ 291.207. Water supply replacement.

(a) An operator which adversely affects a water supply by degradation, pollution or other means shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

* * * * *

(d) Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.

§ 291.209. [Permit area markers] (Reserved).

[(a) Permit area markers shall be:

(1) Posted prior to, and maintained for the duration of, land application operations at the site.

(2) Clearly visible, readable and uniform throughout land application operations.

(b) Permit area markers for the surface land disposal of residual waste shall also be permanently fixed and made of a durable material, and shall be maintained through the postclosure care period.]

§ 291.210. Nuisance control.

(a) The operator [may not cause or allow] shall control and minimize the attraction, harborage or breeding of vectors.

(b) The operator shall also [prevent] control and [eliminate] minimize conditions not otherwise prohibited by this subchapter that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

RECORDKEEPING AND REPORTING

§ 291.221. Daily operational records.

* * * * *

(b) The daily operational record shall include the following:

* * * * *

(9) A description of waste handling problems or emergency disposal facilities.

* * * * *

§ 291.222. Annual operation report.

* * * * *

(b) The annual operation report, which shall be submitted on a form supplied by the Department, shall include the following:

* * * * *

(6) For agricultural utilization [and surface land disposal] facilities which have received residual waste in the calendar year, a chemical analysis of soil for each field or soil series at the facility for pH, phosphorus, cadmium, zinc, copper, nickel, lead, chromium, mercury and any other constituents contained in the waste that may be leached into the environment, as determined under § 287.132 (relating to chemical analysis of waste), unless otherwise specified by the Department in the permit. The procedure for soil sampling and analysis shall be consistent with the Department guidelines.

(7) [A written update of the total bond liability for the facility under § 287.331 (relating to bond amount determination), for surface land disposal of residual waste. If additional bond is determined to be necessary, it shall be submitted to the Department within 90 days after the annual report is due.

(8) * * *

* * * * *

(d) The annual operation report shall be accompanied by a nonrefundable annual permit administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" for the following amounts:

(1) [Three] Six hundred dollars for the agricultural utilization of residual waste.

(2) [Fifteen] Nineteen hundred dollars for land reclamation [and surface land disposal] of residual waste.

* * * * *

Subchapter D. ADDITIONAL REQUIREMENTS FOR THE AGRICULTURAL UTILIZATION OF RESIDUAL WASTE

ADDITIONAL APPLICATION REQUIREMENTS

§ 291.301. Additional application requirements.

In addition to the requirements of Subchapter B (relating to general application requirements for the land

application of residual waste), an application for a permit for agricultural utilization of residual waste shall include the following:

* * * * *

[(4) If the seasonal high water table is less than 20 inches under § 291.312(3) (relating to site characteristics), the application shall include data published in peer reviewed professional journals demonstrating that the proposed operation will not degrade air, soil, water, vegetation or other natural resources and can be accomplished in a normal farming operation using best agricultural management practices.]

ADDITIONAL OPERATING REQUIREMENTS

§ 291.311. General requirements.

(a) In addition to the requirements of Subchapter C (relating to general operating requirements for the land application of residual waste), a person or municipality that applies residual waste for agricultural utilization shall comply with this section and §§ 291.312—291.316, unless the person or municipality has obtained a permit from the Department for land reclamation **[or surface land disposal]**. In that case, the person or municipality shall comply with the applicable provisions of Subchapter E **[or F]** (relating to additional requirements for land reclamation **[; and additional requirements for the surface land disposal of residual waste]**).

* * * * *

§ 291.312. Site characteristics.

A person or municipality may not apply residual waste to a site unless the site complies with the following:

* * * * *

(2) **[The soils shall have a minimum depth from surface to bedrock of 20 inches.**

(3) **[The site shall have a minimum depth from surface to seasonal high water table of [20] 11 inches. [The operator may establish this minimum depth through the use of a tile drain system, if approved by the Department in the permit. However, the Department may approve a minimum depth of 12 inches for food processing sludges containing no domestic sewage.**

(4) **[(3) Slopes to be utilized for agricultural utilization may not exceed 25%, unless otherwise approved in writing by the Department [15%, except as follows:**

(i) **Slopes up to 20% may be approved in the permit for the surface application of residual waste to well established hayfields, pastures and cover crops, or on no-till crops where the previous no-till crop was harvested in a manner that left adequate residue.**

(ii) **Slopes up to 25% may be approved in the permit for the subsurface injection of residual waste if the following are met:**

(A) **The residual waste is applied to well established hayfields, pastures and cover crops, or on no-till crops where the previous no-till crop was harvested in a manner that left adequate residue.**

(B) **The injection unit is capable of uniformly injecting the residual waste beneath the surface on the slope to prevent ponding, runoff and other nuisances.**

(5) **[(4) Soil pH shall be 6.5 or greater prior to land application, unless the Department allows the operator to increase pH by application of residual waste or other material. [In that case, soil pH shall be 6.5 or greater within 6 months following the first application of residual waste.**

(6) **[(5) Except as provided in paragraph [(5)] (6), soil pH shall be maintained at 6.5 or greater for the life of land application operations [and for 2 additional years following the last application of residual waste to the site].**

[(7)] (6) ***

§ 291.314. [Weather] (Reserved).

[(a) A person or municipality may not apply residual waste when the ground is saturated or covered with snow, or during periods of rain.

(b) A person or municipality may not apply residual waste when the ground is frozen, unless the Department has approved the application in the permit and the following conditions exist:

(1) The slopes at the site do not exceed 3.0%.

(2) The site contains sufficient vegetation or a well-established cover crop to prevent runoff of residual waste.

(3) Application of residual waste is consistent with Department guidelines for winter application.

(4) No residual waste storage capacity or other means of storage or disposal exists at the generating facility.]

§ 291.315. Water quality monitoring.

If required by the Department, **based upon the waste and site characteristics**, the operator shall conduct groundwater monitoring **[that meets the requirements of §§ 291.521—291.528 (relating to groundwater monitoring), or another plan for accurately monitoring groundwater that is approved in the permit]** and accurately characterize background groundwater quality at the facility.

§ 291.316. Soil-pore water monitoring.

If required by the Department, **based upon the waste and site characteristics**, the operator shall conduct soil-pore water monitoring **[that meets the requirements of § 291.515 (relating to soil-pore water monitoring), or another plan for accurately monitoring soil-pore water that is approved in the permit]** and accurately characterize soil-pore water at the facility.

Subchapter E. ADDITIONAL REQUIREMENTS FOR LAND RECLAMATION

ADDITIONAL OPERATING REQUIREMENTS

§ 291.412. Site characteristics.

A person or municipality may not apply residual waste under a land reclamation permit unless the site complies with the following:

(1) Slopes to be utilized for residual waste application may not exceed **[20%] 35%, unless otherwise approved in writing by the Department. [The Department may approve slopes of up to 35% in the permit**

if the applicant demonstrates to the Department's satisfaction that the slopes will not cause erosion or offsite runoff.]

* * * * *

(3) Except as provided in paragraph (2), soil pH shall be maintained at 6.5 or greater during the life of application operations [and for 2 additional years following final residual waste application].

§ 291.414. Weather.

(a) The operator may not apply residual waste [as follows:

(1) When the ground is saturated, snow covered, frozen or during periods of rain.

(2) Between] between October 15 and April 15.

* * * * *

§ 291.416. Water quality monitoring.

If required by the Department, based upon waste and site characteristics, the operator shall conduct groundwater monitoring [that meets the requirements of §§ 291.521—291.528 (relating to groundwater monitoring), or another plan for accurately monitoring groundwater that is approved in the permit] and accurately characterize groundwater at the facility.

§ 291.417. Soil-pore water monitoring.

If required by the Department, based upon waste and site characteristics, the operator shall conduct soil-pore water monitoring [that meets the requirements of § 291.515 (relating to soil-pore water monitoring), or another plan for accurately monitoring soil-pore water that is approved in the permit] and accurately characterize soil-pore at the facility.

Subchapter F. [ADDITIONAL REQUIREMENTS FOR THE SURFACE LAND DISPOSAL OF RESIDUAL WASTE] (Reserved)

(Editor's Note: The Department is proposing to delete Subchapter F, §§ 291.501—291.503, 291.511—291.517 and 291.521—291.528, Pennsylvania Code pages 291-19—291-32 (serial pages (226815)—(226828)).

CHAPTER 293. TRANSFER FACILITIES FOR RESIDUAL WASTE

Subchapter B. APPLICATION REQUIREMENTS FOR TRANSFER FACILITIES

§ 293.1. Scope.

(a) ***

(b) The Department may waive or modify a requirement of this chapter for permitted transfer facilities at which no actual loading, unloading or transferring of residual waste occurs, if the absence of the loading, unloading and transferring activity renders the requirement unnecessary.

§ 293.103. Maps and related information.

(a) An application shall contain a topographic map of the proposed permit area and adjacent area, including necessary narrative descriptions, which shows the following:

* * * * *

(4) The location and name of public and private water [supplies] sources that are located on or within [1/2] 1/4 mile of the proposed facility. If more than 50 wells are located within the [1/2] 1/4-mile radius, the applicant may identify only the closest wells in each direction and generally describe the location and number of wells within the [1/2] 1/4-mile radius.

* * * * *

(b) [An application shall also contain a United States Department of Agriculture Soil Conservation Service soils map, or aerial photographs if current soils maps are unavailable, for the proposed permit area and adjacent area showing the site boundaries and soil types.

(c) ***

§ 293.104. Plan for access roads.

The application shall contain designs, cross sections and specifications for access roads, including load limits, under § 293.213 (relating to access roads). Access roads shall be designed and constructed to adequately handle the truck traffic expected at the disposal facility.

§ 293.106. Soil and groundwater monitoring plan.

(a) If required by the Department, the applicant shall submit a groundwater monitoring plan to detect [adverse effects on] groundwater degradation from the facility.

* * * * *

§ 293.109. Contingency plan.

An application shall contain a contingency plan consistent with §§ 293.241—293.243 (relating to emergency procedures). The plan shall include a Preparedness, Prevention and Contingency (PPC) Plan that is consistent with the Department's most recent guidelines for the development and implementation of PPC[s] plans.

Subchapter C. OPERATING REQUIREMENTS FOR TRANSFER FACILITIES GENERAL PROVISIONS

§ 293.201. Basic limitations.

* * * * *

(f) All approved mitigation measures identified in the permit application shall be completed before a facility may accept waste unless a later date is authorized in writing by the Department for technical reasons.

§ 293.202. Areas where transfer facilities are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992 [.], no transfer facility may be operated:

* * * * *

(3) In or within 100 feet of a wetland other than an exceptional value wetland, unless the storage and processing take place in an enclosed facility and no adverse impacts to the wetland will occur, storage, processing and disposal will not occur within that distance or storage and processing take place in an enclosed facility and one of the following is true:

* * * * *

(5) Within 100 feet of a perennial stream, unless one of the following applies:

(i) The storage and [disposal will not occur within that distance] processing take place in an enclosed facility and no adverse [hydrologic or water quality] impacts to the perennial stream will result.

(ii) The facility transfers waste to barges at the transfer facility location.

(6) Within 50 feet of a property line, unless [the operator demonstrates that actual processing of waste is not occurring within that distance] one of the following applies:

(i) The storage and processing take place in an enclosed facility.

(ii) The owner of the adjacent property has provided a written waiver consenting to the facility being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or a deed unless the lease or deed contains an explicit waiver from the owner.

(7) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a residual waste transfer station permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), for a residual waste transfer station permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

* * * * *

DAILY OPERATIONS

§ 293.211. Signs.

(a) A person or municipality that operates a noncaptive transfer facility shall identify the facility for the duration of operations by posting and maintaining a sign which will be clearly visible and can be easily seen and read at the junction of each access road and public road unless otherwise approved by the Department. The sign shall be constructed of a durable, weather-resistant material [and shall be of a minimum size of 3 feet by 4 feet with a light background and contrasting letters and numbers of a minimum height of 3 inches that can be easily seen and read. The sign shall show the name, business address and telephone number of the person or municipality that operates the facility, the operating hours of the facility and the number of the current permit authorizing operations at the facility].

* * * * *

§ 293.213. Access roads.

* * * * *

(c) An access road shall have a drainage system that is compatible with the natural drainage system, structurally stable, and which will safely conduct the peak flow from a 25-year, 24-hour precipitation event. [The drainage system shall include sloped or crowned road surfaces, cross drains or culverts, stabilized ditches, erosion resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 293.232 (relating to soil erosion and sedimentation control).] The drainage system shall comply with Chapter 102 (relating to erosion control).

(d) An access road shall be paved or surfaced with asphalt, gravel, cinders[,] or other equivalent material approved by the Department in the permit. An access road shall be capable of withstanding the load limits projected by the applicant under § 293.104 (relating to plan for access roads). The maximum sustained grade of an access road may not exceed 12%.

* * * * *

(h) An access road shall be maintained to control dust and to prevent or control the tracking of mud on and off site.

§ 293.215. Operations and equipment.

* * * * *

(c) [Standby equipment shall be located on the site or at a place where it can be available within 24 hours.] If a breakdown of the operator's equipment occurs, the operator shall utilize standby equipment as necessary to comply with the act, the environmental protection acts, this subchapter and its permit conditions.

* * * * *

(e) Equipment [used to handle putrescible solid waste with which operations personnel are in direct contact shall be cleaned at the end of each working day or every 24 hours. Other equipment] shall be cleaned at frequencies specified in the permit based on scheduled or emergency maintenance periods.

(f) The operator of a transfer facility shall inspect and monitor incoming waste to ensure that the waste received is consistent with this article and the permit unless otherwise approved by the Department. Monitoring and inspection shall include screening of waste for radioactive isotopes and be consistent with § 287.134 (relating to waste analysis plan).

§ 293.216. Unloading area.

* * * * *

(b) The loading areas and unloading areas shall be constructed of impervious material which is capable of being cleaned by high pressure water spray and shall be equipped with drains or sumps connected to a sanitary sewer system or treatment facility to facilitate the removal of water. Drains or treatment systems may be connected to a sanitary sewer system if a waste characterization is submitted to the sewage treatment plant operator, and the operator finds that the treatment plant can fully treat the waste stream. Leachate may also be collected in holding tanks prior to its transport to the sewage treatment plant.

* * * * *

§ 293.217. Cleaning and maintenance.

* * * * *

(b) The operator may not allow putrescible waste to remain at the transfer facility at the end of the working day or for more than 24 hours, [whichever interval is less] except that putrescible waste may remain at a transfer facility for any period of time up to 72 hours over a weekend or 3-day weekend if the transfer facility permit so provides.

* * * * *

§ 293.218. Air resources protection.

(a) The operator shall implement fugitive air contaminant control measures, and shall otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and [Subpart C,] Article III (relating to air resources), and § 293.219 (relating to nuisance control).

* * * * *

§ 293.219. Nuisance control.

(a) The operator shall [prevent and eliminate] control and minimize the attraction, harborage or breeding of vectors.

(b) The operator also shall [prevent] control and [eliminate] minimize conditions not otherwise prohibited by this subchapter that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness or other public nuisances.

§ 293.221. Litter.

* * * * *

(c) [Litter] Blown off and intercepted litter shall be collected at least weekly from fences, roadways, tree line barriers and other barriers and disposed or stored in accordance with the act and this article, unless a greater frequency is set forth in the permit.

SOIL AND WATER PROTECTION

§ 293.231. General requirements.

* * * * *

(b) A transfer facility shall be operated to prevent and control water pollution. An operator shall operate and maintain necessary water pollution treatment facilities until water pollution from or on the facility has been permanently abated.

* * * * *

§ 293.232. Soil erosion and sedimentation control.

The operator shall manage surface water and control erosion and sedimentation to:

(1) Divert surface water away from the storage area with measures and structures necessary to handle surface water flows based on a 25-year, 24-hour precipitation event, and supported by written calculations and also comply with Chapter 102 (relating to erosion control).

* * * * *

§ 293.234. Water supply replacement.

(a) An operator that adversely affects a water supply by degradation, pollution or other means shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an

alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

* * * * *

(d) Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.

EMERGENCY PROCEDURES

§ 293.241. Hazard prevention.

[(a)] ***

[(b) First aid facilities shall be available and job safety shall be practiced.]

RECORDKEEPING AND REPORTING

§ 293.251. Daily operational records.

* * * * *

(b) The daily operational record shall include the following:

* * * * *

(10) A record of rejected waste loads, and the reasons for rejecting the loads.

* * * * *

CESSATION AND CLOSURE

§ 293.262. Cessation of operations.

* * * * *

(b) An operator required under § 293.233 (relating to soil and groundwater monitoring) to conduct soil monitoring may discontinue soil monitoring upon cessation of processing operations with the Department's approval. In deciding whether to allow discontinuance of monitoring, the Department will consider the operational history of the facility, the likelihood that soil contamination will manifest itself in the future and other factors.

* * * * *

CHAPTER 295. COMPOSTING FACILITIES FOR RESIDUAL WASTE

Subchapter B. APPLICATION REQUIREMENTS FOR COMPOSTING FACILITIES

OPERATIONS

§ 295.112. Maps and related information.

(a) An application shall contain a topographic map of the proposed permit area and adjacent area, including necessary narrative descriptions, which shows the following:

(1) The boundaries and the names of the present owners of record of land, both surface and subsurface, including easements, rights-of-way and other property interests, for the proposed permit area and adjacent area; the boundaries of the land within the proposed permit area; and a description of title, deed or usage restrictions affecting the proposed permit area.

* * * * *

(4) The location and name of public and private water [supplies] sources that are located on the proposed permit area and adjacent area.

* * * * *

(14) Composting pads, tipping areas, storage areas [and], windrow, and loading/unloading areas.

* * * * *

(b) [An application shall contain a United States Department of Agriculture Soil Conservation Service soil map, or aerial photographs where current soil maps are unavailable, for the proposed permit area and adjacent area showing the site boundaries and soil types.

(c)] ***

§ 295.115. Plan for access roads.

The application shall contain designs, cross sections and specifications for access roads, including load limits, to demonstrate compliance with § 295.212 (relating to access roads). Access roads shall be designed and constructed to adequately handle the truck traffic expected at the facility.

COMPOSTING

§ 295.121. Composting pad design.

* * * * *

(b) The application shall also contain a plan for inspection of composting pads or vessels to ensure [the] its integrity [of the composting pad].

(c) Composting pad or vessel plans and designs shall be consistent with § 295.231 (relating to composting pad or vessel).

Subchapter C. OPERATING REQUIREMENTS FOR COMPOSTING FACILITIES

GENERAL PROVISIONS

§ 295.201. Basic limitations.

* * * * *

(f) All approved mitigation measures identified in the permit application shall be completed before a facility may accept waste unless a later date is authorized in writing by the Department for technical reasons.

§ 295.202. Areas where composting facilities are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992, a composting facility may not be operated:

(1) In the 100-year floodplain of a water of this Commonwealth unless demonstrated that the composting facility can be protected during flooding.

* * * * *

(3) In or within 100 feet of a wetland other than an exceptional value wetland, unless storage, processing and disposal will not occur within that distance or storage and processing take place in an enclosed facility and one of the following [is true] applies:

(i) If the operation is in or along the wetland, the operator has received a permit from the Department under Chapter 105 (relating to dam safety and waterway management).

(ii) If the operation is not in or along the wetland, no adverse hydrologic or water quality impacts will result.

(4) [Within 100 feet of a sinkhole or area draining into a sinkhole.

(5)] ***

[(6)] (5) Within 100 feet of a perennial stream, unless the storage [,] and processing [and disposal will not occur within that distance] take place in an enclosed facility and no adverse water quality impact will result.

[(7)] (6) Within 50 feet of a property line unless the [operator demonstrates that actual composting of waste is not occurring within that distance] storage and processing take place in an enclosed facility.

[(8)] (7) ***

[(9)] (8) In an area where the pad or vessel will be in contact with the seasonal high water table or perched water table [is less than 4 feet from the surface].

(9) If a school, park or playground is nearby, the following apply:

(i) Except for an expansion of a residual waste composting permit issued prior to _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), for a residual waste composting permit issued on or after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal), within 300 yards of the following:

(A) A building which is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

(c) This section does not apply to [a feature] features that may come into existence after the date of the first newspaper notice under this subsection if the following apply:

* * * * *

DAILY OPERATIONS

§ 295.211. Signs and markers.

(a) A person or municipality that operates a composting facility shall identify the facility for the duration of operations by posting and maintaining a sign which will be clearly visible and can be easily seen and read at the junction of each access road and public road unless otherwise approved by the Department. The sign shall be constructed of a durable, weather resistant material [and shall be of a minimum size of 3 feet by 4 feet with a light background and contrasting letters and numbers of a minimum height of 3 inches that can be easily seen and read. The sign shall show the name, business address and telephone number of the person or municipality operating the facility, the operating hours of the facility and the number of the current permit authorizing operations at the facility].

* * * * *

§ 295.212. Access roads.

* * * * *

(c) An access road shall have a drainage system that is compatible with the natural drainage system, structurally stable and which will pass safely the peak flow from a 25-year, 24-hour precipitation event. The drainage system shall [include sloped or crowned road surfaces, cross drains or culverts, stabilized ditches, erosion resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 295.252 (relating to soil erosion and sedimentation control)] comply with Chapter 102 (relating to erosion control).

(d) An access road shall be paved or surfaced with asphalt, gravel, cinders or other equivalent material approved by the Department in the permit. An access road shall be capable of withstanding the load limits projected by the applicant under § [295.116 (relating to access control plan)] 295.115 (relating to plan for access roads). The maximum sustained grade of an access road may not exceed 12%.

* * * * *

(j) An access road shall be maintained to control dust and to prevent or control the tracking of mud on and off site.

§ 295.214. Measuring and inspection of waste.

* * * * *

(c) The operator shall inspect incoming waste to ensure that the waste received is consistent with this article and the permit unless otherwise approved by the Department.

§ 295.215. Equipment.

* * * * *

(b) [Standby equipment shall be located on the site or at a place where it can be available within 24 hours.] If a breakdown of the operator's equipment occurs, the operator shall utilize standby equipment as necessary to comply with the act, the environmental protection acts, this subchapter and its permit conditions.

* * * * *

(d) Equipment [used to handle putrescible solid waste with which operations personnel are in direct contact shall be cleaned at the end of each working day or every 24 hours. Other equipment] shall be cleaned at frequencies specified in the permit based on scheduled or emergency maintenance periods.

* * * * *

§ 295.217. Air resources protection.

(a) The operator shall control fugitive air contaminants and otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) [and Subpart C], Article III (relating to air resources) and § 295.218 (relating to nuisance control).

* * * * *

§ 295.218. Nuisance control.

(a) The operator shall [prevent] control and [eliminate] minimize the attraction, harborage or breeding of vectors.

(b) The operator shall also [prevent] control and [eliminate] minimize conditions not otherwise prohibited by this subchapter that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

§ 295.220. Litter.

* * * * *

(c) At least weekly, blown off and intercepted litter shall be collected from fences, roadways, tree-lined barriers and other barriers, and disposed or stored in accordance with the act and the regulations thereunder, unless a greater frequency is set forth in the permit.

COMPOSTING PROVISIONS

§ 295.231. Composting pad or vessel.

* * * * *

(b) The composting pad or vessel shall be adequate in size and capacity to manage the projected solid waste, compost and residue volumes.

(c) A composting pad or vessel shall be:

(1) [No more permeable than 1.0 x 10⁻⁷ cm/sec] Capable of preventing the migration of waste, or leachate generated from the composting process.

(2) Designed, constructed and maintained to protect the integrity of the pad or vessel during the projected life of the facility.

* * * * *

(6) Designed and operated so that the physical and chemical characteristics of the composting pad or vessel and its ability to restrict the flow of solid waste, solid waste constituents or leachate is not adversely affected by the leachate.

* * * * *

(e) Upon completion of the construction of a composting pad or vessel, the operator shall:

(1) Submit a certification by a registered professional engineer on forms provided by the Department. The certification shall describe the composting pad or vessel being certified, using drawings and plans, if appropriate, and shall state that the actual construction was observed by the engineer or persons under his direct supervision, and that the construction was carried out in a manner that is consistent with the permit.

(2) Notify the Department that the facility is ready for inspection. A solid waste may not be composted, and solid waste or compost may not be stored, loaded or unloaded on the composting pad or in the composting vessel, until the Department has conducted an inspection and has transmitted its written approval to the permittee indicating that the construction was done according to the permit.

[(f) The Department may waive or modify the requirements of this section for facilities that use in-vessel composting.]

SOIL AND WATER PROTECTION

§ 295.253. Sedimentation ponds.

* * * * *

(b) Sedimentation ponds shall be constructed, operated and maintained under this section, Chapters 102 and 105 (relating to erosion control; and dam safety and

waterway management) and the minimum design criteria contained in the United States Soil Conservation Service's Engineering Standard 378, 'Pond' Pa., **as amended.**

* * * * *

§ 295.255. Water supply replacement.

(a) An operator which adversely affects a water supply **by degradation, pollution or other means** shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

* * * * *

(d) **Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.**

EMERGENCY PROCEDURES

§ 295.261. Hazard prevention.

[(a)] ***

[(b) **First aid facilities shall be available and job safety shall be practiced.**]

RECORDKEEPING AND REPORTING

§ 295.271. Daily operational records.

* * * * *

(b) The daily operational record shall include the following:

* * * * *

(6) **A description of waste handling problems or emergency disposal activities.**

* * * * *

CESSATION AND CLOSURE

§ 295.282. Cessation of operations.

* * * * *

(c) An operator required under § 295.254 (relating to soil and groundwater monitoring) to conduct soil monitoring may discontinue soil monitoring upon cessation of composting operations **with the Department's approval.** In deciding whether to allow the discontinuance of monitoring, the Department will consider the operational history of the facility, the likelihood that soil contamination will manifest itself in the future and other factors.

* * * * *

CHAPTER 297. INCINERATORS AND OTHER PROCESSING FACILITIES

Subchapter B. APPLICATION REQUIREMENTS FOR PROCESSING FACILITIES

§ 297.103. Maps and related information.

An application shall contain a topographic map of the **proposed permit area and adjacent area**, including necessary narrative descriptions, which show the following:

(1) The boundaries and names of present owners of record of land, both surface and subsurface, including easements, rights-of-way and other property interests, for

the proposed permit area and adjacent area; **the boundaries of the land within the proposed permit area**; and a description of title, deed or usage restrictions affecting the proposed permit area.

* * * * *

(4) The location and name of public and private water **[supplies] sources** that are located on or within **[1/2] 1/4** mile of the proposed facility. If more than 50 wells are located within the **[1/2] 1/4** mile radius, the applicant may identify only the closest wells in each direction and generally describe the location and number of wells within **[1/2] 1/4** mile of the proposed facility.

* * * * *

§ 297.105. Plan for access roads.

The application shall contain designs, cross sections and specifications for access roads, including load limits, to demonstrate compliance with § 297.213 (relating to access roads). **Access roads shall be designed and constructed to adequately handle the truck traffic expected at the facility.**

Subchapter C. OPERATING REQUIREMENTS FOR PROCESSING FACILITIES
GENERAL PROVISIONS

§ 297.201. Basic limitations.

* * * * *

(f) **All approved mitigation measures identified in the permit application shall be completed before a facility may accept waste unless a later date is authorized in writing by the Department for technical reasons.**

§ 297.202. Areas where incinerators and other processing facilities are prohibited.

(a) Except for areas that were permitted prior to July 4, 1992, residual waste processing facilities subject to this chapter may not be operated:

* * * * *

(3) In or within 100 feet of a wetland other than an exceptional value wetland, unless storage, processing and disposal will not occur within that distance **or the storage and processing take place in an enclosed facility** and one of the following **[is true]** applies:

* * * * *

(5) Within 100 feet of a perennial or intermittent stream, unless **the storage, and processing [and disposal will not occur within that distance] take place in an enclosed facility** and no adverse hydrologic or water quality impacts will result.

(6) Within 50 feet of a property line unless the **[operator demonstrates that actual processing of waste is not occurring within that distance] storage and processing take place in an enclosed facility**, or that the owners of occupied dwellings within that distance have provided written waivers consenting to the facility being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

* * * * *

DAILY OPERATIONS

§ 297.211. Signs and markers.

(a) A person or municipality that operates a facility subject to this subchapter shall identify the operation for the duration of residual waste processing operations by posting and maintaining a sign which is clearly visible and can be easily seen and read at the junction of each access road and public road unless otherwise approved by the Department. The sign shall be constructed of a durable, weather-resistant material [and shall be of a minimum size of 3 feet by 4 feet with a light background and contrasting letters and numbers of a minimum height of 3 inches that can be easily seen and read. The sign shall show the name, business address and telephone number of the person or municipality operating the facility, the operating hours of the facility and the number of the current permit authorizing operations at the facility].

(b) Permit area markers and the permanent physical markers for the grid coordinate system shall be:

* * * * *

§ 297.212. Access control.

* * * * *

(b) The operator shall [construct and] maintain a fence or other suitable barrier around the site sufficient to prevent unauthorized access.

* * * * *

§ 297.213. Access roads.

* * * * *

(c) An access road shall have a drainage system that is compatible with the natural drainage system, structurally stable and which will pass safely the peak flow from a 24-hour, 25-year precipitation event. [The drainage system shall include sloped or crowned road surfaces, cross drains or culverts, stabilized ditches, erosion resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 297.232 (relating to soil erosion and sedimentation control).] The drainage system shall comply with Chapter 102 (relating to erosion control).

(d) An access road shall be paved or surfaced with asphalt, gravel, cinders or other equivalent material approved by the Department in the permit. An access road shall be capable of withstanding the load limits projected by the applicant under § 297.105 (relating to plan for access roads). The maximum sustained grade of an access road may not exceed 12%.

* * * * *

(i) An access road shall be maintained to control dust and to prevent or control the tracking of mud on and off site.

§ 297.214. Measuring and inspection of waste.

* * * * *

(c) The operator of a facility shall inspect and monitor incoming waste to insure that the disposal of waste is consistent with this article and the permit. Unless otherwise approved by the Department, the monitoring and inspection shall include

screening of waste for radioactive isotopes and be consistent with § 287.134 (relating to waste analysis plan).

§ 297.215. Equipment.

* * * * *

(b) [Standby equipment shall be located on the site or at the place where it can be available within 24 hours.] If a breakdown of the operator's equipment occurs, the operator shall utilize standby equipment as necessary to comply with the act, the environmental protection acts, this subchapter and its permit conditions.

* * * * *

(d) Equipment [used to handle putrescible solid waste with which operations personnel are in direct contact shall be cleaned at the end of each working day or every 24 hours. Other equipment] shall be cleaned at frequencies specified in the permit based on scheduled or emergency maintenance periods.

§ 297.216. Unloading area.

* * * * *

(b) The loading areas and unloading areas shall be constructed of impervious material which is capable of being cleaned by high pressure water spray and shall be equipped with drains or sumps connected to a sanitary sewer system or treatment facility to facilitate the removal of water. Drains or treatment systems may be connected to a sanitary sewer system if a waste characterization is submitted to the sewage treatment plant operator, and the operator finds that the treatment plant can fully treat the waste stream. Leachate may also be collected in holding tanks prior to its transport to the sewage treatment plant.

* * * * *

(f) [Solid] Residual waste shall be confined to the unloading area or a storage area approved as part of the operator's permit.

* * * * *

§ 297.217. Cleaning and maintenance.

* * * * *

(b) [Except for scheduled or emergency shutdown of processing operations, the] The operator may not allow putrescible waste to remain at the facility at the end of the day or for more than 24 hours except that putrescible waste may remain at the facility for any time period up to 72 hours over a weekend or 3-day weekend if provided for in the permit.

* * * * *

§ 297.218. Air resources protection.

(a) Emissions from a residual waste processing facility shall be consistent with the Air Pollution Control Act (35 P. S. §§ 4001—4015), [Subpart C], Article III (relating to air resources), the terms or conditions of its permit and, if applicable, the most recent edition of the Department's criteria for best available technology, and other applicable Departmental guidelines.

* * * * *

§ 297.219. Nuisance control.

(a) The operator [may not cause or allow] shall control and minimize the attraction, harborage or breeding of vectors.

(b) The operator shall **[prevent] control** and **[eliminate] minimize** conditions not otherwise prohibited by this subchapter that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

§ 297.221. Litter.

* * * * *

(c) **[Litter] Blown off or intercepted litter** shall be collected at least weekly from fences, roadways, tree line barriers and other barriers and disposed or stored in accordance with the act and the regulations thereunder, unless a greater frequency is set forth in the permit.

SOIL AND WATER PROTECTION

§ 297.232. Soil erosion and sedimentation control.

The operator shall manage surface water and control erosion and sedimentation to:

(1) Divert surface water away from the storage area with measures and structures necessary to handle surface water flows, based on a 25-year, 24-hour precipitation event, and supported by written calculations **and also in compliance with Chapter 102 (relating to erosion control)**.

* * * * *

§ 297.234. Water supply replacement.

(a) An operator which adversely affects a water supply **by degradation, pollution or other means** shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

* * * * *

(d) **Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.**

EMERGENCY PROCEDURES

§ 297.253. Implementation of contingency plan.

* * * * *

(c) After an emergency, the operator of the facility shall:

* * * * *

(2) Prevent processing, storage or disposal of solid waste in the area affected by the emergency until the operator has cleaned up the area, and the Department has **[inspected and]** approved the **resumption of operation after the cleanup**.

RECORDKEEPING AND REPORTING

§ 297.261. Daily operational records.

* * * * *

(b) The daily operational record shall include the following:

* * * * *

(10) A record of rejected waste loads and the reasons for rejecting the loads.

* * * * *

§ 297.262. Annual operation report.

* * * * *

(c) The annual operation report shall be accompanied by a nonrefundable annual permit administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" for the following amounts:

(1) **[Nineteen] Six hundred fifty** dollars for facilities that incinerate residual waste.

* * * * *

CHAPTER 299. STORAGE AND TRANSPORTATION OF RESIDUAL WASTE

Subchapter A. STANDARDS FOR STORAGE OF RESIDUAL WASTE

SCOPE

§ 299.101. Scope.

* * * * *

(b) In addition to the requirements of subsection (a), the following requirements shall be met:

* * * * *

(2) A person or municipality that stores the types of waste identified in §§ 299.151—**[299.154] 299.163** (relating to types of waste) shall store the waste under the applicable provisions of those sections.

* * * * *

GENERAL

§ 299.115. Nuisance control.

(a) A person or municipality that stores residual waste shall:

(1) **[Eliminate conditions conducive to] Control and minimize** the harborage, breeding or attraction of vectors.

(2) Take other measures necessary to **[prevent] control and minimize** the presence of vectors.

(3) Immediately take measures necessary to exterminate **[them, where] vectors [are present]**.

(b) A person or municipality storing residual waste shall also **[prevent and eliminate] minimize and control** conditions not otherwise prohibited by this subchapter that are harmful to the public health, public safety or the environment, or which create safety hazards, odors, dust, unsightliness or other public nuisances.

TYPES OF STORAGE CONTAINERS AND TANKS

§ 299.121. Containers.

(a) A person or municipality storing residual waste in containers shall **prevent leaks and** provide a sufficient number of containers to contain solid waste generated during periods between regularly scheduled collections.

* * * * *

(d) All containers shall be clearly labeled as "residual waste" or as the specific type of residual waste.

§ 299.122. Storage tanks.

Residual waste storage tanks shall [be designed, in accordance with] meet the design and performance standards established by or under the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2105). [The Department may waive or modify those requirements for storage tanks which are not subject to the Storage Tank and Spill Prevention Act.] The storage tank shall be clearly labeled as “residual waste” and identify the type of residual waste.

STORAGE PILES

§ 299.131. General requirements.

* * * * *

(e) For storage piles without a liner system or storage pad, the Department may require the person or municipality to install a water quality monitoring system in accordance with §§ 288.251—288.255.

IMPOUNDMENTS

§ 299.144. Operating requirements.

(a) A person or municipality that stores residual waste in a surface impoundment shall design, operate and maintain the impoundment in accordance, at a minimum, with the following:

* * * * *

(2) Section [289.222] 289.223 (relating to access [control] roads).

(3) Sections [289.227] 293.218 and [289.228] 293.219 (relating to air resources protection; and nuisance control).

* * * * *

(8) Section 289.522(a)(2), (6) and (7) [and (10)] (relating to areas where Class II residual waste disposal impoundments are prohibited).

(9) [Section] Notwithstanding the references to “disposal,” § 289.423(a)(1)—(3), (5) and (6) (relating to minimum requirements for acceptable waste) or § 289.523(a) [(4), (6), (7), (9)] (1)—(8) and (11) (relating to minimum requirements for acceptable waste).

(10) [If] Notwithstanding the references to “disposal,” if the residual waste to be stored meets the requirements of § 289.523(a), the following shall be met:

(i) Section [289.432(a) and (b)] 289.532(a)—(c) (relating to general limitations).

* * * * *

(11) [If] Notwithstanding the references to “disposal,” if the residual waste to be stored does not meet the requirements of § 289.523(a), the following shall be met:

(i) Section 289.432(a)—(c) (relating to general limitations).

- [(i)] (ii) ***
- [(ii)] (iii) ***
- [(iii)] (iv) ***
- [(iv)] (v) ***
- [(v)] (vi) ***

* * * * *

TYPES OF WASTE

§ 299.155. Storage of waste tires and tire derived materials.

(a) This section and §§ 299.156—299.163 do not apply to persons or municipalities who store less than 500 waste tires in open storage or who store less than 1,500 waste tires in enclosed storage unless the open or enclosed storage threatens or causes harm to the public health, safety, welfare or the environment.

(b) The requirements of this section and §§ 299.156—299.163 may be waived or modified for small piles at the location of waste tire generators.

(c) No person or municipality may accumulate tires or tire derived material speculatively or store for longer than 1 year. The actual tons of waste tires removed from a facility shall be verified through weight receipts.

(d) A person or municipality storing waste tires or tire derived material shall maintain operational records that provide detailed information in accordance with § 299.112 (relating to design and operation).

§ 299.156. Notice by waste tire storage sites operators.

(a) By ____ (*Editor’s Note: The blank refers to the effective date of adoption of this proposal.*), each operator of a waste tire storage site shall file a notice on a form prepared by the Department which includes the following:

(1) A brief description of the type and number of waste tires and the type and weight or volume of tire derived materials being stored at the waste tire storage site.

(2) A brief description of the physical design and layout of the waste tire storage site, including a description of structures used for storing waste tires or tire derived materials and their locations at the storage site, a diagram of the locations and approximate sizes of any piles of waste tires or tire derived materials at the storage site and a description of the location of emergency equipment at the storage site.

(3) The approximate date upon which the operator began to store 500 or more waste tires in open storage or 1,500 or more waste tires in enclosed storage.

(4) Information showing how the operator will comply with § 299.155(c) (relating to storage of waste tires and tire derived materials).

(5) The address of the storage site and the individual responsible for operating the storage site.

(6) Verification of landowner consent to operate a waste tire storage site.

(b) An operator of a waste tire storage site that is not subject to the requirements of this section, §§ 299.155 and 299.157—299.163 on ____ (*Editor’s Note: The blank refers to the effective date of adoption of this proposal.*), based on § 299.155(a), shall file the notice required by subsection (a) if the waste tire storage site becomes subject to the requirements of this section, §§ 299.155 and 299.157—299.163 after that date.

(c) As of ____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), no person or municipality operating a waste tire storage site may store waste tires or tire derived materials at the storage site unless the person or municipality has filed with the Department a notice that is consistent with this section.

§ 299.157. General limitations on storage of waste tires and tire derived materials.

(a) Indoor storage of waste tires or tire derived materials shall be consistent with "The Standard for the Storage of Rubber Tires," National Fire Protection Association Standard 231 D, (NFPA 231D), as amended.

(b) When waste tires or tire derived materials are stored outdoors, each waste tire pile or tire derived material pile shall:

(1) Cover a surface area not greater than 2,500 square feet.

(2) Have a vertical height not greater than 15 feet.

(3) Maintain corridors as firebreaks on all sides of a tire pile of at least 50 feet. Corridors shall be maintained free from obstructions that could limit access in the event of an emergency.

(4) For shredded or chipped tires stored in piles, cover a surface area of no more than 2,500 square feet, and be no more than 15 feet high. Thirty-five foot wide corridors shall be maintained for fire breaks on all sides of a pile with no point in a pile being more than 25 feet from a fire break. Corridors shall be kept free from obstructions that could limit access in the event of an emergency.

(5) For baled tires stored in stockpiles, cover a surface area of no more than 5,000 square feet, and may be no more than 15 feet high. Thirty-five foot wide corridors shall be maintained for fire breaks on all sides of a pile with no point in a pile being more than 25 feet from a fire break. Corridors shall be kept free from obstructions that could limit access in the event of an emergency.

(6) The firebreaks shall be free of waste, equipment and structures, and vegetation shall be maintained below 6" in length at all times.

(7) Outdoor storage of waste tires or tire derived materials shall be conducted to prevent the discharge of fire-generated oils and liquids into the surface water and groundwater of this Commonwealth.

(8) Outdoor storage of waste tires and tire derived material shall be conducted to control mosquito propagation during warm weather. Controls may include use of tarps, indoor storage screens or spraying.

(9) A copy of a Preparedness, Prevention and Contingency (PPC) plan, that is consistent with the Department's most recent guidelines, shall be prepared and maintained at the waste tire storage facility and be updated annually. The applicable provisions of the Department approved PPC plan shall be immediately implemented for any emergency that affects or threatens public health, safety, welfare or the environment.

(c) Storage of waste tires or tire derived materials which occurs at a permitted processing or

disposal facility shall be covered under the permit, and is limited to the total number or amount of waste tires or tire derived materials which can be processed or disposed by the permitted facility during a year. The processing or disposal permit shall incorporate the requirements of this subchapter.

(d) A waste tire storage site may not be greater than 5 acres in total area.

(e) Owners or operators of waste tire storage sites may not maintain additional storage areas on contiguous property.

§ 299.158. Areas where storage of waste tires or tire derived materials is prohibited.

A person or municipality may not store waste tires or tire derived materials:

(1) In the 100 year floodplain of any waters of this Commonwealth, unless the Department approves a method of protecting the facility from a 100 year flood consistent with the Flood Plain Management Act (32 P. S. §§ 679.101—679.601), the Stormwater Management Act (32 P. S. §§ 680.1—680.17) and the Dam Safety and Encroachment Act (32 P. S. §§ 693.1—693.27).

(2) In or within 300 feet of an exceptional value wetland.

(3) In or within 100 feet of a wetland other than an exceptional value wetland.

(4) Within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the activities being closer than 300 feet.

(5) Within 100 feet of a sinkhole or area draining into a sinkhole.

(6) Within 100 feet of a perennial stream.

(7) Within 300 feet of a water source.

(8) Within 50 feet of a property line unless the owner has provided a written waiver consenting to the facility being closer than 50 feet.

§ 299.159. Access control.

(a) A gate or other barrier shall be maintained at all potential vehicular access points to block unauthorized access to the site when an attendant is not on duty.

(b) The operator shall construct and maintain a fence or other suitable barrier around the area sufficient to prevent unauthorized access.

(c) Access to the site shall be limited to those times when an attendant is on duty.

§ 299.160. Hazard prevention.

(a) Persons or municipalities storing waste tires or tire derived materials shall design, construct, maintain and operate the storage site to prevent and minimize the potential for fire, explosion or release of solid waste constituents to the air, water or soil of this Commonwealth or threaten public health or safety, public welfare or the environment.

(b) A person or municipality may not cause or allow the open burning of waste tires or tire derived materials.

(c) Each person or municipality storing waste tires or tire derived materials shall have available

in proper working condition the following equipment at the storage site unless otherwise approved by the Department in writing:

(1) An internal communications or alarm system capable of providing immediate emergency instructions by voice or signal to facility personnel.

(2) A communications system capable of summoning emergency assistance from local police, fire departments, emergency medical services, and from State and local emergency response agencies.

(3) Portable fire extinguishers and suitable fire control equipment.

(4) Available water, at sufficient volume and pressure and suitable foam agent (3%—6% mixture) and application equipment at the storage site (or an agreement with the local fire department to provide the equipment) to temporarily contain a fire at the facility until emergency personnel arrive.

(5) Equipment sufficient in size and design to provide timely movement of tires and tire derived materials in case of an emergency.

(6) For indoor tire storage, an active fire suppression system in the building.

(d) The operator of a waste tire storage site shall immediately implement the applicable provisions of the Preparedness, Prevention and Contingency (PPC) plan if there is a fire or other event that threatens public health, safety, welfare or the environment or threatens personal injury. In addition, the operator shall immediately:

(1) Assess actual or potential hazards to public health, safety, welfare or the environment that are occurring or may occur.

(2) Ensure that fires or other hazards do not occur, reoccur or spread to other solid waste at the storage site.

(3) Telephone the Department and county emergency management agency and report the following information:

(i) The name of the person reporting the incident and telephone number where that person can be reached.

(ii) The name and address of the storage site.

(iii) The date, time and location of the fire or other event that threatens the public health, safety, welfare or the environment.

(iv) A brief description of the event being reported, the type of solid waste involved and what dangers to public health, safety, welfare or the environment exist or may occur.

(v) The nature of any injuries.

(vi) Parts of the PPC plan being implemented to alleviate the situation.

(3) After a fire or other emergency, the operator of a waste tire storage site shall:

(1) Remediate the area affected by the emergency and treat, store or dispose of recovered solid waste, contaminated soil, contaminated water or other material in a manner approved by the Department.

(2) Prevent disposal, processing, storage or treatment of solid waste in the area affected by the

emergency until the operator has remediated the area, and the Department has inspected and approved the remediation.

§ 299.161. Soil and water protection.

(a) Surface water runoff from storage areas shall be minimized. Collection of surface water runoff shall be managed in accordance with The Clean Streams Law and the regulations thereunder.

(b) Surface water run-on to storage areas shall be minimized.

(c) Waste tires or tire derived materials may not be stored so as to cause adverse affects on groundwater.

(d) The Department may require a person or municipality that stores waste tires or tire derived materials to conduct soil or groundwater monitoring, or both.

§ 299.162. Annual report for waste tire storage sites.

(a) Each person or municipality that stores waste tires or tire derived materials shall submit to the Department an annual operation report on or before June 30 of each year.

(b) The annual report shall be maintained onsite. If the storage site is not part of a permitted processing or disposal facility, the annual report shall be maintained for at least 5 years. The report shall include:

(1) The approximate number and type of waste tires that were being stored at the storage site on January 1 of the preceding calendar year, and the approximate number and type of waste tires that were being stored at the storage site on December 31 of the preceeding calendar year.

(2) The approximate number and type of waste tires that were received at the storage site in the preceding calendar year, the person and location from which they were shipped and the name of the transporter.

(3) The approximate number and type of waste tires that were shipped from the site in the preceding calendar year, the person and location to which they were shipped and the end use for which they were shipped.

(4) The weight or volume of waste tires and tire derived materials that were being stored at the storage unit on January 1 of the preceding calendar year and the weight or volume of tire derived materials that were being stored at the storage site on December 31 of the preceding calendar year.

(5) The weight or volume of waste tires and tire derived materials that were shipped from the storage site in the preceding calendar year, the person and location from which they were shipped and the end use for which they were shipped.

(c) The annual report shall be based on a daily operational record, which shall be maintained by the person or municipality storing waste tires for each day that waste tires are received or transported off the storage site.

§ 299.163. Cessation of operations.

Upon cessation of waste tire or tire derived material storage activities, the operator shall imme-

diately remove all waste tires and tire derived materials from the storage site, and provide for the processing or disposal of the materials or waste in accordance with the act, the environmental protection acts, and this title.

Subchapter B. STANDARDS FOR COLLECTING AND TRANSPORTING OF RESIDUAL WASTE

SCOPE

§ 299.201. Scope.

(a) A person or municipality that transports residual waste that is not mixed with waste that is regulated under Article VIII (relating to municipal waste) shall comply with §§ ~~285.218 and~~ 299.211—299.219 (relating to ~~signs on vehicles; and~~ general provisions). In addition, a person or municipality that transports waste referred to in §§ 299.231 and 299.232 (relating to types of waste) shall transport the waste in accordance with the applicable provisions of these sections, and may not mix the waste with other types of waste.

(b) A person or municipality that transports residual waste that is mixed with waste that is regulated under Article VIII shall comply with §§ 285.211—~~285.217]~~ ~~285.218~~ (relating to general provisions).

GENERAL PROVISIONS

§ 299.219. Recordkeeping and reporting.

(a) A person or municipality that transports residual waste shall make and maintain an operational record for each day that residual waste is collected or transported, or both. The daily operational record shall be kept in the cab of each transportation vehicle on the date of collection or transportation. The record shall include the following:

* * * * *

(8) The license plate number of the trailer transporting the waste.

* * * * *

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