

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 17, 1998.

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-98	Northwest Savings Bank, Warren, and Northwest Interim Savings Bank I, Warren Surviving Institution— Northwest Savings Bank, Warren	Warren	Effective
Subject merger is being effected solely in connection with the two-tier reorganization of Northwest Bancorp, M.H.C., Warren.			

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-98	Fulton Bank Lancaster Lancaster County	1700 Roosevelt Ave. York West Manchester Twp. York County	Opened

#### SAVINGS ASSOCIATIONS

No activity.

#### CREDIT UNIONS

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 98-335. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will meet on Monday, March 9, 1998. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800)

654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,  
*Chairperson*

[Pa.B. Doc. No. 98-336. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Act 101 Program Eligibility

In accordance with 22 Pa. Code § 44.4 (relating to eligible students), notice is hereby given that for the 1998-99 academic year the maximum adjusted annual family income to be used for including students in an Act 101 program is \$18,900. This figure was determined by increasing the maximum adjusted annual family income of \$18,750 for the 1997-98 academic year by 25% of the

increase in the consumer price index between July 1996 and July 1997 (3.6%), rounded to the nearest \$50.

Questions can be directed to Kathleen R. Kennedy, Act 101 State Coordinator, at (717) 783-4393.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-337. Filed for public inspection February 27, 1998, 9:00 a.m.]

### **Application of Oklahoma Baptist University, Shawnee, Oklahoma for Approval of its Request to Offer Credit Courses in Erie, PA**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Oklahoma Baptist University located in Shawnee, Oklahoma for a Certificate of Authority approving the institution's offering of credit courses in Erie, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code § 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-6576 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Department may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-338. Filed for public inspection February 27, 1998, 9:00 a.m.]

### **Availability of Funds Under the Adult Education Act, Section 353 Funds for Special Experimental Demonstration and Staff Development Projects for Adult Basic Education for Program Year 1998-99**

#### *I. Authorization*

A. Section 353 of the Adult Education Act, P.L. 91-230, as amended by the National Literacy Act of 1991 (act), requires the Department of Education (Department),

through its State Plan for Adult Education, to use not less than 15% of its annual Federal allotment of adult education funds from the United States Department of Education for special experimental demonstration and teacher training (staff development) adult education projects, as defined in the act.

B. The Federal objectives for these grants are to:

"1. Promote special projects which will be carried out in furtherance of the purposes of the Act and which—

a. involve the use of innovative methods (including methods for educating persons with handicaps, the homeless, and persons of limited English proficiency), systems, materials, or programs which may have national significance or will be of special value in promoting effective programs under this title, or

b. involve programs of adult education, including education for persons with handicaps, the homeless, and persons of limited English proficiency, which are part of community school programs, carried out in cooperation with other Federal, State, or local programs which show unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

2. Train persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title."

C. The State objectives for these grants are to strengthen the Commonwealth's adult basic education programs through research, evaluation and demonstration of methods, programs, techniques or operational/administrative systems to improve adult education services (special experimental demonstration projects) and to provide training for personnel working in or preparing to work in adult basic education programs (staff development). Emphasis on staff development will be on the following:

1. Training for full-time professional adult educators;
2. Training for minority educators;
3. Training for educators of adults with limited English proficiency; and
4. Training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the 5th grade level.

#### *II. Special 353 Priorities for 1998-99*

The following Section 353 priorities for 1998-99 have been developed as a result of suggestions/recommendations by adult education providers throughout the State, by Section 353 Task Force members, and by the Department's Bureau of Adult Basic and Literacy Education staff. Priorities fall in three general categories as follows:

A. Special experimental/demonstration projects for Statewide or regional impact;

B. Staff development projects designed for Statewide or regional impact;

C. Mini-grant projects of up to \$5,000 designed to assist programs with the adoption or adaptation of exemplary projects; with the development of an experimental demonstration project designed for local impact; or to address individual program needs in staff development.

**Fiscal Year 1998-99 Priorities 353***Priorities—1998-1999**Section A: Special Demonstration/Experimental*

1. *Crossroads Cafe Curriculum*: Fiscal administration, management and coordination of *Crossroads Cafe* materials to selected agencies for ESL instruction. Applicant will arrange for purchase and distribution of materials, for training of staff from selected agencies to pilot delivery of the curriculum with an emphasis on distance learning systems and an evaluation and assessment of the use of the program. Applicant must have an ESL program component and knowledge of distance learning technologies. Preference will be given to applicants with connections to existing distance learning initiatives.

2. *Program Performance Funding*: Define the factors that constitute "performance" for ABLÉ funded programs and develop a recommended funding structure adding the performance factors to historical funding methods. The project will include case studies that apply the theoretical performance factors to actual agencies and analyze the impact of programmatic and administrative levels. Preference will be given for nonABLE funded agencies, particularly institutions of higher education, educational administration field of study, or other institutions with an emphasis on educational funding.

3. *Special Populations*: Define and validate special population categories and determine performance accommodation needs. Using the data collected in FY 1997-98 on special populations in Pennsylvania adult basic and literacy education programs, applicant will provide recommendations to the Bureau for performance standards accommodation in agencies serving the defined special populations.

4. *Performance Standards in Volunteer Programs*: Expand the Oregon Project performance standards in volunteer programs to additional literacy councils in this Commonwealth. A 1997-1998 special demonstration project piloted the Oregon Project, a volunteer-based competency checklist and assessment system, in a limited number of literacy councils in the Commonwealth. The project will use recommendations for continuation made to the Bureau developed from an assessment of the use of these adult learning competencies during the 1997-1998 pilot project.

5. *Learner Impact*: Research existing practices and then develop procedures for ABLÉ funded programs use in documenting the impact of adult education services on enrolled students. Federal reporting requirements for impact in economic, societal and family areas must be included. Applicant must work with a set of ABLÉ agencies to collect and document practices and develop a set of recommendations for improving impact data beyond learning gains with enrolled students. Recommendations must include ways by which programs can collect and use impact data for program improvement.

6. *Adult Learner Recognition*: Manage an event that includes the technical editing of field submitted student success stories that focus on the role of adult basic education in the lives of the nominated students; facilitation of a review process to select outstanding adult learners; interview and photograph ten finalists; and prepare, publish and disseminate a Success Stories booklet that includes suggestions for adapting the process for local use. Applicant will coordinate with an identified

ABLE Bureau staff person in the development of the project. Applicant must plan for a circulation of approximately 2,000 copies of the booklet across this Commonwealth with distribution as requested by the Department.

7. *Recognition of Excellent Educators and Instructors*: Manage an activity to recognize outstanding adult education practitioners in this Commonwealth including a means to honor them Statewide and to publicize their services through an ABLÉ practitioners' handbook describing the criteria used for selection. Establish a panel to develop the criteria for selection and review the nominations. Applicant should develop a guide for honoring excellent practitioners to assist local programs in sponsoring practitioners and honoring their nominees. The applicant will coordinate with an identified staff person in the Bureau of ABLÉ in the development of the project.

8. *Adult Education Teacher Competencies*: Develop teacher competencies in this Commonwealth. Review recent 353 projects that researched and listed adult basic education teacher competencies. Recommend competencies based upon exemplary practices and field-based research that includes competencies developed through other states' field-based research.

9. *ABLE Workplace Manual*: Review existing workplace development documents such as commercially developed products and previous workplace-related Section 353 projects to produce a Pennsylvania specific workplace manual. The manual should be viewed as a marketing tool for use by adult education providers and the workplace and describe successful adult basic education workplace programs. Project should include information on adult education providers forming partnerships with businesses and businesses with education, developing community awareness and coordination of needs and services, assessment of workplace needs and worker needs, and development of instructional programs relevant to the worker and the workplace.

10. *Revise Indicators*: Review, revise and update existing ABLÉ Indicators of Program Quality to reflect indicators associated with innovation, continuous improvement, integration of technology and other areas denoting quality practices. Project must describe how it will initiate field involvement in the revision process, as well as the consideration of exemplary practice and proven research.

11. *Community Planning*: Increase the number of Building Communities for Learning (BCL) community-based planning sites through expansion of field-driven mentoring outreach, training and technical assistance. Applicants must be a Statewide organization with broad-based membership and collaborate with the Professional Development Centers to encourage and support the growth and development of existing community-based planning sites.

12. *ABLE Assessment Practices*: Research the standardized assessment tools being used in ABLÉ programs as pre- and post-tests to document adult learners learning gains. Project should list the tests, their publishers and the number and type, that is volunteer, school district, CBO, of education service provider using a particular standardized test.

13. *Short Term Learner Goals*: In order to explore the concept of project learners, the applicant will research and define "project learning" as related to the adult learner who enrolls in an adult education program to

accomplish an objective or set of objectives related to the completion of a task or goal. The project the learner seeks to complete is short term in nature and is related to basic skill enhancement. The applicant should define "project learning," provide a project IEP format and the procedures for documenting successful completion of the project prior to the learner's separation from the program. The final product will be used by the Bureau in considering program performance standards for those short term learners engaged in "project learning" where standardized pre- and post-testing may not be indicated.

14. *Workplace Education Standards*: Convene a workgroup of ABLE funded programs that deliver workplace education programs as defined in ABLE Guidelines. The project will explore accountability measures appropriate for workplace education, including documentation of learner progress in customized workplace programs. Provide recommendations to the Bureau of ABLE for use in establishing program performance standards.

15. *Alternative High School Diploma Program*: Provide direction for the establishment of high school diploma programs for adults in this Commonwealth. Applicant will provide leadership and technical assistance to school districts, IUs and other approved agencies that wish to institute an adult high school degree program. Continue technical assistance to existing adult high school degree programs.

16. *Marketing Campaign*: Develop and implement a marketing campaign to promote adult education services throughout this Commonwealth with the goal of increasing enrollment and retention of adult learners in adult education programs. Develop promotional materials using or incorporating existing materials (such as the NIFL national campaign) that can be used by existing adult education agencies. Contact potential corporate sponsors to develop funding sources to enhance the campaign. The materials and campaign must address the various targeted populations within adult education. The successful applicant will work closely with a Bureau point of contact throughout the contract period.

#### *Section B: Professional Development*

1. *Training Development and Implementation in Core Content Areas*: Coordinate the review and select training materials for professional development in designated content areas. Identify and train trainers to implement the designated content areas. Continue implementation of existing training development and implementation initiatives with emphasis on quality control. Applicant will work closely with the Bureau and regional professional development centers.

2. *Learning Differences*: Deliver Statewide training and technical assistance on learning differences through the Professional Development Centers. The applicant should address how the training and technical assistance being done nationally through the National Adult Literacy and Learning Disabilities Center and the University of Kansas Center for Research on Learning will be incorporated into this grant. The applicant must also address the means by which ABLE's Guiding Principles for Professional Development will be reflected in the project. The application should provide for the development of a cadre of trainers to assist in the provision of technical assistance and training to providers of adult education services in this Commonwealth.

3. *Learning From Practice*: Continue to develop and implement learning from practice activities into estab-

lished adult basic and literacy education agencies. Support a variety of inquiry groups such as program-based, cross-program within a region, institutes or online; develop and strengthen the capacity of local leadership (PDC staff, practitioners) throughout the State in order to integrate learning from practice approaches into a variety of professional development activities at the program, region and State levels. Build upon models currently operating in the State and nationally. Include components addressing networking for participants and leadership development.

4. *Revision, Support and Dissemination of Learning from Practice Projects*: Develop and maintain a Statewide database of Learning from Practice abstracts. Applicant will facilitate an editorial board which will be responsible for selecting articles, assisting authors in revision and disseminating the journal with distribution as requested by the Department. Applicant submitting a Letter of Intent for this priority will receive guidance developed by the Learning from Practice Guidelines/Steering Committee.

5. *Review and Dissemination of Special Demonstration Projects*: Review current/past Section 353 special demonstration/experimental and staff development projects from this Commonwealth and other states in designated topic areas and determine their significance and appropriateness through identification of exemplary and innovative approaches/practices. Disseminate recommended projects through a Statewide publication to be published a minimum of six times a year. Applicant must plan for a circulation of approximately 3,000 copies across this Commonwealth with distribution as requested by the Department.

6. *Professional Development Institutes*—Physical accommodations, administrative, fiscal management and support for Statewide adult basic education professional development institutes for administrators, teachers, counselors and volunteers in adult basic education programs. Applicants should provide follow-up training through the Professional Development Centers and/or other activities as applicant designs and an evaluation of the effectiveness of the training. Applicants should state for which institute the application is made in the Letter of Intent. Interested applicants will be provided separate guidelines to be used in developing the application.

Institute Topic Areas: Corrections Education; New Teacher—ABE, GED, ESL strands; Instruction—Teaching/Learning Intensive; Workforce Education; Administrator; Family Literacy

6. *Penn-Ohio Conference*: Physical accommodations, administrative and fiscal management and support for an interstate adult basic education workshop for administrators, teachers, counselors and volunteers to be held in western Pennsylvania, in coordination with adult basic education personnel from Ohio at a cost not to exceed \$10,000.

7. *Adult Education Newsletter*: A general adult basic education newsletter to be published a minimum of five times a year at a length of eight pages or longer to disseminate areas of interest to adult basic education practitioners and program supporters in this Commonwealth. The areas may include but are not limited to professional development, special demonstration projects, best practices and adult basic education awareness information. Applicants must plan for a circulation of approxi-

mately 4,000 copies across this Commonwealth with distribution as requested by the Department.

8. *Communications for Professional Development:* Provide for the design and/or publication of newsletters, handbooks, and brochures as needed by adult education providers in this Commonwealth. The project will direct and provide systematic communication and coordination between the Bureau and professional development service providers and adult basic and literacy education practitioners. The activities will include support for online and World Wide Web communications.

9. *Administration, Fiscal Management and Support:* Provide Statewide adult basic education professional development activities and other Department activities that include: 1) provision for a series of meetings for the State Plan Task Force; 2) provision for a series of hearings on a revised State Plan; 3) provision for support of special demonstration and professional development presentations and/or activities that include honoraria for presenters at State-sponsored activities; and 4) provision for support of activities of Act 42 Council.

*Section C. Mini-Grants (Grants of \$5,000 or less)*

1. Implement the Pennsylvania adult learner competencies developed in 353 Special Demonstration project No. 98-7008. The project must specifically relate the use of the competencies in the instructional programs delivered to adult learners as part of the agency's program improvement planning. Funds may not be used for actual instructional time but for time to determine the application of the competencies to learner selected activities, curricula, assessment and documentation of learner gains, and participation in training.

2. Develop a model that integrates basic skills instruction with the requirements of welfare reform as a preemployment strategy and/or as a postemployment strategy that enables the learner to keep or advance in employment.

3. Address either a special demonstration/experimental or staff development project of local impact.

*Section D. Project Equal Training Seed Grants*

1. Application for funds to support program improvement planning in agencies which did not receive expansion grant funds in FY '97-'98 and desire to participate in EQUAL training and program improvement activities. Funds may be used to support participation in external training activities and in support of internal program improvement meetings and activities. Upon receipt of a Letter of Intent for this priority, the Bureau will provide interested agencies an eligibility description and guidelines for completing a short narrative and a budget form.

*III. General Instructions*

A. This is a competitive grant process. Eligible applicants include State educational agencies, local educational agencies and public and private nonprofit agencies, organizations and institutions. Funding will be for programs accomplished during the period July 1, 1998, through June 30, 1999.

B. A minimum of 25% nonFederal/nonState funds is required as a local match for the grant. This local match may be cash or in-kind.

C. Applications within the Commonwealth of Pennsylvania for grants under Section 353 of the Adult Education Act are screened and evaluated at the Department by a Section 353 Task Force made up of experts in the adult education field. Proposals with merit which have the most potential of achieving high priority objectives of the Adult Education Act and the Pennsylvania Adult Education Plan at the most reasonable cost will be funded, subject to the availability of funds.

D. Applications must address only one of the priorities listed in the priorities in Section II. Any application which addresses more than one priority will not be considered for funding.

E. Prior to submitting an application for a Special Demonstration Project, applicants should review the literature that relates to a potential project using the appropriate State Literacy Resource Center (AdvancE or Western Pennsylvania State Literacy Resource Center) to ensure the uniqueness or applicability of the proposed project. The results of this review must be addressed in the application.

F. Section 353 proposals also should be reflective, as much as possible, of the goals, objectives and activities of the Pennsylvania—Adult Education State Plan: Fiscal Years 1990-94. Applicants should consult this plan as they prepare proposals. Copies of the plan are available at the State Literacy Resource Centers.

G. For the purposes of these Section 353 Funds, an adult is defined as an out-of-school youth who is 16 years of age or older. Adult Basic Education (ABE) encompasses instruction at the 0-8 grade level; General Educational Development (GED) encompasses instruction to enable undereducated adults to successfully pass the GED test; (9-12 grade level) and English As a Second Language (ESL) encompasses instruction of English to adults whose primary language is not English.

H. Prospective applicants who desire application forms, and application guidelines, should request those materials by submitting a letter of intent to apply for a grant to the following address by March 27, 1998 (proposal will be due May 8, 1998). The letter of intent should state which priority in Section II and the particular topic the applicant intends to address in the proposal and include a one sentence description of the purposes of the project. A letter of intent must be submitted for each separately proposed project application. These letters of intent may not be faxed to the Bureau. Upon receipt of the letter of intent at the Bureau, the applicant will be provided a copy of the guidelines to use in the preparation of the application.

Chief, Special Programs and Projects Division, Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126- 0333.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 98-339. Filed for public inspection February 27, 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 Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Community Relations Coordinator at (717) 657-4585. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0057339.** Sewage, **Brian and Cheryl Davidson**, 209 Poplar Road, Honey Brook, PA 17555.

This application is for issuance of an NPDES permit to discharge treated sewage from small flow sewage treatment plant in Honey Brook Township, **Chester County**. This is a new discharge to West Branch of Brandywine Creek.

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

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

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
(7-1 to 10-31)		
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0051896.** Industrial waste, SIC: 3079, 2656, **Fort James Operating Company**, 605 Kuebler Road, Easton, PA 18042.

This proposed action is for renewal of an NPDES permit to discharge noncontact cooling water and stormwater into an unnamed tributary to Bushkill Creek in Forks Township, **Northampton County**.

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

The proposed effluent limits for Outfall 001, based on a design flow of .0035 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	30
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0086428.** Sewage, SIC: 4952, **Mazza Vineyards, Inc.**, P. O. Box 685, Cornwall, PA 17016.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Chickies Creek, in Rapho Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Borough Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from .0—9.0 inclusive	
Fecal Coliforms	200/100 ml as a geometric average	
(5-1 to 9-30)	2,700/100 ml as a geometric average	
(10-1 to 4-30)		

The EPA waiver is in effect.

**PA 0087734.** Industrial waste, SIC: 4941, **The Marietta Gravity Water Company**, Route 441, Box 302, Marietta, PA 17547.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Dugan Run, in Hellam Township, **York County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Columbia Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30		60
Total Iron	2		4
Aluminum	4		8
Manganese	1		2
TRC	0.5		1.6
pH	6.0—9.0		

The EPA waiver is in effect.

**PA 0083305.** Industrial waste, SIC: 30, **Amp, Incorporated**, P. O. Box 3608, Harrisburg, PA 17105-3608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Krebs Valley Run, in Codorus Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was York Water Company located in Spring Garden Township, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.058 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	
Tetrachloroethylene	0.002	0.004	0.005
1,1,2-Trichlorethane	0.002	0.004	0.005
Trichloroethylene	0.005	0.010	0.013
pH	within limits of 6—9 (s.u.) at all times		

The EPA waiver is in effect.

**PA 0083089.** Industrial waste, SIC: 30, **Amp, Incorporated**, P. O. Box 3608, Harrisburg, PA 17105-3608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Larkin Pond/Seaks Run, in Springfield Township, **York County**.

The receiving stream is classified for high quality cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was York Water Company located in Spring Garden Township, York County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.086 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	
1,1-Dichloroethane	0.001	0.002	0.003
1,1,2-Trichlorethane	0.002	0.004	0.005
pH	within limits of 6—9 (s.u.) at all times		

The EPA waiver is in effect.

**PA 007862.** Industrial waste, SIC: 4941, **Pennsylvania-American Water Co.**, Yellow Breeches Filter Plant, 107 Meadowbrook, New Cumberland, PA 17070.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Yellow Breeches Creek, in Fairview Township, **York County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Borough Water Authority located in Wrightsville. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfalls 001 and 002 for a design flow of 0.2 and 0.034 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	60	75
pH	6—9 s.u. at all times		
TRC	1.5	XXX	2.5
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
Total Iron	2.0	4.0	5.0

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510, (717) 327-3666.*

**PA 011538.** SIC: 4952, **Rodger Yordy (Pine Valley Park)**, P. O. Box 72, Vicksburg, PA 17883.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to North Branch Buffalo Creek in West Buffalo Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is City of Sunbury Municipal Authority located on the Susquehanna River 30 miles downstream.



The proposed effluent limits for Outfall 001, based on a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia Nitrogen (5-1 to 10-31)	5	10
(11-1 to 4-30)	15	30
Total Residual Chlorine*	monitor and report*	monitor and report*
Fecal Coliforms	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	

\*provide effective dechlorination within 3 years of permit issuance date

*Other Conditions:* none

The EPA waiver is in effect.

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

**PA 0091391.** Industrial waste, SIC: 3087, **Polycom Huntsman, Inc.**, 90 West Chestnut Street, Washington, PA 15301.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from Plant No. 1 in Donora Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is PA-American Water Company-Aldrich Station, located at 410 Cooke Lane, Pittsburgh, PA 15234, 12.6 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of 0.41 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 (mgd)	monitor and report				
Temperature (°F)					
pH	not less than 6.0 nor greater than 9.0				110

*Outfall 101:* existing discharge, average flow of 0.061 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 (mgd)	monitor and report				
BOD <sub>5</sub>		13	report	26	
Oil and Grease		15	report	29	
Suspended Solids		10	report	19	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 201:* existing discharge, average flow of 0.051 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 (mgd)	monitor and report				
BOD <sub>5</sub>		11	report	26	
Oil and Grease		12	report	29	
Suspended Solids		8	report	19	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 301:* existing discharge, average flow of 0.013 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 (mgd)	monitor and report				
BOD <sub>5</sub>		3	report	26	
Oil and Grease		3	report	29	
Suspended Solids		2	report	19	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002:* new discharge.

<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>

This outfall is permitted to discharge uncontaminated stormwater runoff from areas in and around the facility. There are at this time no specific effluent limitations on this outfall.

The EPA waiver is in effect.

**PA 0021822.** Sewage, **Borough of Berlin**, 700 North Street, P. O. Box 115, Berlin, PA 15530-0115.

This application is for renewal of an NPDES permit to discharge to the receiving waters, known as Buffalo Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Water Works.

*Outfall 001:* existing discharge, design flow of 0.8 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		60
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	7.5	11.3		15.0
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)			0.1	0.3
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 0217808.** Sewage, **David A. Harchuck**, 122 Kerr Road, New Kensington, PA 15068.

This application is for issuance of an NPDES permit to discharge treated sewage from the Harchuck Office Building in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Beaver Run, which are classified as a trout stock 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 Buffalo Township Municipal Authority—Freeport.

*Outfall 001:* new discharge, design flow of .00196 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	45			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21
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	monitor and report			
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Northwest Regional Office: Regional Manager, Oil and Gas Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860.*

**PA 0105279.** Industrial waste, SIC: 1389, 4953. **Danco Industries, Inc.**, P. O. Box 941, Oil City, PA 16301.

This application is for renewal/modification of an NPDES permit to discharge treated industrial waste to the Allegheny River in Sugarcreek Borough, **Venango County**. This is a modification of 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, NO<sub>2</sub>-NO<sub>3</sub>, and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Authority intake on the Allegheny River located at Emlenton, approximately 35 miles below point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.060 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow			monitor and report		
Cadmium	0.19	0.38	0.38	0.76	0.95
Lead	1.55	3.11	3.1	6.2	7.75
Silver			monitor and report		
Chloride			monitor and report		
Zinc			monitor and report		

The proposed effluent limits for Outfall 101 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				0.040	
Total Suspended Solids			30		60
Oil and Grease			15		30
Total Iron			3.5		7.0
Acidity			less than alkalinity		
Alkalinity			monitor and report		
pH			6.0—9.0 at all times		

The proposed effluent limits for Outfall 201 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				0.020	
Total Suspended Solids			30	60	75
Oil and Grease			15		30
Dissolved Iron					7.0
Benzene			0.001		0.0025
Total BETX			0.1		0.25
MBTE			monitor and report		
Napthalene			monitor and report		
pH			6.0—9.0 at all times		

The proposed effluent limits for Outfall 002 are: This discharge shall consist of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

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### Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

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

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

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

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

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

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

<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 0040487	Dr. P. C. Chadaga d/b/a Maple Lane Estates c/o Property Management, Inc. P. O. Box 622 Lemoyne, PA 17043-0622	Luzerne Foster Township	Pond Creek	Total Residual Chlorine

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0084123	Penn Twp. Mun. Authority Kinkora Nursing Home 100 Munic. Bldg. Rd. Duncannon, PA 17020	Perry Penn Township	Cove 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 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 *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the 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, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.*

**A. 2298401.** Sewage, submitted by **Marlin and Kathy Martz, Jr.**, 1127 Manada Bottom Road, Harrisburg, PA 17112-8825 in East Hanover Township, **Dauphin County** to construct a small flow sewage treatment system to serve their residence was received in the Southcentral Region on January 29, 1997.

**A. 6798402.** Sewage, submitted by **Conewago Township Sewer Authority**, 490 Coppenhaffer Road, York, PA 17404 in Conewago Township, **York County** to construct the Susquehanna Business Park pump station and sewer extension was received in the Southcentral Region on January 30, 1998.

**A. 6798403.** Sewage, submitted by **Springettsbury Township Board of Supervisors**, 1501 Mt. Zion Road, York, PA 17402 in Springettsbury Township, **York County** to upgrade the Erlen Drive Sewers was received in the Southcentral Region on February 2, 1998.

**A. 0198401.** Sewage, submitted by **Reading Township Municipal Authority**, 50 Church Road, East Berlin, PA 17316 in Reading Township, **Adams County** to upgrade their wastewater treatment facility was received in the Southcentral Region on February 2, 1998.

**A. 2298401.** Sewage, submitted by **Franklin R. Norris**, 252 White Birch Lane, Harrisburg, PA 17112 in West Hanover Township, **Dauphin County** to construct a small flow sewage treatment system to serve their resi-

dence was received in the Southcentral Region on February 6, 1998.

**A. 2198401.** Sewage, submitted by **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025 in East Pennsboro Township, **Cumberland County** to construct the Grandview Acres Area Sewer Extension was received in the Southcentral Region on February 9, 1998.

**A. 0697202.** Industrial, submitted by **New Morgan Landfill Company, Inc.**, Mineview Drive East Extension, P. O. Box 128, Morgantown, PA 19534 in New Morgan Borough, **Berks County** to install and operate an industrial waste treatment plant was received in the Southcentral Region on November 25, 1997.

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

**A. 0298402.** Sewerage. **West Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088-0503. Application for the construction of sanitary sewers, storm sewer outfalls with endwalls, modification to the plant outfall and sliplining of the interceptor located in the Borough of West Elizabeth, **Allegheny County**.

**0298403.** Sewerage. **Frank E. Buck**, 7520 Noblestown Rd., McDonald, PA 15057. Application for the construction and operation of a sewage treatment plant located in the Township of North Fayette, **Allegheny County** to serve the Buck residence.

**A. 3098401.** Sewerage. **Cyprus Cumberland Resources Corp.**, 145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370. Application for the construction and operation of a sewage treatment plant located in the Township of Whiteley, **Greene County** to serve the Cumberland Mine Bathhouse.

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

**WQM Permit No. 4298401.** Sewage. **Pennsylvania Department of Transportation, McKean County Maintenance Facility**, P. O. Box 124, Cyclone, PA 16726. This project is to remove the existing sewage treatment facility and to install a new small flow sewage treatment facility including a septic tank, dosing tank, subsurface sand filter and chlorine contact tank in Lafayette Township, **McKean County**.

**WQM Permit No. 4398406.** Sewage, **Seth and Evelyn Johnson**, SRSTP, 110 Tanner Rd., Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in West Salem Township, **Mercer County**.

**WQM Permit No. 1698402.** Sewage, **John R. and Linda S. Gatesman**, SRSTP, Box 122, Sunset Dr., Lucinda, PA 16235. This project is for the construction of a single residence sewage treatment plant in Knox Township, **Clarion County**.

#### INDIVIDUAL PERMITS (PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity 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 limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

**NPDES Permit PAS10-G303.** Stormwater. **Belle Capital Corporation, Ltd.**, 301 Lindenwood Drive, Suite 1, Malvern, PA 19355, has applied to discharge stormwater from a construction activity located in West Bradford Township, **Chester County**, to unnamed tributary to Valley Run (north and unnamed tributary to Broad Run (south).

**NPDES Permit PAS10-G304.** Stormwater. **The Hankin Group**, 717 Constitution Drive, P. O. Box 562, Exton, PA 19341, has applied to discharge stormwater from a construction activity located in Uwchlan and Upper Uwchlan Townships, **Chester County**, to Pickering Creek.

**NPDES Permit PAS10-G305.** Stormwater. **George Strawbridge, Jr.**, 3801 Kennett Pike, Wilmington, DE 19807, has applied to discharge stormwater from a construction activity located in Franklin Township, **Chester County**, to unnamed tributary to Big Elk Creek.

**NPDES Permit PAS10-G306.** Stormwater. **TPT Partners, LP**, P. O. Box 866, Kimberton, PA 19442, has applied to discharge stormwater from a construction

activity located in North Conventry Township, **Chester County**, to unnamed tributary to Schuylkill River.

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

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q150.** Stormwater. **Bruce MacGregor**, 45 Schuler Lane, Easton, PA 18042 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

*Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.*

**NPDES Permit No. PAS10S058.** Stormwater. **Pocono Mountains Industrial Park Authority**, 556 Main Street, Stroudsburg, PA 18360 has applied to discharge stormwater from a construction activity located in Coolbaugh Township, **Monroe County** to Red Run and Pocono Summit Lake.

**NPDES Permit No. PAS10S059.** Stormwater. **Mountain Manor Inn, Inc.**, P. O. Box 1067, Marshalls Creek, PA 18335 has applied to discharge stormwater from a construction activity located in Smithfield Township, **Monroe County** to Marshalls Creek.

*Northampton County Conservation District, District Manager, R. R. 4, Greystone Building, Nazareth, PA 18064-9211, (610) 746-1971.*

**NPDES Permit PAS10U086.** Stormwater. **Kravco Company**, 234 Mall Boulevard, King of Prussia, PA 19406 has applied to discharge stormwater from a construction activity located in Palmer Township, **Northampton County** to Bushkill Creek.

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

**NPDES Permit PAS10A108.** Stormwater. **Fox Chapel Area School Authority**, 611 Field Club Road, Pittsburgh, PA 15238 has applied to discharge stormwater from a construction activity located in Fox Chapel Borough, **Allegheny County** to Squaw Run.

## SAFE DRINKING WATER

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

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

**5689502-A1. Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Construction of a second 260,000 gallon water storage tank serving Ogle Township, **Somerset County**.

**6598501. Easy Living Estates of Ligonier**, R. D. 4, Box 107, Ligonier, PA 15658-8807. Addition to an existing personal care home serving Cook Township, **Westmoreland County**.

*Northwest Regional Office, Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.*

**A. 6198501.** Public water supply. **Rouseville Municipal Waterworks**, 8 Main Street, Rouseville, PA 16344. This proposal involves the development of a new well (known as Well #5) to supplement the existing water system in Cornplanter Township, **Venango County**.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Department'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:

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

**Pennsylvania Power & Light Company (PP&L)—Distribution pole #63603S46245**, City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide human health standard.

## 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 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, 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.*

**James Armour Site**, City of Philadelphia, **Philadelphia County**. Jacenty Serwik, P. G., C.P.G., Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106-3685, has submitted a Notice of Intent to Remedi-

ate site soil and groundwater contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on February 2, 1998.

## AIR POLLUTION

### OPERATING PERMITS

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

*Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.*

**21-320-010A: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for the operation of three heatset lithographic printing presses controlled by a catalytic oxidizer in Building No. 3 in Mechanicsburg Borough, **Cumberland County**.

**22-322-001: Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061) for the operation of a landfill gas extraction system controlled by an enclosed ground flare located in Upper Paxton and Washington Township, **Dauphin County**. This source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

**67-320-022B: Fry Communications, Inc.** (800 West Church Road, Mechanicsburg, PA 17055) for the operation of two heatset lithographic printing presses, each controlled by their own respective catalytic oxidizer and one non-heatset lithographic press in Building No. 5 in Manchester Township, **York County**.

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**59-399-011A: Metalkraft Industries, Inc.** (P. O. Box 606, Wellsboro, PA 16901) for the operation of a powdered metal parts sintering furnace (S-6) in Charleston Township, **Tioga County**.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**OP-26-00371: Coolspring Stone Supply, Inc.** (P. O. Box 1328, Uniontown, PA 15401) for the operation of asphalt manufacturing at the Coolspring Plant No. 2 in North Union Township, **Fayette County**.

**OP-32-00207: Sprankle Mills Tipple** (P. O. Box 343, Punxsutawney, PA 15767) for the operation of coal processing at the Valier Coal Yard in North Mahoning Township, **Indiana County**.

**OP-04-00439: Tajon Warehousing Corp.** (2701 Midland-Beaver Road, Industry, PA 15052) for the operation ferroalloy warehouse at the Arrow Terminals in Industry Borough, **Beaver County**.

**OP-65-00888: United Parcel Service** (521 North Center Avenue, New Stanton, PA 15672) for the operation of package handling facility at the New Stanton Facility in New Stanton, **Westmoreland County**.

**OP-65-00361: R. L. Smeltz Oil Company** (P. O. Box 100, Greensburg, PA 15601) for the operation of petroleum in Greensburg, **Westmoreland County**.

**OP-26-00045: Coolspring Stone Supply, Inc.** (P. O. Box 1328, Uniontown, PA 15401) for the operation of

limestone production at Marsolino Coolspring Quarry in North Union Township, **Fayette County**.

**OP-63-00893: Master Woodcraft, Inc.** (100 Stationvue, Washington, PA 15301) for the operation of wood furniture manufacturing at the Washington Plant in Chartiers Township, **Washington County**.

**OP-65-00661: Derry Construction Co., Inc.** (R. D. 5, Box 34, Latrobe, PA 15650) for the operation of asphalt paving mixture manufacturing at the Delmont Asphalt Facility in Salem Township, **Westmoreland County**.

**OP-32-00113: North Cambria Fuel Co.** (250 Airport Road, P. O. Box 1319, Indiana, PA 15701) for the operation of coal processing at Route 22 Tipple (Blairsville), in Burrell Township, **Indiana County**.

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### Notice of Intent to Issue

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#### Operating Permit No. 22-2007A

**Harrisburg Materials, Energy, Recycling and Recovery Facility**  
**1670 South 19th Street, Harrisburg, PA 17104**

#### Dauphin County

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated emission guidelines (EG) to control emissions from existing large municipal waste combustors (MWCs). The guidelines are codified at 40 CFR Part 60, Subpart Cb and apply to existing MWCs capable of combusting more than 250 tons per day of municipal solid waste.

In accordance with the State section 111(d)/129 plan for MWCs, the Department of Environmental Protection (Department) will implement the emission guidelines by incorporating the applicable requirements of 40 CFR Part 60, Subpart Cb into Federally-enforceable State operating permit (FESOP) No. 22-2007A. The FESOP will serve as the legally enforceable mechanism for implementation of the Subpart Cb requirements.

Copies of the proposed permit and other relevant information are available for public inspection at the Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110. An appointment to review the documents may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections to Kanubhai L. Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with a reference to the proposed permit.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will 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.

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### Notice of Intent to Issue

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**Operating Permit No. 67-2006A**  
**York County Resource Recovery Facility**  
**2651 Blackbridge Road, York, PA 17402**

#### York County

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated emission guidelines (EG) to control emissions from existing large municipal waste combustors (MWCs). The guidelines are codified at 40 CFR Part 60, Subpart Cb and apply to existing MWCs capable of combusting more than 250 tons per day of municipal solid waste.

In accordance with the State section 111(d)/129 plan for MWCs, the Department of Environmental Protection (Department) will implement the emission guidelines by incorporating the applicable requirements of 40 CFR Part 60, Subpart Cb into Federally-enforceable State operating permit (FESOP) No. 67-2006A. The FESOP will serve as the legally enforceable mechanism for implementation of the Subpart Cb requirements.

Copies of the proposed permit and other relevant information are available for public inspection at the Southcentral Regional Office, One Ararat Boulevard, Harrisburg, PA 17110. An appointment to review the documents may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections to Kanubhai L. Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110 within 30 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with a reference to the proposed permit.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will 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.

### PLAN APPROVALS

#### Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**59-304-002J: Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) for the installation of air cleaning devices (three fabric collectors) on various pieces of foundry castings shakeout, sand handling, and like equipment at Plant 1 in Blossburg Borough, **Tioga County**.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**PA-65-884A: IA Construction Corporation** (P. O. Box 290, Homer City, PA 15628) for the construction of bituminous concrete plant at their Donegal Plant in Mt. Pleasant Township, **Westmoreland County**.

**PA-65-137B: Allegheny Ludlum Corporation** (100 River Road, Brackenridge, PA 15014) for the construction



of No. 91 Anneal and Pickle Line at their Vandergrift Plant in Vandergrift Borough, **Westmoreland County**.

**PA-26-488A: Laurel Aggregates, Inc.** (P. O. Box 23, Gans, PA 15439) for the construction of Limestone Hauling and Crushing at their Wymps Gap Quarry in Springhill Township, **Fayette County**.

**PA-65-844A: Sterling Lebanon Packaging Corp.** (P. O. Box 768, Thomas Avenue and Lafferty Street, Jeannette, PA 15644) for the construction of offset printing presses in Jeannette, **Westmoreland County**.

**PA-04-059B: Koppel Plant** (P. O. Box 750, Beaver Falls, PA 15010) for construction of melt shop no. 4 at Koppel Plant in Koppel Borough, **Beaver County**.

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### Notice of Action To Be Taken

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#### Plan Approval Application No. PA-15-0002A

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (Department) intends to issue a Plan Approval to Quebecor Printing Atglen, Inc. (Quebecor), P. O. Box 465, Atglen, PA, to construct a publication rotogravure at the Quebecor printing facility, located in West Sadsbury Township, Chester County. The rotogravure press with carbon adsorption system are described in the Quebecor plan approval application of March 5, 1997, and subsequent submissions.

Based on the information provided by the applicant and the Department's own analysis, this operation will emit 150 tons per year of volatile organic compounds (VOC). The VOC emissions increase will be offset at a ratio of 1:1.3 resulting in no net increase of VOC to atmosphere. Offsets are available from internal emission reduction credits generated within the printing facility.

Copies of the application, technical review by the Department, and other supporting documents used in the evaluation are available for public inspection during normal business hours at the address shown.

In order to assure compliance with the applicable standards, the Department has placed the following conditions in the Plan Approval:

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Five year net VOC emission increase, as it pertains to 25 Pa. Code § 127.203(c)

Source/Activity	Plan Approval #	Date	Net Emission Increase (tons/yr)
Presses 21 and 22 installed	PA-15-0002B	08/15/97	+ 21.0
Press 7 installed	PA-15-0002A	Upon issuance	+ 150.0
Press 6 removed		02/1998	-97.3
<b>Total Net Increase from Contemporaneous Modifications</b>			<b>73.7</b>

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In order to offset the facility net emission, QPA shall use the emission reduction credits (ERC) generated from the overcontrol of fugitive emissions in the facility press room.

C. Prior to start-up of Press 7, the company shall provide an appropriate ERC credit from the Department's ERC Registry.

#### Recordkeeping and Reporting Requirements

A. The company shall maintain a VOC emission tracking system to document compliance with the total VOC throughput and emission limitation requirements of this Plan Approval. The system shall quantify emissions from

#### Operating and Monitoring Requirements

A. Rotogravure press No. 7 shall be constructed within a permanent total enclosure. The captured emissions from the source shall be directed to the Dedert solvent recovery system SRS2 with a minimum of 98% overall control efficiency. In order to insure the 98% overall control efficiency is maintained, the company shall calculate the overall control efficiency based on Continuous Emission Monitoring (CEM) of solvent vapor concentrations on the inlet side of solvent recovery versus the solvent concentration on the outlet side of solvent recovery system.

B. The total combined airflow to SRS2 shall not exceed 225,000 SCFM at any time.

C. The press shall be equipped with a flow meter to measure and record the airflow from the source. The airflow from the source shall be recorded on a daily basis and shall be reported in SCFM to demonstrate compliance with conditions 4.A.

D. QPA shall operate rotogravure press No. 7 under the following conditions:

1. The total VOC throughput for press 7, including ink VOC, solvent VOC and cleaning solvent shall not exceed 15,000,000 pounds of VOC per year.

2. The total potential VOC emissions to be captured from the source and directed to the solvent recovery system shall not exceed 7,500 tons per year.

3. Rotogravure press No. 7 covered under this Plan Approval shall be operated and maintained in a manner consistent with good operating and maintenance (O&M) practices.

#### Emission Limitations and New Source Review Requirements

A. The total VOC emissions from the press shall not exceed:

1. Maximum Peak Hourly Rate of 43 pounds per hour.

2. Annual rate of 150 tons per year as a 12 month rolling sum calculated monthly.

B. The facility net emission increase of 73.7 tons VOC per year, calculated as follows, shall be offset at a ratio of 1:1.3.

the source by accounting for the amount, in pounds, of all VOC materials used for each job.

B. The company shall record the following information for the source to demonstrate compliance with the total VOC throughput and emission limitation requirements of the Plan Approval:

1. Daily ink usage in gallons and pounds of material as applied per job.

2. The materials composition:

- Percent solids by volume
- Percent organic solvent by volume

- Percent water by volume
  - Pounds of VOC per gallon minus water
  - Pounds of VOC per pound of material
  - Density of solvents
3. Hours of operation:
- Number of production runs per day (runs/day)
  - Duration of each run (time/run)

C. The company shall generate a summary of the actual VOC emissions. Emissions shall be calculated monthly based upon time and run averages.

D. Records required under this Plan Approval shall be kept for a period of 5 years and shall be made available to the Department upon request.

*NSPS Requirements*

Rotogravure press No. 7 is subject to 40 CFR Part 60, Subpart QQ—Standards of Performance for the Graphic Arts Industry and shall comply with all applicable requirements of this Subpart. Under 40 CFR 60.4, the company shall submit copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department.

*Special Permit Requirements*

A. The facility's net emission increase of 73.7 tons VOC per year exceeds the emission threshold specified in § 127.203 and shall be offset at a ratio of 1:1.3, as required by 25 Pa. Code § 127.210.

B. In order to offset the 73.7 tpy increase QPA shall use the ERC generated by the overcontrol of fugitive emissions from Presses No. 1,2,3,4 and 4A.

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Required VOC Emission Reduction

<i>Net VOC Emission Increase Tons/Yr</i>	<i>Offset Ratio</i>	<i>Reduction Required Tons/Yr</i>
73.7	1.3:1	95.8
ERC Available:		260.0 tpy
Reduction Required:		95.8 tpy
ERC Available after Transaction		164.2 tpy

C. In order for the 260 ton ERCs to be certified under 25 Pa. Code § 127.207, the company shall reduce the potential to emit (PTE) of presses 1-4A. The new PTE of the presses 1-4A shall be equal or less than 1410 tons VOC per year as a 12 month rolling sum.

D. In order to make the ERC permanent and Federally enforceable, the company shall comply with the following conditions:

<i>Permit</i>	<i>Source</i>	<i>Control System</i>	<i>Allowable Emissions, tpy</i>
15-320-007C	Presses 1,2,3,4, and 4A	Solvent Recovery System (SRS) 1	828
PA-15-0002B	Presses 21 and 22	Thermal Oxidizer	21.0
PA-15-0002A	Press 7	SRS2	150.0

1. The VOC emissions from presses 1-4A shall be controlled by SRS1 at a minimum of 85% of capture/control efficiency. The facility, as a whole, shall maintain an overall control efficiency of 91% or higher.

2. The company shall not operate presses 1-4A whenever the SRS2 is out of service.

3. Press 6 shall be permanently shut down prior to start-up of press 7.

*Testing Requirements*

A. The company shall perform a VOC emission stack test on the source covered by this Plan Approval in accordance with the provisions of Chapter 139 of the rules and regulations. The stack test shall be performed while the source is operating at the maximum rated capacity as stated on the application. The test shall be conducted at the inlet and outlet of the solvent recovery to demonstrate compliance with the VOC control requirement and VOC emission limitations of the Plan Approval.

B. At least 60 days prior to the test, the company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure collection of representative samples. A test protocol shall be approved by the Source Testing Section of the Department prior to testing.

C. The test shall be performed within 60 days from protocol approval. At least 30 days prior to the test, the Regional Air Pollution Control Engineer shall be informed of the date and time of the test.

D. Within 30 days after the source test, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

Persons wishing to provide the Department with written comments prior to the issuance of the Plan Approval may submit the comments to the address shown within 30 days of this publication. Each written comment shall include the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed Plan Approval, No. PA-15-0002A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing the Department at the address shown. Persons who have submitted comments or have requested a conference will be notified of the

decision to hold a conference by publication in this newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines notification by telephone is sufficient.

Written remarks should be sent to: Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

Comments from the public will be addressed by the Department during the review process before a final action is taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval and permit.

**REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)**

**Reasonably Available Control Technology and Emission Reduction Credits: Public Hearing**

**Allegheny Ludlum Corp., Washington Plant**

The Department reviewed the RACT plans and ERC application and made a preliminary determination to approve these plans and amendments to the State Implementation Plan (SIP) for the above listed facilities.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in the RACT approval for these facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's State Implementation Plan.

Allegheny Ludlum Corporation (AL) chose a case-by-case approach to meeting the requirements of 25 Pa. Code § 129.92 for the electric arc furnaces, two annealing furnaces and the batch pickling operation. AL proposed no additional controls as they were determined to be not cost effective through a top-down analysis. AL proposes to meet the presumptive RACT requirements of 25 Pa. Code § 129.93 for all other sources at this facility.

AL has applied for ERCs for the reduction of 7.78 tons/year of NOx and 8.7 tons/year of VOC emissions

generated through the shutdown of three electric arc furnaces at the Washington Facility as provided for in 25 Pa. Code § 127.207(5)(I).

A public hearing will be held to receive comments on the RACT plan and ERC approval. The hearing date is March 18 for Allegheny Ludlum at the Department of Environmental Protection Waterfront Conference Room, 500 Waterfront Drive, Pittsburgh. Deadline to register to speak is March 11.

A 30-day comment period from the date of publication will exist for the submission of written comments.

**Public Hearing: Preliminary Determination to Approve Air Quality Applications to Modify Power Boiler No. 5 (PB #5) and Recovery Boiler No. 3 (RB #3) Permits, Approve a Revised Reasonably Available Control Technology (RACT) Plan which relies on the New Source Review (NSR) Exclusion Policy and Propose a Revision to the State Implementation Plan (SIP)**

The Department of Environmental Protection (Department) has made a preliminary determination to approve a modification plan, no. 67-306-006B, submitted as part of the regulatory requirements for Prevention of Significant Deterioration (PSD) review, for the PSD repermitting of PB #5 at P. H. Glatfelter Company (Glatfelter) located in Spring Grove Borough, York County. The modification involves lowering SO<sub>2</sub> and PM<sub>10</sub> emission limits on PB #5, rerouting of low volume, high concentration Non-Condensable Gases (NCGs) to PB #5 for incineration and removal of PB #3 stand-by status emission credit.

The plan approval would be subjected to the following additional condition:

1. The allowable emission rate for the CFB boiler is established as follows:

- a. Particulate Matter Emissions—0.03 lb/mmBTU of heat input.
- b. Sulfur Dioxide (SO<sub>2</sub>)—0.37 lb/mmBTU of heat input (30-day running average), 0.40 lb/mmBTU of heat input (daily average not to be exceeded more than 2 days in any running 30-day period), 0.48 lb/mmBTU of heat input (daily average maximum not to be exceeded at any time) and 90% emission reduction (30-day rolling average).

Based on the information provided by the applicant and the Department's analysis of it, the following is a prediction of emissions based on a 545 mmBTU/hr maximum capacity rating for Power Boiler No. 5:

<i>Pollutant</i>	<i>Emissions in lbs.hr</i>	<i>Emissions in tpy</i>
PM <sub>10</sub>	16.4	71.6
SO <sub>2</sub>	261.6	883.2
NO <sub>x</sub>	212.6	930.97
VOC	4.4	19.4
CO	41.4	181.3
Lead	0.05017	0.21976
Beryllium	0.000032	0.03051
Fluoride	0.34	1.5

Furthermore, the boiler will consume 16.7% of the available 3-hour PSD increment, 19.2% of the available 24-hour PSD increment and 6.5% of the annual increment for SO<sub>2</sub> emissions.

The Department has made a preliminary determination to approve a modification plan, no. 67-315-008, for the repermitting of RB #3. The modification involves lowering emission limits on RB #3 and removal of PB #3 stand-by status emission credit.

The operating permit would be subjected to the following additional condition:

1. Sulfur Dioxide (SO<sub>2</sub>)—shall not exceed 145 ppmv (at 8% O<sub>2</sub>, dry basis) and 221 lbs/hr on a daily average as measured by a certified continuous emissions monitor.

The Department has made a preliminary determination to approve a revised RACT Plan no. 67-2004A and proposes to revise the SIP for the pulp and paper mill. The modification involves a revised pulp mill VOC RACT plan utilizing PB #3 as the control device for high volume, low concentration NCGs, PB #3 Low NO<sub>x</sub> burner installation and the removal of annual heat input restrictions on PB #3.

Use of PB #3 as a VOC control device will create potential annual SO<sub>2</sub> emissions above the PSD defined

significant emission rate level. In order to exclude PB #3 from NSR, the EPA's interim guidance on pollution control projects has been applied to this case. Following this guidance, the proposed project satisfies the two criteria necessary to qualify for exemption under the EPA's NSR exclusion policy. First, the project is "environmentally beneficial" as defined by the EPA's interim guidance. Second, the project does not cause or contribute to a violation of a National ambient air quality standard, PSD increment, or adversely affect visibility or other air quality related value.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Plan approval 67-2004A for the existing pulp and paper mill operations to comply with current regulations. The preliminary RACT determination, when finally approved, will be incorporated into a Plan Approval/Operating Permit for the facility and will be submitted to the EPA as a revision to Pennsylvania's SIP.

The following is a summary of the preliminary oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC) RACT determination for this facility:

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*NO<sub>x</sub> Source*

No. 1 Power Boiler  
No. 3 Power Boiler  
No. 4 Power Boiler  
No. 5 Power Boiler  
No. 3 Recovery Boiler  
Lime Calciner

*VOC Source*

Kamyr Blow Tank  
No. 1 and No. 2 Pine Brown Stock Washers  
No. 1 and No. 2 Pine Filtrate Tanks  
Kamyr Chip Bin Presteaming Vent  
Kamyr Low Pressure Feeder  
Oxygen Delignification Area Vent  
East and West Weak Black Liquor Tank  
Softwood Bleach Plant  
Hardwood Bleach Plant  
Hardwood Fiber Line  
Causticizing Area  
Wastewater Treatment Plant  
Kamyr Digester

*Control Method*

Low NOx burners with Separate Overfire Air  
Low NOx burners with Separate Overfire Air  
Low NOx burners with Separate Overfire Air  
Combustion Control  
Combustion Control  
Combustion Control

*Control Method*

Incineration in Power Boiler No. 3

None

None

None

None

None

Incineration in No. 5 Power Boiler with Power Boiler No. 1 and 4 as backup

VOC RACT for the boilers and calciner is operation and maintenance in accordance with the manufacturer's specifications.

An appointment to review the PSD and RACT applications, draft plan approvals and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 540-5018 between 8

a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on April 2, 1998, at North Codorus Fire Hall, R. D. 1, Fire Hall Road, Spring Grove, PA 17362 from 7 p.m. until all scheduled comments on the proposal are received.

The public is invited to comment on the proposed plan and SIP revision. Persons interested in commenting are invited to appear at the public hearing; and they should contact Mary Ann Fischer at (717) 541-7969 at least 1 week in advance of the hearing to reserve a time to present testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Michelle Rudisill, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before April 2, 1998.

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

**Corrected Notice**

**Notice of Proposed Revision to the State Implementation Plan for oxides of nitrogen (NOx) and volatile organic compounds (VOC); Notice of Public Hearing**

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

*Johnson Matthey, Inc. (Operating Permit OP-15-0027)*

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Four Coating Lines	32 VOC	3 lb of VOC per Gallon Coating	Implemented
Drying Ovens	23 NOx	Natural Gas/Electrical	Implemented
Generators	27 NOx	Presumptive	Implemented

*Centennial Printing Corporation (Operating Permit OP-46-0068)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Five Offset Presses & Cleanup Operations	55	Low VOC Ink & Solvent	Implemented

This facility is not a major NOx emitter.

*H & N Packaging, Inc. (previously Paramount Packaging, Inc.) (Operating Permit OP-09-0038)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Ink Storage & Mixing Area	2.7	Manufacturer Specifications & Good Operating Procedures	Implemented
Wash Room 1 & 2—Parts Washing Areas	5.4	Manufacturer Specifications & Good Operating Procedures	Implemented
Press Cleanup	N/A	Good Operating Procedures	Implemented

The facility is not a major NOx emitter.

Johnson Matthey, Inc. (Tredyffrin Township, Chester County)

Centennial Printing Corporation (Upper Merion Township, Montgomery County)

H&N Packaging, Inc (prev. Paramount Packaging, Inc.) (Chalfont Borough, Bucks County)

Endura Products (Quakertown Borough, Bucks County)

Rohm and Haas Company (Bristol Township, Bucks County)

Lukens Steel Company (Plymouth Township, Montgomery County)

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

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

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

*Endura Products (Operating Permit OP-09-0028)*

<i>Source</i>	<i>VOC Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Cleanup, Strip-Coat, Splice Glue & Maintenance Pro- cesses	27.3	Work Practice Plan	Implemented

The facility's NOx sources will meet the presumptive requirements of Section 129.93.

*Rohm and Haas Company (Operating Permit OP-09-0015)*

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
CRU & CRU-X Processes	2.26 VOC	Scrubber	Implemented
PM-1 & PM-2 Production Lines	7.59 VOC	Packed Scrubber	Implemented
PM-1 Die Exhaust	2.22 VOC	Good Operating Procedures	Implemented
PM-2 Die Exhaust	4.01 VOC	Vortex Scrubber	Implemented
PM-1 Fugitive Emissions	4.29 VOC	Visual LDAR	Implemented
Building 39 Fugitive Emis- sions	4.27 VOC	LDAR	Implemented
No. 7 Kettle	27.29 VOC	Scrubber	Implemented
No. 10 Kettle	0.19 VOC 1.0 NOx	Incinerator	Implemented
Building 30 Fugitive Emis- sions	9.43 VOC	Visual LDAR	Implemented
Spray Dryer	34.45 VOC 4.41 NOx	Manufacturer Specifications	Implemented
Building 66 Fugitive Emis- sions	3.0 VOC	Visual LDAR	Implemented
Nine Generators	86.1 NOx	Manufacturer Specifications	Implemented
Four Boilers	634.65 NOx	Burner Revisions or Low NOx Burners	Implemented
Bristol Research Park	4.03 VOC 0.61 NOx	Good Operating Procedures	Implemented

*Lukens Steel Company (Operating Permit OP-46-0011)*

<i>Source</i>	<i>Emission Limit (tons/year)</i>	<i>Control Technique</i>	<i>Implementation Schedule</i>
Steel Furnaces & Boilers	176.68 NOx	Good Operating Procedures	Implemented
Drever Furnace	34.34 NOx	Good Operating Procedures	Implemented
Miscellaneous Cutting/ Heating	13.14 NOx	Good Operating Procedures	Implemented
Four Slab Preheaters	8.21 NOx	Manufacturer Specifications	Implemented
Three APB Preheaters	3.61 NOx	Manufacturer Specifications	Implemented
Four Emergency Generators	4.98 NOx	Manufacturer Specifications	Implemented
Plate Marking	3.47 VOC	Good Operating Procedures	Implemented
Stencil Paint	2.73 VOC	Good Operating Procedures	Implemented
Freeze Protection	2.98 VOC	Good Operating Procedures	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions. The hearing will be held at 2 p.m. on March 26, 1998 at the Department of Environmental Protection Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Clarke Rupert,

DEP Community Relations Coordinator, at (610) 832-6020 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before March 26, 1998.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act should contact

Clarke Rupert at (610) 832-6020 or through the Pennsylvania At&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for review at the Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

## 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 the 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 the 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 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 submit-

ting 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*

**32980102. Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), commencement, operation and restoration of bituminous strip-auger mine in Montgomery Township, **Indiana County**, affecting 64.6 acres, receiving stream unnamed tributaries to Cush Creek and Cush Creek to West Branch Susquehanna River; application received February 10, 1998.

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

**03910101(T). Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received to transfer a permit currently issued to State Industries for continued operation and reclamation of a bituminous surface mine located in Boggs Township, **Armstrong County**, affecting 208.5 acres. Receiving streams: unnamed tributaries to North Fork Pine Creek to the Allegheny River. Application received January 30, 1998.

**63910103(T). Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Application received to transfer a permit currently issued to Pangersis Coal Company for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 113.5 acres. Receiving streams: unnamed tributaries to Robinson Run, to Chartiers Creek, to Ohio River; and unnamed tributaries to Little Raccoon Run, to Raccoon Run, to Ohio River. Application received December 9, 1997.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**10930104. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface strip operation in Center Township, **Butler County** affecting 145.0 acres. Receiving streams: one unnamed tributary to Stony Run and three unnamed tributaries to Pine Run. Application received January 23, 1998.

**33920108. R & L Coal Corporation** (P. O. Box 26, Punxsutawney, PA 15767) Renewal of an existing bituminous surface strip and auger operation in Pinecreek Township, **Jefferson County** affecting 26.0 acres. Receiving streams: two unnamed tributaries to Sandy Lick Creek. Application for reclamation only. Application received January 26, 1997.

**33930108. Waroquier Coal Company** (133 W. Fifth Avenue, P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 53.0 acres. Receiving streams: Lick Run and an unnamed tributary to Little Sandy Creek. Application for reclamation only. Application received February 5, 1998.

**16980102. TDK Coal Sales, Inc.** (P. O. Box 627, Clarion, PA 16214) Commencement, operation and restoration of a bituminous surface strip operation in Highland

Township, **Clarion County** affecting 38.3 acres. Receiving streams: unnamed tributaries to Cherry Run and an unnamed tributary to McGourvey Run. Application received February 5, 1998.

**16980103. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214) Commencement, operation and restoration of a bituminous surface strip operation in Ashland Township, **Clarion County** affecting 48.1 acres. Receiving streams: Little East Sandy Creek and an unnamed tributary to Little East Sandy Creek. Application received February 9, 1998.

**33980101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface strip, auger and coal preparation facility in Winslow Township, **Jefferson County** affecting 129.0 acres. Receiving streams: An unnamed tributary to Soldier Run and Soldier Run. Application to include a stream encroachment to use an existing haul road across Soldier Run and the unnamed tributary to Soldier Run into the mine site. Application received February 10, 1998.

*McMurray District Office*

**30831303. Cyprus Cumberland Resources Corp.** (145 Elm Dr., Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add bleeder shaft and dewatering borehole, unnamed tributary to Whiteley Creek. Application received February 2, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54920203R. B-D Mining Co.** (P. O. Box 423, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 77.0 acres, receiving stream none. Application received February 2, 1998.

**54950202C. Gilberton Coal Company** (Gilberton, PA 17934), correction to an existing anthracite surface mine in Mahanoy Township, **Schuylkill County**, affecting 148 acres, receiving stream North Mahanoy Creek. Application received January 28, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232. Noncoal Applications Received*

**37950303. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101) Transfer of an existing limestone operation in Shenango and Taylor Township, **Lawrence County** affecting 176.0 acres. Receiving streams: Unnamed tributaries to McKees Run and McKees Run. Transfer from Medusaa Aggregates Company. Application received February 6, 1998.

**37840409. Medusa Cement Company** (P. O. Box 5668, Cleveland, OH 44101) Transfer of an existing limestone operation in Taylor Township, **Lawrence County** affecting 185.9 acres. Receiving streams: An unnamed tributary to Big Run and an unnamed tributary to McKees Run. Transfer from Medusa Aggregates Company. Application received February 6, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**45900303T. Middle Smithfield Materials, Inc.** (P. O. Box 674, Bushkill, PA 18324), transfer of an existing quarry operation from C. H. Van Why, Inc. in Middle Smithfield Township, **Monroe County** affecting 29.0 acres, receiving stream Suise Creek. Application received January 30, 1998.

**28840302C2. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit No. PA0614289 in Greene Township, **Franklin County** affecting 53.3 acres, receiving stream runlet to Conocheague Creek and Conocheague Creek. Application received February 4, 1998.

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

### ENCROACHMENTS

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

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

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

**E35-292. Encroachment. LaSalle Oil Company**, 809 Third Street, Dunmore, PA 18512. To construct and maintain approximately 130 linear feet of a 50-foot by 18-foot pipe arch stream enclosure in Lackawanna Trail Tributary (CWF) for the expansion of an existing gas station and convenience market. The project is located on the south side of S. R. 0006 approximately 0.38 mile southeast of the intersection of the Pennsylvania Turnpike Northeast Extension and S. R. 0006 (Scranton, PA Quadrangle N: 19 inches; W: 8.5 inches) in South Abington Township, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

**E45-341. Encroachment. Bright Creek Park Association**, R. R. 1, Box 140, Canadensis, PA 18325. To remove the existing structure and to construct and maintain a private steel beam bridge having a single span of 30 feet and an underclearance of approximately 6 feet across Bright Creek (HQ-CWF). The project is located 1.5 miles east of T598 (Upper Seese Hill Road (Skytop, PA Quadrangle N: 17.0 inches; W: 5.0 inches) in Barrett Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).



**E54-246.** Encroachment. **Rosalie A. Weist**, R. R. 1, Box 513, Pine Grove, PA 17963-0513. To construct and maintain a commercial building having dimensions of 21 feet by 46 feet in the floodway of Swatara and Wide Wake Creek. This project is located at 161-169 North Tulpehocken Street (SR125) (Pine Grove, PA Quadrangle N: 10.6 inches; W: 2.75 inches) in Pine Grove Borough, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

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

**E46-793.** Encroachment. **Upper Merion Township**, 175 West Valley Forge Rd., King of Prussia, PA 19406-1802. To perform the following activities along an unnamed tributary of Abrams Run (WWF) associated with the Bob White Park Stream Improvement and Stormwater Management Basin Modification Project:

1. To realign and regrade approximately 540 linear feet of stream;
2. To install and maintain gabion stream bank protection along this reach of stream;
3. To construct and maintain a reinforced concrete and gabion sediment forbay structure.

The site is located within the Bob White Park situated just south of the intersection of the Schuylkill Expressway (SR 0076) and Croton Road (Valley Forge USGS Quadrangle N: 13.90 inches; W: 0.20 inch) in Upper Merion Township, **Montgomery County**.

**E15-568.** Encroachment. **LNP Engineering Plastics, Inc.**, 251 South Bailey Rd., Thorndale, PA 19335. To construct an addition to an existing warehouse facility which will impact 0.03 acre of wetland, located 1,100 feet southwest of the intersection of Lincoln Highway (SR0030) and Bailey Road (T408) (Coatesville, PA Quadrangle N: 20.9 inches; W: 2.2 inches) in Caln Township, **Chester County**.

**E23-368.** Encroachment. **Chichester School District**, P. O. Box 2100, Boothwyn, PA 19061-8100. To construct and maintain two building additions to the Chichester High School Complex which will impact 0.09 acre of wetland (PEM) and include construction within the 100-year floodplain of Marcus Hook Creek (WWF). The site is located at 3333 Chichester Avenue (Marcus Hook, PA-NJ DEL Quadrangle N: 16.0 inches; W: 8.8 inches) in Upper Chichester Township, **Delaware County**.

**E46-795.** Encroachment. **Cheltenham Township**, 8230 Old York Road, Elkins Park, PA 19027-1589. To perform the following activities along the Tacony Creek (WWF) associated with the Glenside Avenue Bridge Replacement Project:

1. To remove a concrete slab bridge with a clear span of 19.5-foot and average underclearance of 8.5-foot and associated masonry abutments and concrete piers;
2. To install and maintain 40 linear feet of 24-foot by 7-foot reinforced concrete box culvert, associated wingwalls and roadway approach fill at this location;
3. To install and maintain drainage and roadway improvements including an 18-inch and a 24-inch RCP stormwater outfall within the upstream wingwalls of the proposed culvert.

The site is located approximately 400 feet southeast of the intersection of Rices Mill Road and Glenside Avenue (Germantown USGS Quadrangle N: 17.55 inches; W: 2.80 inches) in Cheltenham Township, **Montgomery County**.

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E14-314.** Encroachment. **Helen Alters, Supervisor**, Benner Township Supervisors, 1224 Buffalo Run Rd., Bellefonte, PA 16823. Construct, operate and maintain a single span footbridge to carry pedestrian traffic across Buffalo Run. The footbridge shall be constructed with a span of 20 feet and width of 6 feet. The project is located along the eastern right-of-way of SR 0550 approximately 4,000 feet south of the intersection of SR 0550 and SR 3006 (State College, PA Quadrangle N: 21.9 inches; W: 15.6 inches) in Benner Township, **Centre County**. Estimated stream disturbance is 13.0 feet of waterway with no wetland impact; stream classification is High Quality-Cold Water Fishery.

**E14-319.** Encroachment. **Corl Farm Inc.**, Galen Dreibelis, 1535 N. Atherton St., State College, PA 16830. To construct, operate and maintain a stream enclosure in an unnamed tributary to Big Hollow Run to provide access for a residential development. The stream enclosure shall be constructed with a corrugated metal culvert pipe that will have a diameter of 36 inch and a length of 125 feet. The project is located along the southern right-of-way of SR 0322 (Business Route) approximately 350 feet west of the intersection of Circleville Road and Farmstead Lane (Julian, PA Quadrangle N: 5.9 inches; W: 3.4 inches) in Ferguson Township, **Centre County**. Estimated stream disturbance is 125 feet with no wetland impacts; stream classification is Cold Water Fishery.

**E49-215.** Encroachment. **F B Leopold Co., Inc.**, 227 S. Division St., Zelienople, PA 16063-1313. To repair and maintain a railroad bridge with a span of 10.6 feet and underclearance of 2.4 feet across Spring Run located just downstream of Matthews St. and 700 feet north of Eight St. (Milton, PA Quadrangle N: 16.5 inches; W: 16.0 inches) in the Borough of Watsonstown, **Northumberland County**. Estimated stream disturbance is 10 feet of stream with no wetland impacts; stream classification is WWF.

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

**E03-367.** Encroachment. **Seven Sisters Mining Company, Inc.**, 200 US Route 22, Delmont, PA 15626. To construct and maintain a stream enclosure consisting of a 483-foot long, 54-inch diameter pipe in an unnamed tributary to Crooked Creek (WWF); and to place and maintain fill in 0.27 acre of palustrine emergent/scrub-shrub wetlands for the purpose of enclosing said stream. The applicant proposes creation of 1.84 acres of palustrine emergent/scrub-shrub wetlands adjacent to the project to compensate for the wetlands loss. The project is located at a mining site at a point approximately 6,000 feet north of the intersection of SR 156 and SR 56 (Avonmore, PA Quadrangle N: 21.5 inches; W: 7.8 inches) in South Bend Township, **Armstrong County**.

**E02-1216.** Encroachment. **Foltz Development Corporation**, P. O. Box 401, Bridgeville, PA 15017. To place and maintain fill in approximately 0.08 acre of wetlands for the purpose of constructing the Ridgewood Condominiums located on the north side of Boyce Road at the intersection of Boyce Road and Hunting Ridge Trail (Bridgeville, PA Quadrangle N: 14.1 inches; W: 18.4 inches) in South Fayette Township, **Allegheny County**.

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

**E16-101.** Encroachment. **Keystone School District**, R. R. 2, Box 30, Knox, PA 16232-9390. To construct and maintain an approximately 500-foot-long by 81-inch-wide

by 59-inch-high corrugated metal pipe arch stream enclosure in a tributary to Canoe Creek adjacent to the Knox High School football field along Old State Road west of Beatty Avenue (Knox, PA Quadrangle N: 19.1 inches; W: 4.2 inches) located in Knox Borough, **Clarion County**.

**E61-212.** Encroachment. **GTE North, Inc.**, 150 West 10th Street, Erie, PA 16532. To construct and maintain an aerial fiber optic cable utility crossing of French Creek (WWF, Nominated 1-A Scenic) utilizing existing support poles. The project is located across French Creek approximately 800 feet east of the 13th Street Bridge (S. R. 0322) in the City of Franklin (Franklin, PA Quadrangle N: 4.75 inches; W: 10.9 inches) located in the City of Franklin, **Venango County**.

#### DAM SAFETY

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

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**D36-292A.** Dam. **The Murray Companies/Sher-Wal, Inc.** (1899 Lititz Pike, Lancaster, PA 17601). To modify, operate and maintain the Woods Edge-Pond A Dam for stormwater detention for proposed commercial development. The dam is located across a tributary to the Little Conestoga Creek (WWF) along South Centerville Road in Manor Township, **Lancaster 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.

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, 2nd Floor, 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 audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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).

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

**Permit No. 1597415.** Sewerage. **Atglen Borough Sewer Authority** (P. O. Box 250, Atglen, PA 19310). Construction and operation of flow equalization tank at the Borough's wastewater treatment plant located in Atglen Borough, **Chester County**.

**Permit No. 0997410.** Sewerage. **Buckingham Township** (P. O. Box 413, Buckingham, PA 18912-0413). Construction and operation to upgrade pump station to meet township current standards located in Buckingham Township, **Bucks County**.

**Permit No. 2397413.** Sewerage. **Nicholas B. M. Kemp Jr.** (1971 Kimberwick Rd., Media, PA 19063). Construction and operation of a sewage treatment plant with stream discharge to serve existing single residence located in Upper Providence Township, **Delaware County**.

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

**Permit No. 5297401.** Sewerage. **Delaware Valley School District**, HC77, Box 379A, Milford, PA 18337. Permit to upgrade the existing wastewater treatment plant at the School District Complex on Route 6/209, located in Westfall Township, **Pike County**.

**NPDES Permit No. PA-0060071.** Industrial waste. **Connaught Laboratories, Inc.**, P. O. Box 187, Route 611, Swiftwater, PA 18370 is authorized to discharge from a facility located in Pocono Township, **Monroe County** to Swiftwater Creek.

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

**NPDES Permit No. PA0022241.** Sewage, **California Borough**, P. O. Box 696, 1 Green Street, California, PA 15419 is authorized to discharge from a facility located at California Borough Sewage Treatment Plant, California Borough, **Washington County**.

**NPDES Permit No. PA0217786.** Sewage, **New Eagle Borough**, 157 Main Street, New Eagle, PA 15067 is authorized to discharge from a facility located at Borough of New Eagle STP, Borough of New Eagle, **Washington County** to Monongahela River.

**Permit No. 6397403.** Sewerage, **Pechin Leasing Company, Inc.**, P. O. Box 340, Pechin Road, Dunbar, PA 15431. Construction of a sewage treatment plant located in the Borough of Centerville, **Washington County** to serve the Denbo Marina Area.

**Permit No. 6597408.** Sewerage, **New Kensington Sanitary Authority**, 120 Logans Ferry Road, New Kensington, PA 15068. Construction of pump stations and sanitary sewers located in New Kensington, **Westmoreland County** to serve the Linden Avenue and Valley Camp Pump Stations.

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

**WQM Permit No. 2097408.** Sewage. **Vernon Township**, 10929 Jackson Avenue, Meadville, PA 16335. This project is for the construction of a new sewage pump station and force main to replace the existing Kerrtown Pump Station and force main in Vernon Township, **Crawford County**.

**WQM Permit No. 2598401.** Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16505-0158. This project is for the installation of the proposed Greengarden Relief Sewer to reroute all existing and projected future flows from the Manor Drive interceptor to the existing Manor Drive Extension Interceptor within Frontier Park and then conveyed for treatment to the Erie Wastewater Treatment Plant in the City of Erie, **Erie County**.

**WQM Permit No. 1698401.** Sewage. **Paint Township**, R. D. 1, Box 231 A, Shippenville, PA 16254. This project is for the extension of an existing 8-inch sanitary sewer line and construction of one pump station and a 4-inch force to serve the Route 66 north area with treatment at the existing sewage treatment plant in Paint Township, **Clarion County**.

**INDIVIDUAL PERMITS**

**(PAS)**

**The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G297	William and James Freese 203 Hilltop Road Oxford, PA 19363	East Nottingham Twp. Chester County	Big Elk Creek

*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>
PAS10Q146	Walsh, Higgins & Co. 101 E. Erie St., Ste. 800 Chicago, IL 60611	Upper Macungie Twp. Lehigh County	Iron Run
PAS10U079	Douglas H. Long 224-B Old Easton Road Stockertown, PA 18083	Borough of Stockertown Northampton Co.	Bushkill Crk.
PAS10U082	Guy Ahern 8735 N. Delaware Drive Bangor, PA 18013	Upper Nazareth Twp. Northampton Co.	Bushkill Crk.

**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 this 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 arrangements 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

*List of NPDES and/or other  
General Permit Type*

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 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  
County and  
Municipality*

<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>
Centre County College Twp.	PAR10F063	Nicholas J. Pasquerilla Crown American Properties Pasquerilla Plaza Johnstown, PA 15907	Tributary to Spring Creek	Centre CCD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Tioga County Sullivan Twp.	PAR106625	Sullivan Township P. O. Box 84 Mainesburg, PA 16932	Corey Creek	Tioga CCD 5 East Avenue Wellsboro, PA 16901 (717) 724-1801
Erie County Lake City Borough	PAR10K089	H & R Investment 2100 West 8th Street Erie, PA 16505	Elk Creek	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Lackawanna County Blakely Borough	PAR10N057	Sunita Arora Northeast Dev., Inc. P. O. Box 128 Waverly, PA 18471	Tinklepaugh Crk.	Lackawanna CD (717) 587-2607
Lehigh County Whitehall Twp.	PAR10Q099	Whitmak Assoc. & PA Reit 234 Mall Boulevard King of Prussia, PA 19406	Jordan Creek	Lehigh CD (610) 391-9583
Schuylkill County Ryan Township	PAR105752	Smit Subdivision Ger Smit 135 Edison Furlong Rd. Doylestown, PA 18901	Hosensack Crk.	Schuylkill CD (717) 622-3742
Schuylkill County Washington Twp.	PAR105753	Hidden Valley Est. Heather Thompson/Bobbi Jean Horning R. R. 3, Box 168 Pine Grove, PA 17963	Unnamed tributary to Upper Little Swatara Crk.	Schuylkill CD (717) 622-3742

*General Permit Type—PAG 3*

*Facility Location  
County and  
Municipality*

<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>
Somerset County Somerset Twp.	PAR326111	New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Kimberly Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
North East Borough Erie County	PAR128305	Welch Foods, Inc. A Cooperative 2 South Portage Westfield, NY 14787	Sixteen Mile Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG 4</i>				
<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>
Dauphin Co. West Hanover Twp.	PAG043588	Franklin R. Norris 252 White Birch Lane Harrisburg, PA 17112	UNT to Beaver Crk.	Southcentral Region Water Management Rm. 126 1 Ararat Boulevard Harrisburg, PA 17110
Pymatuning Twp. Mercer Co.	PAG048473	Harry and Barbara Rizer 769 East Lake Rd. Transfer, PA 16154	Tributary Shenango Reservoir	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Penn Twp. Butler County	PAG048475	Samuel A. Baker P. O. Box 111 Renfrew, PA 16053	Connoquenessing Crk.	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG 5</i>				
<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>
Allegheny Co. Pittsburgh	PAG056113	Robert Lloyd 5 Highland Ave. Bethlehem, PA 18017	Saw Mill Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Co. Canton Twp.	PAG056114	Chico Enterprises 331 Beechurst Ave. Morgantown, WV 26505	Chartiers Crk.	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan approvals 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.*

*Location:* The project is located in the Village of Mainesburg in Sullivan Township, **Tioga County**.

*Project Description:* This is an approval of an official sewage facilities plan update with dual options. One approved option is to sewer the whole Village of Mainesburg with effluent sewers and a new 25,000 gpd sewage treatment plant that will serve 85 dwellings. The second approval is for a phased sewerage of the village starting with 60 dwellings and sewerage the rest in a second phase. The new sewage treatment plant will discharge to Corey Creek.

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

*Location:* This project is located in Decatur Township, **Clearfield County**; primarily the developed areas in the eastern half of the Township.

*Project Description:* This is an approval of an official sewage facilities plan update. The two phased project involves the extension of sewers from an existing sewage treatment plant and a new proposed sewage treatment plant to serve existing development. The first phase is extending the sewers from the existing Moshannon Valley Sewage Treatment Plant with gravity sewer lines, two new pump stations and pressure lines to serve 365 existing dwellings. A second phase will be to extend sewers from the proposed Osceola Sewage Treatment Plant to serve 256 existing dwellings with gravity and pressure sewers.

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

*Northeast Regional Office, Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0970, (717) 826-2553.*

*Location:* **Hawk Mountain Scout Reservation**, 1.5 miles east of Route 183 on Blue Mountain Road in Wayne Township, **Schuylkill County**, PA.

*Project Description:* This proposal involves the construction of a wastewater collection and treatment system to serve the Hawk Mountain Scout Reservation. The projected sewage flow is 36,000 gallons per day. The design flow has been calculated based on total camp capacity and sewage flows for nonresidential establishments from 25 Pa. Code § 73.17. The wastewater treatment plant will be located at the northwest corner of the reservation to the west of Lake Nalaheman Dam. This area of the camp consists of approximately 25 acres of wooded land. Roughly three acres will be designated for this project. The treated effluent will be discharged to the Lower Little Swatara Creek below Lake Nalaheman. This creek is identified in 25 Pa Code Chapter 93 as being a Cold Water Fishery (CWF) in the Susquehanna River Drainage Basin. This treatment facility is being constructed to replace existing onlot disposal systems which are no longer adequate and address the long term sewage disposal needs of the Scout Reservation. Water supply will be provided by onsite wells.

## SAFE DRINKING WATER

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

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

**Permit No. 1397501. Jim Thorpe Municipal Authority (West)**, Richard Steidle, Chairperson, 101 E. Tenth Street, Jim Thorpe, PA 18229. This proposal involves the construction of a filter room, garage, chem feed/storage room laboratory and lavatory. The current filtration system will be replaced with two modular units and site piping modification to accommodate the new water treatment system. The existing filtration plant will be abandoned when construction is complete. It is located in the Borough of Jim Thorpe, **Carbon County**. *Permit to Operate:* December 4, 1997.

**Permit No. 4097505. Sisters of Mercy**, Harry O'Neal, P. O. Box 369, Dallas, PA 18612. This proposal involves the disconnection of the Mercy Center from the college water system and the development of an indepen-

dent water system. A new well source, hypochlorinator and storage/contact tank. It is located in Dallas Township, **Luzerne County**. *Permit to Operate:* December 8, 1997.

**Permit No. 5289521. Paupack Water Company—Tanglewood North Ski Area**, c/o Harold Gumble, Manager, P. O. Box 257, Hawley, PA 18428. This proposal involves the permitting of an existing public water supply system consisting of four wells, disinfection, distribution storage and a distribution system to serve the Tanglewood North Ski Area in Palmyra Township, **Pike County**. *Permit to Operate:* December 1, 1997.

**Permit No. 5497505. Silver Creek Water Filtration Plant, Blythe Township Municipal Authority**, 375 Valley Street, New Philadelphia, PA 17959. This proposal involves the addition of a poly-orthophosphate blend for corrosion control (but not resulting from Subchapter K Lead & Copper Rule). *Permit to Operate:* December 4, 1997.

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

**Permit No. 0497504. Public water supply. Borough of Ambridge Water Authority**, 600 Eleventh Street, Ambridge, PA 15003. *Type of Facility:* Highland Avenue Tank. *Permit to Construct Issued:* February 2, 1998.

**Permit No. 0383502-A4. Public water supply. Worthington Municipal Authority**, P. O. Box O, 434 North Bear Street, Worthington, PA 16262. *Type of Facility:* Pumping equipment in existing meter vault. *Permit to Operate Issued:* February 13, 1998.

**Permit No. 5697503-A1. Public water supply. Meyersdale Municipal Authority**, 226 Center Street, Meyersdale, PA 15552. *Type of Facility:* Well No. 96-1. *Permit to Construct Issued:* February 10, 1998.

**Permit No. 2695502. Public water supply. Pennsylvania-American Water Company**, P. O. Box 1290, 300 Galley Road, McMurray, PA 15317. *Type of Facility:* New chemical feed building, replacement of raw water pumps and other miscellaneous improvements. *Permit to Operate Issued:* February 6, 1998.

*Northwest Regional Office, Regional Manager, 230 Chestnut Street, Meadville, PA, (814) 332-6899.*

**Permit No. 6297501. Public water supply. Sheffield Municipal Authority**, 20 Leather St., Sheffield, PA 16347. Construction permit was issued for the addition of a 3rd well known as the Center Street Well in Sheffield Township, **Mercer County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Allan R. Vanderpoel, E & M Engineers and Surveyors, P.C., 24 Derrick Rd., Bradford, PA 16701. *Permit to Construct Issued:* February 9, 1998.

**Permit No. 1097507. Public water supply. E. J. Gulick Mobile Home Park**, 106 Beatty Dr., Saxonburg, PA 16056-9520 has been issued a construction permit for the modification of their existing previously permitted water treatment system in Winfield Township, **Butler County**. *Type of Facility:* Community Water Supply. *Consulting Engineer:* Don A Gilmore, P. E., Dakota Engineering Assoc., Inc., 35 Wilson St., Suite 200, Pittsburgh, PA 15223. *Permit to Construct Issued:* February 9, 1998.

## HAZARDOUS SITES CLEANUP

### Under the Act of October 18, 1988

#### Settlement Under the Hazardous Sites Cleanup Act

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department), under the au-

thority of the Hazardous Sites Cleanup Act (HSCA), has entered into partial settlement with Donald Goldstein for response costs associated with the Havertown PCP Superfund Site in Havertown, Delaware County, PA. The Site is located along Eagle Road near the intersection of Lawrence Road and consists primarily of pentachlorophenol and heavy metals contamination associated with the former Wood Processors facility on Eagle Road.

Under the terms of the proposed Partial Consent Decree, Donald Goldstein agrees to forward to the Department his share of the proceeds of a land transfer litigation over the prior sale of a portion of the Site in exchange for an inability-to-pay covenant not to sue from the Department.

This notice is provided under section 1113 of the HSCA, 35 P. S. § 6020.1113. Copies of the full Partial Consent Decree are in the possession of the Department any may be examined at the Department's office at Lee Park, Suite 6010, Conshohocken, PA 19428. Interested persons should contact Tim Sheehan at (610) 832-6149 or Anderson Lee Hartzell at (610) 832-6300 during normal business hours. The Department will provide a 60 day public comment period from the date of this notice. Persons may submit comments to Tim Sheehan at the above address. The Department will provide a response to all significant comments received during the public comment period, and the proposed Consent Decree authorizes the Department to withdraw or withhold its consent in the event that the Department determines, based on the comments received during the public comment period, that the Consent Decree is inappropriate, improper, or not in the public interest.

## 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 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, 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 report.

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

**Bethlehem Economic Development Company—Former Union Station Plaza, City of Bethlehem, Northampton County.** Marlin D. Hunsberger, Project Geologist with National Environmental Technologies Corporation, 2840 W. Clymer Avenue, P. O. Box 204, Telford, PA 18969-0204 (on behalf of his client, Bethlehem Economic Development Company, 10 East Church Street, Bethlehem, PA 18018) has submitted a Final Report concerning the remediation of site soils contaminated with petroleum hydrocarbons and polyaromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide human health standard.

## SOLID AND HAZARDOUS WASTE

### RESIDUAL WASTE PROCESSING FACILITIES

**Permits proposed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste management regulations for a general permit to process or beneficially use residual waste.**

*Central Office, Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, 14th Floor, Harrisburg, PA 17105-8472.*

**General Permit WMGR057:** Transfer of spent mushroom substrate (SMS) prior to its beneficial use.

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management, proposes to authorize, under General Permit WMGR057, the transfer and beneficial use of the spent mushroom substrate. This will be a Statewide general permit.

Under the terms and conditions of the general permit persons who are approved to transfer SMS for beneficial use will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conformance with minimum isolation distances, maintenance of records and submission of routine operation reports.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611 of the residual waste management regulations to issue general permits for any category of beneficial use or processing that results in beneficial use of residual waste on a regional or Statewide basis when the Department determines that use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined the SMS transfer for beneficial use can adequately be regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to obtain a Determination of Applicability from the appropriate Regional Office of the Department's Bureau of Land Recycling and Waste Management, for each site where spent mushroom substrate will be transferred. The following minimum information will be required in order to obtain Determination of Applicability:

(a) Name and address of applicant.

- (b) Name and location of facility.
- (c) Number and title of general permit.
- (d) Proof that proposed transfer activities are consistent with the general permit.
- (e) A signed statement accepting all conditions of the general permit.
- (f) Proof of municipal notification.
- (g) Proof of identification of interests.
- (h) Compliance history information.
- (i) An application fee in the amount of \$500.
- (j) A financial bond guaranteeing operation of the entire facility if larger than 5 acres or handling greater than 6,000 cu. yds. of SMS per acre.

Comments concerning the proposed general permit should be directed to Khatija Swaroop, Permitting Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or disapproval of the proposed permit.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 300626. Major Modification. Magee Rieter Automotive Systems** (480 W. Fifth Street, Bloomsburg, PA 17815). Modification for the change of ownership to existing residual waste landfill located in Bloomsburg, **Columbia County** issued in the Regional Office on February 9, 1998.

*Northwest Regional Office, Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.*

**Permit No. 300624. National Forge Company**, One Front Street, Irvine, PA 16329, located in Brokenstraw Township, **Warren County**. A closure plan to close the Captive Metallurgical Processing Residue Monofill located at the National Forge Irvine Plant was approved in the Regional Office on January 29, 1998.

#### AIR POLLUTION OPERATING PERMITS

#### General Plan Approval 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.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**GP-63-00462: Rice Electric Company** (P. O. Box BA, Washington, PA 15301) issued January 28, 1998, for a natural gas burn-off oven at Washington Plant in Washington City, **Washington County**.

#### 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.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*

**OP-26-00291: Silbaugh Vault & Burial Service, Inc.** (542 Morgantown Road, Uniontown, PA 15401) issued January 27, 1998, for vault mfg. and crematory in South Union Township, **Fayette County**.

**OP-65-00630: Mine Safety Appliances Company** (P. O. Box 428, Pittsburgh, PA 15230) issued January 27, 1998, for medical appliances and supplies at Murrysville Plant in Murrysville, **Westmoreland County**.

**65-898A: Three Rivers Pipeline Co.** (3500 Park Lane, Pittsburgh, PA 15275) issued January 28, 1998, for natural gas compressor at Sleepy Hollow Compressor in Salem Township, **Westmoreland County**.

**OP-26-119A: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL) issued January 27, 1998, for metal grinding process at Plant 5 in South Connellsville Borough, **Fayette County**.

**26-313-013: Welland Chemical, Inc.** (P. O. Box 26, Mill Street, Newell, PA 15466) issued January 27, 1998, for nitric acid facility at Newell Works in Newell Borough, **Fayette County**.

**OP-63-110A: Corning Consumer Products Co.** (100th Street, Charleroi, PA 15022) issued January 28, 1998, for mixhouse at Charleroi Plant in Charleroi Borough, **Washington County**.

**AR-04-044: Zinc Corporation of America** (300 Frankfort Road, Monaca, PA 15061) for a Phase II Acid Rain Permit for G. F. Weaton Power Station, Monaca, **Beaver County**.

**OP-65-378A: BP Exploration & Oil, Inc.** (Logistics HSE, 200 Public Sq. 7-T, Cleveland, OH 44114) issued February 11, 1998, for IFR storage tank at Greensburg Terminal in Hempfield Township, **Westmoreland County**.

**TV-65-00181: Chestnut Ridge Foam, Inc.** (P. O. Box 781, Latrobe, PA 15650) issued January 15, 1998, for foam rubber products manufacturing in Latrobe Borough, **Westmoreland County**.

**TV-65-00839: Texas Eastern Transmission Corp.** (P. O. Box 1642, Houston, TX 77251) issued January 7, 1998, for natural gas transmission at Delmont Station in Salem Township, **Westmoreland 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.

*Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.*



**PA-26-472A: Iron & Metal, Inc.** (P. O. Box 76, Brownsville, PA 15417) issued January 1, 1997, for the installation of United AS-990 sweat furnace at Brownsville Plant in Jefferson Township, **Fayette County**.

**PA-26-119C: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL 33182) issued January 27, 1998, for installation of No. 2 Deco Lehr in South Connellsville Borough, **Fayette County**.

**PA-63-659A: Penn-Pikt Greenhouses, LLC** (51 Locust Avenue, Suite 302, New Canaan, CT 06840) issued January 27, 1998, for installation of boilers at Arden Facility in Chartiers Township, **Washington County**.

**PA-65-313-009B: Raven Industries, Inc.** (Center Drive, R. D. 6, Box 18A, Latrobe, PA 15650) issued January 15, 1998, for installation toner filling/cleaning equip at Latrobe Plant in Unity Township, **Westmoreland County**.

**PA-26-288A: Commercial Stone Company, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) issued January 15, 1998, for installation of tertiary crush/screen circuit in Connellsville Township, **Fayette County**.

**PA-65-881A: Innovative Carbide, Inc.** (P. O. Box 389, 11099 Rte. 993, Irwin, PA 15642) issued January 15, 1998, for installation of metal powder mixing and drying in North Huntingdon Township, **Westmoreland County**.

**PA-26-119B: Anchor Glass Container Corp.** (4343 Anchor Plaza Parkway, Tampa, FL 33182) issued January 27, 1998, for installation of No. 1 Deco Lehr in South Connellsville Borough, **Fayette County**.

**PA-04-307-099B: Shasta, Inc.** (300 9th Street, Monaca, PA 15061) issued January 28, 1998, for installation of swing grinder in Aliquippa Borough, **Beaver County**.

**PA-65-898A: Three Rivers Pipeline Co.** (3500 Park Lane, Pittsburgh, PA 15275) issued January 27, 1998, for installation of natural gas compressor in Salem Township, **Westmoreland County**.

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

**PA-25-053A: Urick Foundry, Inc.** (1501 Cherry Street, Erie, PA 16501) issued February 6, 1998, for the construction of a slag crusher in Erie, **Erie County**.

**PA-24-131B: SGL Carbon Corp.** (900 Theresia Street, St. Marys, PA 15857) issued February 4, 1998, for the construction of graphite purification furnaces in St. Marys, **Elk County**.

**PA-62-152A: Smith Alexander Services** (1 Front Street, Warren, PA 16365) issued February 11, 1998, for the construction of a slag processing facility in Warren, **Warren County**.

**PA-25-955B: Foam Fabricators, Inc.** (6550 W. 26th Street, Erie, PA 16506) issued February 13, 1998, for the installation of four preexpanders in Fairview Township, **Erie County**.

**33-399-009B: Huntington Foam Corp.** (P. O. Box 248, Brockway, PA 15824) issued February 12, 1998, for the installation of expanders and molding presses in Brockway, **Jefferson County**.

**Minor Modification of 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.**

*Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.*

**19-320-001D: Haddon Craftsmen, Inc.** (4411 Old Berwick Road, Bloomsburg, PA 17815) issued on February 4, 1998, for the minor modification of a plan approval to revise adhesive volatile organic compound content limitations and to establish production limitations for a book binding operation in South Centre Township, **Columbia 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—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### Coal Permits Issued

**32970102. Derry International, Ltd.** (P. O. Box 529, New Alexandria, PA 15670), commencement, operation and restoration of a bituminous strip mine in Blacklick Township, **Indiana County**, affecting 167.5 acres, receiving stream unnamed tributaries to Muddy Run; unnamed tributaries to Blacklick Creek; application received February 12, 1997, permit issued February 6, 1998.

**32960102. Permit Revision. John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711). The permit revision involves the addition of coal mining acreage as follows: On the Upper Freeport Seam, an additional 2.2 coal mining acres, on the Lower Freeport Seam, an additional 12.1 coal mining acres, and 20 Lower Freeport auger acres. Also, a request has been made to modify the proposed land usages on the properties of Genevieve, Raynold and Karen Haverilla, James Timblin, William Mahan and Sylvia Ferrara. Instead of returning these areas to forestland, it has been proposed to return them to pastureland or land occasionally cut for hay. The revision is located in Canoe Township, **Indiana County**, affecting 262 acres. Receiving stream unnamed tributaries to Canoe Creek to Canoe Creek to Little Mahoning Creek. Application received October 6, 1997. Application issued February 10, 1998.

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

**26920106R. Harry Lee and Rolland Herring** (R. D. 1, Box 181, Masontown, PA 15461). Renewal permit

issued for continued operation and reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 22.0 acres. Receiving streams unnamed tributaries to Jacobs Creek. Renewal application received December 8, 1997. Renewal issued February 12, 1998.

**26970106. T. L. Hill Coal Company** (R. D. 3, Box 690A, Uniontown, PA 15401). Permit issued for commencement, operation and reclamation of a bituminous surface auger mine located in Georges Township, **Fayette County**, affecting 243.0 acres. Receiving streams unnamed tributaries to York Run, York Run, Georges Creek, Monongahela River. Application received September 25, 1997. Permit issued February 12, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**24870102. Black Fox Development, Inc.** (Box 176, Glen Campbell, PA 15742). Renewal of an existing bituminous strip and tippel refuse disposal operation in Jay Township, **Elk County** affecting 94.5 acres. This renewal is issued for reclamation only. Receiving streams unnamed tributary to Bennett Branch Sinnemahoning Creek. Application received December 15, 1997. Permit issued January 29, 1998.

**24970102. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Commencement, operation and restoration of bituminous strip operation in Fox Township, **Elk County** affecting 230.5 acres. Receiving streams two unnamed tributaries to Brandy Camp Creek, one unnamed tributary to McCauley Run and McCauley Run. Application received August 7, 1997. Permit issued January 29, 1998.

**33920110. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous strip and auger operation to change the postmining land use from pastureland to land occasionally cut for hay on the J. C. Enterprises and Mervin J. Adams properties in Porter Township, **Jefferson County**. Receiving streams unnamed tributary to Middle Branch Pine Run and unnamed tributary to Pine Run. Application received October 27, 1997. Permit issued February 3, 1998.

**33870113. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Commencement, operation and restoration of a bituminous strip operation in Winslow Township, **Jefferson County** affecting 257.0 acres. Receiving streams unnamed tributaries to Schoolhouse Run and unnamed tributaries to Panther Run. This renewal is issued for reclamation only. Application received November 7, 1997. Permit issued February 6, 1998.

**16970106. Milestone Crushed, Inc.** (521 South Street, Clarion, PA 16214). Commencement, operation and restoration of a bituminous strip operation in Perry Township, **Clarion County** affecting 14.6 acres. Receiving streams Dunlap Creek. Application received October 22, 1997. Permit issued February 9, 1998.

*McMurray District Office*

**14841601. Northern Counties Coal Co., Inc.** (P. O. Box 668, Philipsburg, PA 16866), to revise the permit for the Onemile Run Prep Plant in Rush Township, **Centre County**, sludge utilization, no additional discharges. Permit issued February 10, 1998.

**32931601. Senate Coal Mines, Inc.** (P. O. Box 682, Latrobe, PA 15650), to operate the Coral Tipple in Burrell Township, **Indiana County**, Twolick Creek. Permit issued February 10, 1998.

**03911302. Rosebud Mining Co.** (R. D. 9, Box 379A, Kittanning, PA 16201), to revise the permit for the Roaring Run Mine in Kiskiminetas Township, **Armstrong County** to add permit and subsidence control plan acres, no additional discharges. Permit issued February 10, 1998.

**32871301. Florence Mining Co.** (P. O. Box 51, New Florence, PA 15944), to revise the permit for the Heshbon Mine in West Wheatfield Township, **Indiana County** to postmining land use change to allow access road and sediment pond to remain, no additional discharge. Permit issued February 11, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54773223T. CLS Coal Company** (P. O. Box 81, Port Carbon, PA 17965), transfer of an existing coal refuse reprocessing/disposal operation in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream none. Transfer issued February 9, 1998.

**40850203C2. Silverbrook Anthracite, Inc.** (322 Simpson Street, Dupont, PA 18641), correction to an existing coal refuse disposal operation in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream none. Correction issued February 12, 1998.

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

*Noncoal Permits Issued*

**03910401R. M & M Line Co., Inc.** (R. D. 1, Box 247M, Worthington, PA 16262). NPDES renewal issued for a large noncoal surface mine located in West Franklin Township, **Armstrong County** and Clearfield Township, **Butler County**. Receiving streams Buffalo Creek. Application received January 5, 1998. NPDES renewal issued February 10, 1998.

*Knox District Office, P. O. Box 669, Knox, PA 16232.*

**20970303. Frank Tucci** (R. D. 2, Cambridge Springs, PA 16403). Commencement, operation and restoration of a sand and gravel operation in Rockdale Township, **Crawford County** affecting 12.7 acres. Receiving streams unnamed tributary to Kelly Run and Kelly Run. Application received April 17, 1997. Permit issued February 3, 1998.

**302732-20970303-E-1. Frank Tucci** (R. D. 2, Cambridge Springs, PA 16403). Application for a stream encroachment to conduct mining activities no closer than 50 feet to the unnamed tributary to Kelly Run for the purposes of support facility construction and maintenance in Rockdale Township, **Crawford County**. No mineral extraction may be conducted closer than 100 feet of the unnamed tributary to Kelly Run. Receiving streams unnamed tributary to Kelly Run and Kelly Run. Application received April 17, 1997. Permit issued February 3, 1998.

**43970302. Donald Lark & Sons, Inc.** (339 Garfield Street, West Middlesex, PA 16159). Commencement, operation and restoration of a sand and gravel operation in Shenango Township, **Mercer County** affecting 9.0 acres. Receiving streams unnamed tributary to the Shenango River. Application received June 3, 1997. Permit issued February 3, 1998.

**37970301. Quality Aggregates, Inc.** (P. O. Box 9347, Neville Island, PA 15225). Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 11.7 acres. Re-

ceiving streams unnamed tributary to Slippery Rock Creek. Application received October 2, 1997. Permit issued February 9, 1998.

*Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*General Small Noncoal Authorizations Granted*

**58970866. Craig R. Reeves** (P. O. Box 190, South Montrose, PA 18843). Commencement, operation and restoration of a bluestone quarry operation in Forest Lake Township, **Susquehanna County** affecting 1.0 acre, receiving stream none. Authorization granted February 10, 1998.

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**Bureau of Deep Mine Safety**

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The Bureau of Deep Mine Safety has approved a request for variance from **Consolidation Coal Company**. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Matthew A. Bertovich by calling (724) 439-7469.

*Summary of the Request:* Consolidation Coal Company requested to increase shelter hole spacing in the track haulage entry in Mains Development to intervals up to 150-foot centers at the Dilworth Mine.

The basis for the Bureau's approval can be summarized in the following statements:

1. All designed shelter holes in the affected areas will be marked with reflectors.
2. Crosscuts utilized as shelter holes shall be kept clear of refuse and other obstructions for a distance of 15 feet in length and 6 feet in width.
3. Crosscuts utilized as shelter holes shall be at least the height of the coal seam where the coal seam is less than 6 feet high, and at least 6 feet in height where the coal seam is 6 feet or more in height.
4. Work crews assigned to perform work along the haulageway in the affected area will notify the dispatcher of the location where work will be performed. Upon arrival at the work site, the workers will locate a crosscut or shelter hole where they can take refuge when haulage equipment is passing by.
5. The dispatcher will notify all track-mounted vehicle operators of the location of work crews performing work in the affected area. When any haulage equipment approaches a person who is traveling on foot, or working in the track entry, the equipment operator shall sound an alarm and bring such equipment to a complete stop. The equipment shall not pass until the person on foot has taken refuge in a shelter hole.
6. All persons working in the mine shall be notified of these provisions prior to implementation.
7. Locomotives used to transport supplies or equipment should be of sufficient size (tonnage) to be able to stop their loads within a safe distance.
8. All vehicles are operated at speeds which will allow for safe stops under prevailing track conditions.
9. Signs shall be posted stating that shelter hole spacing exceeds 80 feet.
10. Shelter holes shall be maintained at all switch throws and doors.
11. Supply cars and equipment shall be pulled by a locomotive in the direction of travel. When it is necessary to push nonpropelled (supply cars, and the like) track

haulage equipment, it shall be done only from the last available track switch. Trip lights shall be used on the end that does not have a locomotive coupled.

12. Workers performing tasks along track haulage roads shall be provided with flashing warning lights. These devices shall be placed not more than 50 feet from each work site, and in clear view of approaching haulage equipment.

13. All mine workers and persons entering the mine shall be adequately trained and instructed concerning shelter hole procedures and safety precautions.

14. A mine phone shall be maintained at the track haulage switch for each working section off the main haulage.

This approval is limited to a variance from the distance requirements for shelter holes contained in section 268(b) of the Bituminous Coal Mine Act. All other terms and requirements of section 268 shall remain in effect. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the approved plan.

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

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

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

**E40-473.** Encroachment. **Penn State Seed Co., Inc.**, Box 390, Route 309, Dallas, PA 18612. To maintain fill within the floodway, along the easterly (right) bank of a 600-foot reach of Leonard Creek, including fill within 0.06 acre of wetlands. The project is located on the east side of S. R. 0309, approximately 2,300 feet south of the Luzerne/Wyoming County line (Center Moreland, PA Quadrangle N: 1.9 inches; W: 14.7 inches), in Dallas Township, **Luzerne County**. The permittee is required to provide 0.12 acre of replacement wetlands.

**E54-239.** Encroachment. **Mountain Valley, Inc.**, P. O. Box 179, Mahanoy City, PA 17948. To construct and maintain a timber golf cart bridge, 250 feet in length by 10 feet in width across wetlands at the Mountain Valley Golf Course. This project is located between Interstate 81 and S. R. 1006 (Burma Road), 200 feet south of S. R. 1011 (Shenandoah, PA Quadrangle N: 7.5 inches; W: 1.0 inch) in Ryan Township, **Schuylkill County**.

**EA40-004NE.** Environmental Assessment. **Luzerne County Flood Protection Authority**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the abandoned Delaware and Hudson Railroad Bridge across the Susquehanna River. The bridge piers will be removed down to existing channel bed elevation. The project includes excavation/regrading along approximately 700 linear feet of the right bank and approximately 250 linear feet of the left bank, in the vicinity of the removed abutments/approaches, for the purpose of restoring the channel cross-section. The bridge is located approximately 1 mile upstream of the S. R. 2005 bridge (Wilkes-Barre West, PA Quadrangle N: 21.9 inches; W: 5.9 inches), in Wilkes-Barre City and Larksville Borough, **Luzerne County**.

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

**E12-103.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. To remove an existing structure and to construct and maintain a prestressed concrete I-beam bridge with four normal clear spans of 94.16 feet, 91.44 feet, 91.44 feet and 94.16 feet respectively with a minimum underclearance of 17 feet across Bennetts Branch located approximately 1,300 feet north on T-343 from SR 0555 (Driftwood, PA Quadrangle N: 15.25 inches; W: 1.50 inches) in Gibson Township, **Cameron County**.

**E12-105.** Encroachment. **Department of Conservation & Natural Resources, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17101. To remove the existing structure and to construct and maintain a single span prestressed concrete adjacent box beam bridge with a clear span of 16,824 mm an underclearance of 2,455 mm and a clear roadway width of 6,614 mm over Mix Run on Red Run Road approximately 1.5 miles south of the intersection of Red Run Road with T-347 (Driftwood, PA Quadrangle N: 12.4 inches; W: 11.6 inches) in Gibson Township, **Cameron County**. Estimated stream disturbance is 60 meters of waterway and 29 square meters of wetlands; stream classification is high quality cold water fishery and is also listed as approved trout waters and as a surveyed stream having verified trout reproduction.

**E18-241.** Encroachment. **Clinton Country Club**, P. O. Box 436, Lock Haven, PA 17745. To construct and maintain a 20-foot by 24-foot rain shelter/pavilion with open sides in the floodway of Bald Eagle Creek located on the Clinton Country Club Golf Course, 48 feet from Bald

Eagle Creek and approximately 1,200 feet upstream of Country Club Lane (Mill Hall, PA Quadrangle N: 21.5 inches; W: 16.5 inches) in Bald Eagle Township, **Clinton County**. This permit was issued under section 105.13(e) Small Projects.

**E59-353.** Encroachment. **Norman E. Powell, Jr., Robert Powell**, 1505 Naamans Creek Rd., Boothwyn, PA 19061. To construct and maintain a 44-foot clear span steel I-beam bridge over Catlin Hollow Creek located off SR 4035, 1.3 miles southeast of SR 0287 (Keeneyville, PA Quadrangle N: 11.4 inches; W: 3.0 inches) in Charleston Township, **Tioga County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

#### DAM SAFETY

**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)).**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**LP15-064B.** Limited Power. **Donald H. and Joan L. Silkknitter** (Rokeby Hollow, 1212 Doe Run Road, Coatesville, PA 19320). To operate and maintain an existing dam and hydroelectric generating plant on Buck Run, located 4 miles upstream of its confluence with Brandwyne Creek in West Marlborough Township, **Chester County**.

#### ENVIRONMENTAL ASSESSMENT

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA22-010C0.** Environmental Assessment. **Levi Esh** (285 Smith Road, Millersburg, PA 17061). To construct and maintain a nonjurisdictional dam across a tributary to Little Wiconisco Creek (WWF) for the purpose of recreation and is located approximately 2,400 feet northeast of the intersection of Kessler Road and T633 (Elizabethville, PA Quadrangle N: 19.10 inches; W: 13.25 inches) in Mifflin Township, **Dauphin County**.

#### SPECIAL NOTICES

##### Planning Grant Awards Under the Municipal Waste Planning Recycling and Waste Reduction Act

The Department of Environmental Protection (Department), hereby announces the following grants to counties under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904). The awards are based upon applications received by the Department in 1997.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, and for environmental mediation. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities

for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

### Act 101 Section 901 Planning Grants

#### *Bureau of Land Recycling and Waste Management*

<i>County</i>	<i>Activities</i>	<i>DEP Grant</i>
Northcentral Region		
Union County	Revise the Union County Municipal Waste Management Plan	\$34,578
	Total	\$34,578

[Pa.B. Doc. No. 98-340. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Availability of Draft Section 303(d) List of Impaired Waters

The Department of Environmental Protection (Department) is making available for public comment a draft 1998 list of waterbodies in Pennsylvania with impaired water quality as required by 303(d) of the Federal Clean Water Act.

The Department of Environmental Protection has an ongoing program to assess the water quality of waters in Pennsylvania. Streams and other bodies of water that do not meet water quality standards are identified as impaired along with the reason for impairment—point sources like industrial or wastewater discharges or nonpoint sources like abandoned mine lands or agricultural runoff.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to further evaluate the list of impaired waters to determine which waters would still be impaired even after the appropriate technology has been applied to point sources and required best management practices are in place for non-point sources. Waterbodies that still do not meet water quality standards after this additional evaluation are required to be put on the 303(d) list of impaired waters.

For each waterbody on the 303(d) list, the state or the United States Environmental Protection Agency must develop Total Maximum Daily Load (TMDL) allocations. If a TMDL has already been established for a waterbody, that waterbody is not listed.

A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and non-point pollutant loads without violating water quality standards. They also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for non point sources are necessary to improve and protect water quality.

Waterbody assessments and the listing on the 303(d) list is an ongoing process. The Department will continue to verify the quality of data on waterbodies on the list and as needed, the Department will publish a supplement to the list for additional public review and comment.

The Department will consider all public comments regarding the validity of the data and the appropriateness of placing waterbodies on the draft list. The final list will

be submitted to the United States Environmental Protection Agency as required for approval.

The draft 1998 list was developed using information from stream and lake surveys and other sources, including the Department's Unassessed Waters Program, the Water Quality Assessment Process, the Nonpoint Source Program, and existing and readily available data submitted by external groups and agencies.

A summary addressing all impaired waters is contained in DEP's biennial report required by section 305(b) of the Federal Clean Water Act.

Copies of the draft 303(d) List may be obtained from Edward R. Brezina, Chief, Division of Water Quality Assessment & Standards, Bureau of Watershed Conservation, Post Office Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637 or by e-mail from (hepp.joseph@al.dep.state.pa.us). Copies of the the 305(b) summary are also available.

Persons wishing to comment on the draft list may do so in writing to the Bureau of Watershed Conservation or by e-mail at the above addresses no later than March 30, 1998. Comments received by facsimile will not be accepted.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-341. Filed for public inspection February 27, 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 "June 1997 Inventory" heading is the Governor's List of Non-regulatory 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 be adding its revised documents to the Web throughout 1997.

*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 Guidance—Substantive Revision*

DEP ID: 393-0900-014 Title: Applicability of Chapter 245.453 Assessing the Site at Closure or Change-in-Service Description: This guidance must be revised because of the adoption of Act 16 which eliminates several classes of tanks from regulation. Draft Development Date: February 10, 1998 Page Length: 4 pages Location: Vol 33, Tab 14 Contact: Glenn Rider at (717) 772-5599.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 98-342. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hearing Aid Advisory Council Meeting

The Hearing Aid Advisory Council is scheduled to hold a meeting on June 18, 1998, from 1 p.m. to 3 p.m. in room 132, Kline Village Plaza, Suite A, Harrisburg, PA. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact John Hair, Acting Director, Bureau of Facility Licensure and Certification, at (717) 787-8015.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans with Disabilities Act of 1990 should contact John Hair at (717) 787-8015 at least 10 days prior to the meeting. 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. 98-343. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee (Committee), established by the Department of Health under sections 301 and 317 of the Public Health Service Act, 42 U.S.C.A. §§ 241(a), 247(b), will hold a public meeting on March 18, 1998.

The meeting will be held at Harrisburg Holiday Inn Hotel and Conference Center, I-83 and PA Turnpike, New Cumberland, PA from 10 a.m. to 4 p.m.

For additional information, or for persons with a disability who desire to attend the meeting and require an auxiliary aid service, or other accommodation to do so, contact Tom DeMelfi, Pennsylvania Department of Health, Bureau of HIV/AIDS, P. O. Box 90, Room 912, Harrisburg, PA 17108, (717) 783-0574.

TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

DANIEL F. HOFFMANN,  
*Secretary*

[Pa.B. Doc. No. 98-344. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania EZ Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-1—3761-15), 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 EZ Money.

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

3. *Play Symbols:* Each Pennsylvania EZ Money instant lottery game ticket will contain one play area featuring one "Lucky Symbol" area and one "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and "Your Symbols" area are: Coins Symbol (COINS), Money Bag Symbol (BAG), Bills Symbol (BILLS), Jewel Symbol (JEWEL), Piggy Bank Symbol (BANK), Gold Bar Symbol (BAR), Wallet Symbol (WALLET), Safe Symbol (SAFE), Dollar Signs Symbol (\$\$) and Chest Symbol (CHEST).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Symbols" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THREE DOL), \$4<sup>00</sup> (FOUR DOL), \$5<sup>00</sup> (FIVE DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$100 (ONE HUN) and \$500 (FIVE HUN).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$100 and \$500. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania EZ Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$500 (FIVE HUN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$100 (ONE HUN)

appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(e) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5<sup>.00</sup> (FIVE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$4<sup>.00</sup> (FOUR DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(g) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$3<sup>.00</sup> (THREE DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets upon which any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "Your Symbols" 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>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	1:7.89	1,520,000
\$1 x 2	\$2	1:17.65	680,000
\$2	\$2	1:100	120,000
\$1 x 3	\$3	1:100	120,000
\$3	\$3	1:300	40,000
\$1 x 4	\$4	1:150	80,000
\$2 x 2	\$4	1:375	32,000
\$4	\$4	1:1,500	8,000
\$1 x 5	\$5	1:150	80,000
\$2 + \$3	\$5	1:500	24,000
\$5	\$5	1:750	16,000
\$2 x 5	\$10	1:500	24,000
\$5 x 2	\$10	1:1,000	12,000
\$10	\$10	1:3,000	4,000

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$3 x 5	\$15	1:300	40,000
\$4 x 5	\$20	1:750	16,000
\$10 x 2	\$20	1:1,500	8,000
\$5 x 3 + \$3 + \$2	\$20	1:1,500	8,000
\$20	\$20	1:1,500	8,000
\$20 x 5	\$100	1:20,000	600
\$100	\$100	1:30,000	400
\$100 x 5	\$500	1:40,000	300
\$500	\$500	1:80,000	150

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania EZ Money 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 EZ Money, prize money from winning Pennsylvania EZ Money 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 EZ Money 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. §§ 3761-1—3761-15), the regulations contained in 61 Pa. Code Part V (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 EZ Money or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 98-345. Filed for public inspection February 27, 1998, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Retention of Engineering Firms

**Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union and Bradford Counties**

**Project Reference No. 08430AG2162**

The Department of Transportation will retain an engineering firm for an Open-End Contract to provide supplementary construction inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 3-0, that is Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga, Union and Bradford

Counties. The Contract will include roadway and bridge construction projects, and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of one million (\$1,000,000) dollars.

It is anticipated that a maximum supplementary construction inspection staff of twenty-five (25) inspectors will be required for this assignment.

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 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. Number of available inspectors in each payroll classification.
- c. Number of NICET and NECEPT certified inspectors in each payroll classification.
- d. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, drainage, wetlands, CPM schedule monitoring and plant inspection.
- e. Understanding of Department's requirements, policies, and specifications.
- f. Ability to provide CPM scheduling.
- g. Past Performance.
- h. Workload.

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

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	10 (6)
Transportation Construction Inspector -Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	2 (2)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6)

<i>Classification</i>	<i>No. of Inspectors</i>
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (2)

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 number(s) in parenthesis above also indicate the number of inspectors in each classification (except Technical Assistant) that must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as a Field Technician for TCM-1, TCIS and TCI and as a Plant Technician for TCI-M. Certification for Technical Assistants is not required.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
Transportation Construction (TCM-1)	\$44.93
Manager 1	
Transportation Construction (TCIS)	\$39.36
Inspector Supervisor	
Transportation Construction (TCI-M)	\$35.51
Inspector—Materials	
Transportation Construction (TCI)	\$34.43
Inspector	
Technical Assistant (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; provide inspection of work being performed under Highway Occupancy Permits, at material producing plants, and of utility construction and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

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	12
TCI-M	3
TCI	12

No resumes are required for the TA Classification.

The second copy of the letter of interest and required form, (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to Mr. John P. Ryan, P.E., District 3-0, at (717) 368-4233.

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

**Somerset and Cambria Counties  
Project Reference No. 08430AG2163**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fifteen (15) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. *Somerset County, S.R. 0219, Section 018*

This project involves the reconstruction of approximately 8.0 miles of four-lane, divided highway consisting of Superpave Asphalt Mixture Design Wearing Course on Superpave Asphalt Mixture Design Binder Course, Plain Cement Concrete Pavement and Patching, Bituminous and Concrete Paved Shoulders, rehabilitation of eight (8) structures, installation of a weather monitoring system, signing, pavement markings, guiderail, drainage, and related work.

2. *Somerset and Cambria Counties, S.R. 0219, Section 019*

This project involves the reconstruction of approximately 5.8 miles of four-lane, divided highway consisting of Superpave Asphalt Mixture Design Wearing Course on Superpave Asphalt Mixture Design Binder Course, Plain Cement Concrete Pavement and Patching, Paved Shoulders, rehabilitation of six (6) structures, signing, pavement markings, guiderail, drainage, and related work.

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 estab-

lished 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. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving (Superpave), drainage, engineered retaining walls, environmental regulations, and computerized documentation.

c. Past performance of management skills relative to both Consultant Agreement and Construction Inspection Services.

d. Understanding of Department's requirements, policies, and specifications including some metric specifications.

e. Location of consultant.

f. Availability and number of inspectors in each class, their certification, and abilities to perform testing of materials.

g. Experience with monitoring CPM.

h. Workload.

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

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

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 2 (TCM-2) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Inspector Supv. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	9 (6)
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-2)	\$51.24
(TCIS)	\$39.36
(TCI-Materials)	\$35.51
(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, participate with the Department in the semi-final and final inspections, determine from the project records the final quantities of each contract item, provide certified CDS operators, provide certified inspectors on Superpave bituminous paving, 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:

- 2 Nuclear Densometer Gauges/License
- 1 Vehicle for the Transportation of Nuclear Gauges
- 2 Base Radio Stations
- 7 Two-way Radios
- 1 Two-Way Radio Repeater Station
- 1 Camera

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 con-

tained 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 TCM-2, and 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-2	2
TCIS	3
TCI-M	2
TCI	11

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. Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Any technical questions concerning the requirements for this project should be directed to Mr. Thomas V. Bracken, District 9-0, at (814) 696-7140, or Mr. Richard L. Fox, P.E., District 9-0, at (814) 696-7130.

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

**Wayne County  
Project Reference No. 08430AG2164**

The Department of Transportation will retain an engineering firm to perform preliminary design work and environmental studies for the Church Street Bridge over the Lackawaxen River in Honesdale Borough, Wayne County. The estimated construction cost is \$1.3 million dollars.

The Department intends to use the Modified Turnkey concept for this project. The Department will advertise for a contractor to complete the design and construct the project based on the approved conceptual design.

The selected firm will be required to define the line and grade sections; provide the conceptual design for the bridge; obtain all permits; prepare a Categorical Exclusion Evaluation; prepare a Right-of-Way Plan; perform utility coordination tasks and provide project management.

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

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Project team composition.
- c. Project team experience.
- d. Maintaining schedule and budget commitments.
- e. Past performance.
- f. Current Workload.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for April 14, 1998 at 10:30 A.M., to be held at Engineering District 4-0, O'Neill Highway, Dunmore, PA 18512.

All candidates who submit a letter of interest will be notified if this date is changed. Specify a contact person in the letter of interest.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be ten (10%) 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 second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Robert J. Horutz, P.E. District Liaison Engineer, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501.

Any technical questions concerning the requirements for this project should be directed to Mr. Robert J. Horutz, P.E. District Liaison Engineer, District 4-0, at (717) 963-4064.

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 and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to:

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 Organization Chart (one 8 1/2" x 11" page, one side)

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 Disadvantage 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 (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 Ac-

quisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten (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. 98-346. Filed for public inspection February 27, 1998, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Notice

The Health Care Cost Containment Council has scheduled the following meetings for March: Wednesday, March 4, 1998, Data Systems Committee at 10 a.m.; Education Committee at 1 p.m. The committee meetings will be held in the conference room at the Council office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, March 5, 1998, at 10 a.m. in the AARP Conference Room, 225 Market Street, Fifth Floor, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodations due to a disability and want to attend a meeting, should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, or call (717) 232-6787, at least 24 hours in advance so arrangements can be made.

CLIFFORD L. JONES,  
*Executive Director*

[Pa.B. Doc. No. 98-347. Filed for public inspection February 27, 1998, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed at the Historic Preservation Board Meeting

The March 10, 1998, meeting of the Historic Preservation Board will start at 9:45 a.m. in Room 515, Pennsylvania Historical and Museum Commission, Third and North Streets, Harrisburg, PA.

Individuals with a disability who wish to attend this meeting, and who require an auxiliary aid, service or other accommodation to participate, should contact Denise Costa at (717) 783-8946 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. If there are questions or comments, contact the Bureau for Historic Preservation at (717) 783-8946.

*Aluminum Resources of Southwestern Pennsylvania, Multiple Property Documentation Form*

1. *New Kensington Downtown Historic District*, roughly bounded by 8th Ave., 3rd St., 11th Ave. and Barns Ave., New Kensington, Westmoreland County

2. *New Kensington Production Works Historic District*, roughly bounded by 3rd Ave., Conrail, Second Ave., 9th St., the Allegheny River and 16th Street, New Kensington and Arnold, Westmoreland County

3. *Aluminum City Terrace Historic District*, Terrace Street, New Kensington, Westmoreland County

4. *Aluminum Club*, 200 Freeport Road, New Kensington, Westmoreland County

5. *Mount St. Peters Roman Catholic Church*, 100 Freeport Road, New Kensington, Westmoreland County

6. *Aluminum Research Laboratories*, Freeport Road, New Kensington, Westmoreland County

7. *Logans Ferry Powder Works*, Barking Road, Plum Borough, Allegheny County

*Other Nominations*

8. *Carl Mackley Homes*, 4301 East Bristol St., Philadelphia

9. *West Vincent Highlands Historic District*, roughly bounded by Birch Run, Fellowship, Hollow Roads, Route 401, Horshoe Trail and Davis, Jaime, Green, Bartlett and Mill Lanes, West Vincent and Upper Uwchlan Twps., Chester County

10. *Stoddardsville Historic District*, South side SR115 at Lehigh River, Luzerne County, Buck and Toby Hanna Twps., Luzerne and Monroe Counties

11. *Waugh, A. P. and J. S., House*, 23 West Main St., Greenville, Mercer County

12. *Rex, John, Farm*, 1/2 mi. east of Jefferson village, Jefferson Twp., Greene County

13. *Kent, Thomas, Jr., Farm*, 208 Laurel Run Road, Franklin Twp., Greene County

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 98-348. Filed for public inspection February 27, 1998, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 1 p.m., Friday, February 13, 1998, and took the following actions:

*Regulation Approved:*

# 1833 Environmental Quality Board # 7-318: Oil and Gas Amendments (amends 25 Pa. Code Chapters 78—80)

# 1895 Pennsylvania Liquor Control Board # 54-51: License Applications: Duties and Rights of Licensees; Transfer, Extensions, Surrender, Exchange Licenses; Promotion; Special Rules of Administrative Practice and Procedure Regarding Matters Before the Office of Administrative Law Judge (amends 40 Pa. Code §§ 3.52, 5.91, 13.102 and 15.42)

# 1913 State Board of Medicine # 16A-496: Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines (amends 49 Pa. Code Chapter 16)

# 1912 State Board of Medicine # 16A-495: Complaint Process, Formal Hearings and Appeals (amends 49 Pa. Code Chapter 16)

*Regulations Disapproved:*

# 1848 Department of Health # 10-148: Health Facility Licensure (amends 28 Pa. Code Chapter 139 and adds new Chapters 51, 136, 138, and 158)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*Environmental Quality Board—Oil and Gas Amendments;  
Doc. No. 7-318*

### Order

On April 21, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). It amends 25 Pa. Code Chapters 78—80. The statutory authority for the regulation is found in section 604 of the Oil and Gas Act (58 P. S. § 601.604), section 5 of the Oil and Gas Conservation Law (58 P. S. § 405), section 105 of the Solid Waste Management Act (35 P. S. § 6018.105), section 5 of The Clean Streams Law (35 P. S. § 691.5), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 501-520). The proposed regulation was published in the May 3, 1997 edition of the *Pennsylvania Bulletin*, with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 7, 1998.

These amendments are a result of the Department of Environmental Protection's (DEP) Regulatory Basics Initiative announced in August 1995 and input from the Oil and Gas Technical Advisory Board. Chapter 78 amendments will: simplify notification and reporting requirements, clarify requirements for the discharge to the land surface of topsoil water, clarify surface casing and cementing procedures, and clarify plugging procedures for wells in coal areas. Chapter 79 has been amended to be consistent with the revisions to Chapter 78. Chapter 80 will be deleted because oil and gas well classification under the Federal Natural Gas Policy Act of 1979 has been terminated.

We have reviewed this regulation and find the amendments to be in the public interest. Approximately 1,100

oil and gas well operators in the commercial oil and gas production business in Pennsylvania will benefit from the changes. The oil and gas industry will save approximately \$12,500 per year as a result of reduced reporting requirements. In addition, technical requirements have been clarified and obsolete requirements eliminated.

*Therefore, It Is Ordered That:*

1. Regulation No. 7-318 from the Environmental Quality Board, as submitted to the Commission on January 7, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*Pennsylvania Liquor Control Board—License Applications; Duties and Rights of Licensees; Transfer; Extension, Surrender and Exchange of Licenses; Promotion; Special Rules of Administrative Practice and Procedure Regarding Matters before the Office of Administrative Law Judge; Doc. No. 54-51*

#### Order

On October 6, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (LCB). This rulemaking amends 40 Pa. Code §§ 3.52, 5.91, 13.102 and 15.42. The authority for this regulation is Section 207(i) of the Liquor Code (47 P. S. § 2-207(i)). The proposed regulation was published in the October 18, 1997, issue of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 16, 1998.

This regulation amends the LCB's existing rules in five distinctive ways. It prohibits a licensee from conducting another business on licensed premises without LCB approval. It reduces reporting requirements for officers of a club. Third, it deletes the meal package exception to "happy hour" restrictions. The fourth and fifth amendments bring an existing provision into conformity with current State law, and delete an unnecessary provision. This regulation will not impose additional costs on the regulated community, or the state or local governments.

We have reviewed this regulation and find it to be in the public interest. Both the LCB and licensees will benefit from the elimination of unnecessary paperwork associated with frequent filings of change of officer form by nonprofit groups with club licenses. These amendments are also consistent with the Liquor Code.

*Therefore, It Is Ordered That:*

1. Regulation No. 54-51 from the Pennsylvania Liquor Control Board, as submitted to the Commission on January 16, 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; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*State Board of Medicine—Prescribing, Administering and Dispensing Controlled Sympathomimetic Amines; Doc. No. 16A-496*

#### Order

On January 14, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 16. The authority for this regulation is Section 8 of the Medical Practice Act (63 P. S. § 422.8). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The Board is deleting section 16.96 which pertains to prescribing, administering and dispensing controlled sympathomimetic amines. This section expired under sunset provisions on January 17, 1992.

We have reviewed this regulation and find it to be in the public interest. This rulemaking removes an obsolete provision from the Pennsylvania Code.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-496 from the State Board of Medicine, as submitted to the Commission on January 14, 1998, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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*Commissioners Present:* John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 13, 1998

*State Board of Medicine—Complaint Process, Formal Hearings and Appeals; Doc. No. 16A-495*

#### Order

On January 14, 1998, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapter 16. The authority for this regulation is contained in section 8 of the Medical Practices Act (63 P. S. § 422.8). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The State Board of Medicine is proposing to delete sections of its regulations relating to the process used for complaints to be filed against licensees, the hearing process to consider complaints, and the appeal process for decisions on complaints. The Board is repealing these provisions because of a 1992 Supreme Court decision, *Lyness v State Board of Medicine*, invalidated the Board's procedural regulations.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary to delete provisions of the Board's regulations that were found to be unconstitutional.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-495 from the State Board of Medicine, as submitted to the Commission on January 14, 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; Robert J. Harbison, III; John F. Mizner, Dissenting

Public Meeting held  
February 13, 1998

*Department of Health—Health Facility Licensure; Doc. No. 10-148*

### Order

On May 21, 1997, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 139 and adds new Chapters 51, 136, 138, and 158. The authority for this regulation is section 801.1 of the Health Care Facilities Act (35 P. S. § 448.801a). The proposed regulation was published in the May 31, 1997 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 22, 1998.

The Department is amending its regulations to provide quality assurance standards for specific services provided by hospitals. The regulation is necessary because the Certificate of Need (CON) Program sunset in December of 1996. Unlike the CON process, the Department of Health will not be approving a hospital based on the need for a specific health service in a particular area. Instead, the Department will be reviewing quality assurance standards in the provision of services.

We have reviewed this regulation and find it not to be in the public interest. The definition of "pediatric heart surgery" could limit the care of some patients, who may be more appropriately served in an adult program. Further, references to body weight and mass are not included in the definition, which instead contains a general reference to "physical development" and an arbitrary age limit. Based on our concerns with this definition, we find that it lacks clarity.

We further find that provisions in section 138.13 of Chapter 138 (Cardiac Catheterization Services) are not in the public interest. The section requires that at least one registered nurse with experience and knowledge of cardiac catheterization be assigned to the cardiac catheterization laboratory at all times. However, Registered Cardiovascular Technicians (RCVTs) are currently staffing the cardiac catheterization laboratories in a number of hospitals. Further, some of these RCVTs are credentialed only after extensive training and examination in this specialized area. Mandating the presence of a similarly trained registered nurse will not necessarily improve the care or safety of patients in the laboratory. The proposal could adversely impact hospitals and their staffs. Therefore, based on the potential adverse economic impact on hospitals and on all of trained personnel currently working in this field, and reasonableness, the regulations does not meet the criteria of the Regulatory Review Act.

*Therefore, It Is Ordered That:*

1. Regulation No. 10-148 from the Department of Health, as submitted to the Commission on January 22, 1998, is disapproved;

2. The Department of Health shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;

3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and

4. This Order constitutes a bar to final publication of Regulation No. 10-148 under section 6(b) of the Regulatory Review Act.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-349. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Notice of Filing of Final-Form Rulemakings

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-257	Department of Education Private Driver Training Schools	12/17/98

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 98-350. Filed for public inspection February 27, 1998, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for Plan Approval of a Mutual-To-Stock Conversion

Pennsylvania Millers Mutual Insurance Company, a Pennsylvania domiciled mutual fire insurance company, has submitted a Plan of Conversion which provides for conversion from a mutual fire insurance company to a stock fire insurance company and for the formation of a mutual holding company. The filing was made under the Mutual-to-Stock Conversion Act (40 P. S. § 911-A et seq.).

Interested persons wishing to comment on the filing whether on grounds of public or private interest are invited to submit written comments to the Insurance 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 person submitting the comment, identification of the filing to which the comment is addressed, and a concise statement in sufficient detail to inform the Insurance Department of the nature of the comment. Written com-

ments should be directed to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, faxX (717) 787-8557, or on the Internet using <http://www.csmith@ins.state.pa.us>.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-351. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Rate Filing; Coal Mine Compensation Rating Bureau of Pennsylvania; Workers' Compensation Loss Cost Filing

On February 13, 1998, the Insurance Department received from the Coal Mine Compensation Rating Bureau of Pennsylvania a correction to their January 14, 1998 filing. The Bureau's correction in the calculation of the Experience Rating Off-Balance factor amends their requested overall 5.8% decrease which included loss based assessments to an overall 7.4% decrease.

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

Questions and comments should be directed to Chuck Romberger, CPCU, Insurance Department, Office of Rate and Policy Regulation, Bureau of Property and Casualty Insurance, Actuarial Review Division, 1311 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-352. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

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

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

Appeal of Dominic Branca; file no. 97-265-37411; Allstate Insurance Company; doc. no. PH98-02-006; March 24, 1998, at 11 a.m.;

Appeal of Dr. Leon J. Weiner; file no. 97-265-37503; Allstate Insurance Company; doc. no. PH98-02-007; March 24, 1998, at 1 p.m.;

Appeal of Mr. & Mrs. John V. Hardy, Jr.; file no. 97-215-37477; Erie Insurance Exchange; doc. no. PH98-02-008; March 26, 1998, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings,

witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

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

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-353. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

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

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

Appeal of Erie Insurance Group; file no. 97-308-72962; Helena A. Persinger; doc. no. PI98-02-010; March 26, 1998, at 1 p.m.

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

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

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



pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 98-354. Filed for public inspection February 27, 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 Shelley and Ralph Koger; file no. 97-303-72889; Keystone Insurance Company; doc. no. P198-02-009; March 19, 1998, at 1 p.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. 98-355. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policy.

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

Appeal of Liberty Mutual Insurance Co.; file no. 98-303-70043; Frederick L. and Delores Fletcher; doc. no. P198-02-011; March 25, 1998, at 1 p.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. 98-356. Filed for public inspection February 27, 1998, 9:00 a.m.]

## NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

### Apprentice Pilot Applications

The Navigation Commission (Commission) for the Delaware River and its Navigable Tributaries announces that it will accept apprentice pilot applications through April 15, 1998. The Commission intends to appoint seven apprentice pilots in 1998.

Interested persons may obtain application forms and information materials by writing the Commission at 302 North Office Building, Harrisburg, PA 17120 or by calling the Commission at (717) 787-6458. Person who previously had an apprentice pilot application on file with the

Commission must file a new application in order to be considered for appointment as an apprentice pilot.

YVETTE KANE,  
Chairperson

[Pa.B. Doc. No. 98-357. Filed for public inspection February 27, 1998, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

[OFFICIAL OPINION NO. 98-1]

### Board of Pardons; Composition and Term of Board Members

February 6, 1998

Honorable Mark S. Schweiker  
Lieutenant Governor  
200 Main Capitol Building  
Harrisburg, Pennsylvania

Dear Lieutenant Governor Schweiker:

You have requested my opinion with respect to the following two questions relevant to the changes in the composition of the Board of Pardons brought about by the amendment of Article IV, Section 9(b) of the Pennsylvania Constitution approved by the voters at the recent November election:

(1) Does the amendment repeal the provision of Section 403 of the Administrative Code that staggers the six-year terms of the three Board members appointed by the Governor?

(2) Does the amendment disqualify the penologist member of the Board, whose six-year term expires on November 30, 1999, from serving the balance of his term?

The amendment of Section 9(b) to change the composition of the Board of Pardons was part of a broader amendment of Article IV, Section 9, which, in addition, amended Section 9(a) to require a unanimous recommendation of the Board before the Governor can pardon or commute the sentence of an individual sentenced to death or life imprisonment, and which further amended Section 9(b) to require only a majority vote of the Senate to approve the Governor's appointments to the Board.

#### I. Staggered Terms

Article IV, Section 9(b) provides that the Board of Pardons shall consist of the Lieutenant Governor, who shall serve as chairman, the Attorney General, and three members appointed by the Governor, with Senate consent, for terms of six years. Before the recent amendment, Section 9(b) provided that the three members appointed by the Governor shall be respectively a member of the bar, a penologist, and a doctor of medicine, psychiatrist, or psychologist. Following the amendment, Section 9(b) provides that the three members appointed by the Governor shall be respectively a crime victim, a corrections expert, and a doctor of medicine, psychiatrist, or psychologist.

Section 403 of The Administrative Code of 1929, 71 P.S. § 113, prescribes the composition of the Board of Pardons in language that parallels the language of Article IV, Section 9(b). Section 403 provides additionally that the six-year terms served by members of the Board

appointed by the Governor are to be staggered, with appointments made one every two years.

Section 403 was amended by the Act of June 1, 1995, P.L. 1017, No. 15 (Spec. Sess. No. 1) ("Act 15"), to conform its provisions to those of Joint Resolution No. 1995-1 (Spec. Sess. No. 1) passed on April 25, 1995, which first proposed the amendment of Article IV, Section 9(b) that the voters approved in November. Act 15 preserved the staggered terms provision of Section 403.

"It is an established principle that existing statutes not expressly or impliedly repealed by the Constitution remain in full force and effect." *Township of East Rockhill v. Borough of Perkasio*, 3 Pa. Cmwlth. 36, 47 (1971) (citations omitted). Furthermore, "the Constitution is not to be construed as an abrogation of existing laws, unless the intent is too clear to be mistaken . . ." *In re Georges Township School Directors*, 286 Pa. 129, 135 (1926), quoting, White on the Constitution, 21.

The recent amendment of Article IV, Section 9(b) does not, by its terms, repeal Section 403; nor, in my judgment, does it do so by implication. There is no inherent conflict between the language of the Constitution and the language of the statute; the former provides for six-year terms while the latter provides that such terms shall be staggered. That Act 15 preserved the staggered terms provision strongly suggests that the General Assembly was not proposing to the voters that the Constitution should require that Board members appointed by the Governor serve coincident terms. At a minimum, such history belies a finding of clear constitutional intent to abrogate the provision for staggered terms.

Accordingly, it is my opinion, and you are so advised, that the recent amendment of Article IV, Section 9(b) of the Pennsylvania Constitution does not repeal the provision of Section 403 of the Administrative Code that staggers the six-year terms of members of the Board of Pardons appointed by the Governor.

#### II. The Penologist

The amended Article IV, Section 9(b) requires that the Governor appoint a crime victim and a corrections expert to the Board, rather than an attorney and a penologist. The term of the incumbent attorney member expired on November 30, 1997. The term of the incumbent penologist member does not expire until November 30, 1999. While the penologist may be qualified also as a corrections expert, I conclude that he is entitled to complete his term of office regardless.

In *Suermann v. Hadley* 327 Pa. 190, 198 (1937), the Court observed that "[t]he Legislature may change an 'appointive power' but in doing so, generally speaking, it acts prospectively . . ." Although the Court's statement was concerned with statutory rather than constitutional interpretation, "[t]he established rules of construction applicable to statutes apply also in the construction of a Constitution," *Booth & Flinn v. Miller*, 237 Pa. 297 (1912), and the applicable rule of constitutional interpretation, in any event, presumes that "[c]onstitutional provisions operate prospectively . . . unless the language used or the purpose of the provision indicates that [retrospective] operation was intended." *Township of East Rockhill, supra*, 3 Pa. Cmwlth. at 49, citing, *Perkins v. Slack*, 86 Pa. 270 (1878).

The *Suermann* case is instructive since it invalidated a statutory provision that purported to remove from office the incumbent members of a municipal board, as part of a statutory reorganization of the board that changed its functions and duties and prescribed new qualifications for

board members. In the Court's analysis, the validity of the removal provision turned on whether the reorganization of the board was "of sufficient moment to sustain a finding of legislative intent to abolish the offices affected and to oust the incumbents as an incident thereof. . . ." *Suermann, supra*, 327 Pa. at 194. For a reorganization to require the abolition of prevailing offices, the Court observed, "the intent to wipe out the old structure must be clearly apparent." *Id.* at 197.

Curiously, the Court declined even to consider the character of the changes to the affected board, emphasizing instead that "[n]owhere does the [act reorganizing the board] in terms abolish the office of members of the Board. . . ." *Id.* at 197. The Court proceeded to hold that:

As the act did not, in terms, abolish the offices of the old members, the provisions for appointment of new members must be construed to be prospective. The old members will therefore, continue in their offices until the expiration of the terms for which they were appointed. . . .

*Id.*

Clearly, the amendment of Article IV, Section 9(b) did not "in terms" abolish the office of members of the Board of Pardons. On the contrary, it merely changed the qualifications for office of two of the three members appointed by the Governor. Nor, moreover, can it be said that the totality of changes in the Board's operation and the appointment and qualifications of its members brought about by the amendment of Article IV, Section 9, are "of sufficient moment" to evidence an intent to "wipe out the old structure" of the Board or otherwise to abolish the office of any of its members.

Accordingly, it is my opinion, and you are so advised, that the recent amendment of Article IV, Section 9(b) of the Pennsylvania Constitution does not disqualify the incumbent member appointed as a penologist from serving the balance of his six-year term.

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

D. MICHAEL FISHER,  
*Attorney General*

[Pa.B. Doc. No. 98-358. Filed for public inspection February 27, 1998, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad  
With Hearing

**I-00970070. National Railroad Passenger Corporation. Investigation upon the Commission's Own Motion.** To determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying Lloyd Street above-the-grade of the tracks of National Railroad Passenger Corporation in the City of Chester, Delaware County, (AAR 540 958 N).

An initial hearing on this matter will be held Tuesday, April 7, 1998, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-359. Filed for public inspection February 27, 1998, 9:00 a.m.]

Railroad  
With Hearing

**I-00970069. Reading, Blue Mountain and Northern Railroad Company. Investigation upon the Commission's Own Motion.** To determine the condition, disposition and responsibility for maintenance of the existing crossing structure carrying Mary Street (T-439) above-the-grade of the track of the Reading, Blue Mountain and Northern Railroad Company in Fairview Township, Luzerne County (AAR 361 417 S).

An initial hearing on this matter will be held Tuesday, April 14, 1998, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-360. Filed for public inspection February 27, 1998, 9:00 a.m.]

Railroad  
With Hearing

**C-00970524. Tom and Bella Nomack v. Consolidated Rail Corporation, Department of Transportation, Pike County and Lackawaxen Township.** A complaint has been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code. The complainants state that the private crossing near mile marker 115.45 in the Village of Mast Hope, Lackawaxen Township, Pike County, is being used by an increasing number of guests of a resort and camping facility on both the east and west side of the Conrail right of way and crossing. Complainants state that the crossing doesn't have needed safety features. Complainants state the need for safety measures such as crossbucks, safety lights and gates, and fencing.

An initial hearing on this matter will be held Wednesday, April 22, 1998, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons in interests may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-361. Filed for public inspection February 27, 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 March 23, 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 right and privilege to partially discontinue/abandon operating as common carriers by motor vehicle for the transportation of household goods in use as described under each application.**

**A-00100948, F. 1, Am-R. Pittsburgh-Fayette Express, Inc.** (Fourth & Main Streets, Belle Vermin, Fayette County, PA 15012), corporation of the Commonwealth of Pennsylvania—partial discontinuance of service—as a Class B carrier, household goods, in use, between points in the borough of Masontown, Fayette County, and within an airline distance of 3 miles of the limits of said borough.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods in use as described under each application.**

**A-00086452, F. 2, Am-H. The Snyder Brothers Moving, Inc., t/d/b/a George Transportation Company** (729 West New Castle Street, Zelenople, Butler County, PA 16063), a corporation of the Commonwealth of Pennsylvania—household goods in use, from points in the county of Butler, to points in Pennsylvania, and vice versa: *so as to permit* the transportation of household goods in use between points in the county of Butler. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**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 March 16, 1998.

A-00114658	Geoffrey C. Sotak, t/a Geoffs Towing Service 1957 Rt. 212, Quakertown, PA 18951
A-00114659	Christopher D. Smith 78 Main Street, Yorkanna, PA 17402-8202
A-00114660	John M. Eichenlaub, t/a Brave Construction P. O. Box 149 Allison Park, PA 15101

A-00114661	Joseph G. and James J. Sheperd, Copartners 1104 Scranton Street, Clarks Summit, PA 18411
A-00114662	Scott Hatfield, t/a Hatfield Modular 1082 Banetown Road, Washington, PA 15301
A-00114663	James D. Roth 1702 Bloom Road, Danville, PA 17821
A-00114664	Robert Rufrano, Jr. 299 E. Oregon Road, Lititz, PA 17543
A-00114665	TDF Services, Inc. 109 Dark Hollow Road, Oakmont, PA 15139
A-00114669	JT Excavating and Hauling, Inc. R. D. 2, Box 541, Waltz's Mills Rd., Ruffsdale, PA 15679

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. M.L.L. Tours, Inc., t/d/b/a Mary's "Little Lambs" Tours; Doc. No. A-00106442C98 F. 2.*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That M.L.L. Tours, Inc., t/d/b/a Mary's "Little Lambs" Tours, respondent, maintains a principal place of business at R. D. 1, Box 34, Clarion, PA 16214.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00106442, F. 2.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by M.L.L. Tours, Inc., t/d/b/a Mary's "Little Lambs" Tours at Docket No. A-00106442, F. 2, for failure to maintain current evidence of insurance on file with the Commission or

order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Joseph W. Farrell

Date: \_\_\_\_\_

*Notice to Plead*

A. You must file an answer within twenty (20) days of the date of service. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice to plead. 52 Pa. Code § 1.56(a). The answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your answer must be verified and the original and two (2) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service as identified in Paragraph A. above, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license or imposing such other remedy as may be appropriate.

C. In lieu of an answer, you may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the proof of insurance from your insurer, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order revoking your certificate of public convenience; contract carrier permit; or brokerage license.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dehner Truck Lines, Inc.; Doc. No. A-00111363C9701.*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania, empowered to regulate motor carriers and brokers within this Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dehner Truck Lines, Inc., respondent, maintains a principal place of business at 7070 South Pennsylvania Avenue, Morrisville, PA 19067.

2. That all times relevant to this Complaint, respondent held a certificate of public convenience issued by this Commission at Application Docket No. A-00111363.

3. That pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, and 52 Pa. Code Chapter 32; respondent is required to maintain evidence of current insurance on file with this Commission.

4. That respondent has failed to maintain evidence of cargo insurance, in violation of the Public Utility Code and regulations cited in Paragraph 3 of this complaint.

5. That as a result of failure to maintain evidence of current insurance on file with this Commission, the Bureau of Transportation and Safety Prosecutory Staff requests that the Commission revoke respondent's certificate of public convenience or order such other remedy as the Commission may deem to be appropriate.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience held by Dehner Truck Lines, Inc. at Docket No. A-00111363, for failure to maintain current evidence of insurance on file with the Commission or order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Joseph W. Farrell  
Director, Bureau of Transportation  
and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

*Verification*

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Joseph W. Farrell

Date: \_\_\_\_\_

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 98-362. Filed for public inspection February 27, 1998, 9:00 a.m.]

# STATE EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

March 11, 1998	James L. Boone (Out-of-State Service)	1 p.m.
March 11, 1998	Khervin D. Smith (Mandatory payment of contribution to purchase multiple service)	2:30 p.m.
March 25, 1998	Charles T. Allesie Sr. (Military Service)	1 p.m.
April 1, 1998	Susanne Bargel (Losses in Processing of Rollover)	1 p.m.
April 8, 1998	Brenda J. Anderson (Disability)	1 p.m.
April 9, 1998	Douglas Brooks (Request for Account refund)	1 p.m.
April 15, 1998	Yanina Carter (SERS Membership)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 98-363. Filed for public inspection February 27, 1998, 9:00 a.m.]

## TREASURY DEPARTMENT

### Request for Proposals

The Treasury Department of the Commonwealth of Pennsylvania is reissuing a proposal to provide coin appraiser services for the Bureau of Unclaimed Property. The terms of the RFP have changed. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 772-3296. Proposals in response to this request will be accepted no

later than 12 noon on Tuesday, March 31, 1998. Late proposals will not be considered.

BARBARA HAFER,  
*State Treasurer*

[Pa.B. Doc. No. 98-364. Filed for public inspection February 27, 1998, 9:00 a.m.]

### Request for Proposals

The Treasury Department of the Commonwealth of Pennsylvania is reissuing a proposal to provide gemology services for the Bureau of Unclaimed Property. The terms of the RFP have changed. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 772-3296. Proposals in response to this request will be accepted no later than 12 noon on Tuesday, March 31, 1998. Late proposals will not be considered.

BARBARA HAFER,  
*Treasurer*

[Pa.B. Doc. No. 98-365. Filed for public inspection February 27, 1998, 9:00 a.m.]

## TURNPIKE COMMISSION

### 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. 98-024-RQ12**—Bridge drainage downspouting repairs per structure NB-525, M. P. A-54.27 on the northeast extension carrying the Turnpike over the Lehigh River in Parryville Borough, Carbon Co., PA

*Bid Opening Date*—March 31, 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 per set (Do not add State Tax) 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 a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 98-366. Filed for public inspection February 27, 1998, 9:00 a.m.]