

# PENNSYLVANIA BULLETIN

Volume 29

Number 10

Saturday, March 6, 1999 • Harrisburg, Pa.

Pages 1205—1350

See Part II page 1299 for the  
Environmental Quality Board's  
Surface Coating Processes (RBI #4)

See Part III page 1319 for the  
Environmental Quality Board's  
Interstate Ozone Transport Reduction

**Agencies in this issue:**

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Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
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Executive Board  
Fish and Boat Commission  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Turnpike Commission

**Detailed list of contents appears inside.**

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

**No. 292, March 1999**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 340  
(800) 334-1429 ext. 340 (toll free, out-of-State)  
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1999.

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# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### SENATE OF PENNSYLVANIA

#### Committee Designation Under Regulatory Review Act—Revision

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committee for the purpose of regulatory review as authorized in the act:

*Agency*

*Committee*

Underground Storage Tank Indemnification Board      Banking and Insurance

ROBERT C. JUBELIRER,

*President Pro Tempore*

[Pa.B. Doc. No. 99-345. Filed for public inspection March 5, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

[Correction]

### Practice and Procedure

An error occurred in the Environmental Hearing Board's proposal at 29 Pa. B. 1074, 1085 (February 27, 1999). Section 1021.117 was proposed to be added and should have been printed in boldface type. Subsections (a) and (b) contained typographical errors. The correct version of § 1021.117 appears in Annex A.

#### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART IX. ENVIRONMENTAL HEARING BOARD

#### CHAPTER 1021. PRACTICE AND PROCEDURES

#### § 1021.117. Amicus curiae.

**(a) Anyone interested in legal issues involved in any matter pending before the Board may request leave to file an amicus curiae brief or memorandum of law, in regard to those legal issues. The amicus curiae shall state in its request the legal issues to be addressed in the brief and shall serve a copy of the request on all parties.**

**(b) When the Board grants a request, the amicus curiae shall file the brief within the time prescribed by the Board and shall serve a copy on all parties. Any party may file a response to a brief amicus curiae which is adverse to its interests.**

**(c) The amicus curiae may present oral argument only as the Board may direct.**

[Pa.B. Doc. No. 99-303. Filed for public inspection February 26, 1999, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 123]

### Nitrogen Oxides Allowance

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 123 (relating to general provisions; and standards for contaminants) to read as set forth in Annex A.

The change to Chapter 121 amends the definition of "NO<sub>x</sub> affected unit" to clarify that the definition is applicable to 15 megawatt (MW) sources rather than facilities. A number of minor technical amendments are made to Appendix E. The first amendment provides allowance allocations for newly discovered sources as provided under § 123.117(b) (relating to new NO<sub>x</sub> affected source provisions). In addition, the allocations in Appendix E are proposed for revision to correct an accounting error contained in the original allocation. The listing of "baseline MMBtu" in Appendix E is also being deleted.

The listing of "baseline NO<sub>x</sub> lb/MMBtu" is being modified. A number of sources mistakenly included in Appendix E are being deleted from Appendix E. Finally, the contingent allocation for Washington Power Company is being eliminated from § 123.115(b) (relating to initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations).

This notice is given under Board order at its meeting of December 15, 1998.

#### A. Effective Date

These amendments will be effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. Contact Persons

For further information, contact J. Wick Havens, Chief, Division of Air Resources Management, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468 (717) 787-4310; or M. Dukes Pepper, Jr., Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464 (717) 787-7060. Persons with a disability may use the AT&T relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). These proposed amendments are available electronically through the Department of Environmental Protection's (Department) web site (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

This action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

#### D. Background

On November 1, 1997, the Board published final-form regulations establishing the Nitrogen Oxides (NO<sub>x</sub>) Allowance Requirements. As the Department began to implement the regulations, there was some confusion about the definition of a "NO<sub>x</sub> affected source." This definition is intended to require only those individual fossil-fired operating units which generate greater than 15 MW of electricity be included in the definition. Because there is some ambiguity in the existing definition, this proposal clarifies the language to meet the original intention.

Subsequent to publication of the regulations, a number of NO<sub>x</sub> affected sources that had not been listed in the regulation were identified under the process established in § 123.117. In addition, the Washington Power Company, listed in § 123.115(b), no longer has a plan approval authorizing its construction. Furthermore, as the Department began the process of establishing NO<sub>x</sub> Allowance Tracking System accounts for the NO<sub>x</sub> Affected Sources listed in the regulations, the Department recognized that an accounting error had occurred in the original allocation of allowances listed in Appendix E. Appendix E had allocated approximately 500 more NO<sub>x</sub> allowances than were available in the OTC budget that Pennsylvania agreed to meet. Finally, Appendix E of the existing regulation contains two columns ("Baseline NO<sub>x</sub> lb/MMBtu" and "Baseline MMBtu") that are somewhat confusing. This proposal modifies the regulation to include the newly discovered sources, remove the Washington Power Company, correct the accounting error and modify the columns contained in Appendix E.

As described during the initial rulemaking action, the Department worked with the Ozone Transport Commission (OTC) to determine the 1990 NO<sub>x</sub> baseline which was used to calculate the emission reductions, NO<sub>x</sub> affected source allocations and emission caps established by the program. The OTC published the "Procedures for Development of the OTC NO<sub>x</sub> Baseline Emission Inventory." Following those procedures a "1990 OTC NO<sub>x</sub> Baseline Emission Inventory" was developed by Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards (EPA-454/R-95-013). The Commonwealth used that inventory as the basis for development of the emission reduction requirements contained in the final NO<sub>x</sub> Allowance Requirements regulations. The following discussion details the process that was used in this Commonwealth to establish the 1990 baseline, emission reductions, NO<sub>x</sub> affected source allocations and emission caps.

The first step in establishing the 1990 baseline was to identify the "NO<sub>x</sub> affected sources" that were operating in 1990. NO<sub>x</sub> emissions reported from these sources were used to develop a 5-month (May 1 through September 30) NO<sub>x</sub> emissions baseline for each source. This information was then provided to the owners and operators of the source to ensure that it was an accurate representation of actual 1990 emissions. Appropriate adjustments were made to the baseline to assure its accuracy.

The second step allowed the owners and operators of each NO<sub>x</sub> affected source to make a demonstration to the OTC that the 1990 emissions were not representative of normal operations. These requests for "exceptional circumstances" were reviewed by the OTC and, where appropriate, the 1990 5-month baseline for the NO<sub>x</sub> affected source was modified. In this Commonwealth, three sources had their baselines adjusted based on exceptional circumstances (1990 OTC NO<sub>x</sub> Baseline Emission Inventory Appendix G).

There was an additional baseline modification addressed by the OTC. The OTC established a "10,000 ton reserve" baseline to be divided between the states. The Commonwealth used this reserve to adjust the 1990 baseline of the NO<sub>x</sub> affected sources at Duquesne Light's Cheswick and Elrama power stations. The amount of this adjustment was equal to the exceptional circumstances request received by Duquesne Light (that request was not granted because there was insufficient documentation provided (1990 OTC NO<sub>x</sub> Baseline Emission Inventory Appendix G and p. 20)).

Following these adjustments, in July of 1995, the 1990 OTC NO<sub>x</sub> Baseline Emission Inventory was published with baseline information for each NO<sub>x</sub> affected source in each OTC state (EPA document EPA-454/R-95-013). After publication of this baseline inventory, each state went through an additional quality assurance/quality control process. This process identified sources that, although listed in the inventory, did not meet the definition of NO<sub>x</sub> affected unit as well as additional sources that were not included in the inventory but met the definition. This resulted in a final 1990 baseline, which was used to determine the amount of emission reductions and number of NO<sub>x</sub> allowances that would be available in each state beginning in 1999.

To calculate the emissions reductions and number of allowances available in this Commonwealth, the 1990 baseline emissions were divided according to whether they came from the area of this Commonwealth subject to 55% or 65% reduction. Following that division, a calculation was performed for each source that evaluated

whether the percentage reduction or emission rate (either the Reasonably Available Control Technology (RACT) rate or 0.2 lb/MMBtu) was the controlling reduction. The total of these emission reductions for sources in the 1990 baseline established the emission reductions and total allowances that are available for all sources in this Commonwealth in 1999 (1999 budget).

There were a number of sources that met the definition of a NO<sub>x</sub> affected source that began operation after 1990 but prior to the time when the final regulation was promulgated. The Department worked with the Air Quality Technical Advisory Committee (AQTAC) to establish a process for including these new sources in the program. In general, these sources were independent power producers (IPPs) that had installed modern and efficient emission controls. In addition the IPPs, in many cases, were eliminating environmental problems by burning fuels that, if left in place, generally cause significant water pollution. The Department and AQTAC established a process that included these facilities in the program, resulting in the need to distribute the 1999 budget among a larger number of sources than were operating in 1990. To do so, the total allocation available for the IPPs was established using a methodology developed with the input and approval of the AQTAC. To ensure an equitable distribution of the 1999 budget, the budget for each source operating in 1990 was reduced by a pro rata amount to provide an allocation for all NO<sub>x</sub> affected sources in operation at the time the regulation became final. This resulted in increasing the percent reduction requirements to approximately 57% and 67% and slightly tightening the emission rates where they were the controlling factor to calculate the allowances.

In other words, between 1990 and 1997 there was an increase in the number of NO<sub>x</sub> affected sources. To treat all sources equally, the Commonwealth's 1999 budget was divided between all of these sources following a uniform approach. In the aggregate, this resulted in the Commonwealth meeting the NO<sub>x</sub> MOU reduction targets of 55% or 0.2 lb/MMBtu in the outer zone and 65% or 0.2 lb/MMBtu in the inner zone from the 1990 emissions baseline.

#### *E. Summary of the Proposal*

The definition of "NO<sub>x</sub> affected source" in § 121.1 is being proposed for modification to clarify that only individual emission units of 15 megawatts or greater are included in the definition. In addition, the definition is further clarified to exclude emergency electrical generating units used to power safety equipment at nuclear power plants.

Section 123.115 is being modified to remove the Washington Power Company allocation.

Appendix E is being modified in four ways. First, the NO<sub>x</sub> affected sources identified through the process described in § 123.117 are being added to Appendix E. Second, the accounting error that resulted in over-allocating the 1999 budget is being corrected with a pro rata reduction in all NO<sub>x</sub> affected sources emissions (the reduction is rounded to whole numbers of allowances). Third, several sources mistakenly included in Appendix E are being deleted from Appendix E. Finally, the last column of the table in Appendix E is being deleted and the "Baseline NO<sub>x</sub> lb/MMBtu" column is being renamed to add the term "Bonus Allowance."

The changes to the columns clarify their use. The Bonus Allowance column is used as the emission rate from which bonus allowances established by § 123.119 are calculated. The column "Baseline MMBtu" is not used in the regulation and, consequently, it is being deleted. The Baseline MMBtu was part of the derivation of the original 1990 emissions baseline development and is no longer relevant to the program.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

Executive Order 1996-1 requires a cost benefit analysis of the amendments. Overall, the citizens of this Commonwealth will benefit from the amendments because they will provide appropriate protection of air quality both in this Commonwealth and the entire northeastern United States. In addition to reducing ozone pollution, this program will assist the Commonwealth in meeting its requirements for reasonable further progress and attainment under the Clean Air Act (42 U.S.C.A. §§ 7401—7642).

##### *Compliance Costs*

These proposed amendments may slightly increase compliance costs by reducing the total NO<sub>x</sub> allowances available in this Commonwealth.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the regulated community and the public with understanding the NO<sub>x</sub> budget program.

##### *Paperwork Requirements*

These proposed regulatory changes will have no additional paperwork impact on the Commonwealth and the regulated entities.

#### G. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review scheduled published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 1999, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

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

#### I. *Public Comment and EQB Hearings*

##### *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 1 p.m. as follows:

April 6, 1999 Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, Pa.

April 7, 1999 Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna River Conference Room  
909 Elmerton Avenue  
Harrisburg, Pa.

April 8, 1999 Department of Environmental Protection  
Southeast Regional Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, Pa.

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony are requested to be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T relay service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

##### *Written Comments*

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the EQB, 15th Floor Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by May 10, 1999 (65 days from the date of publication). In addition to the written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by May 10, 1999 (65 days from the date of publication). This summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

##### *Electronic Comments*

Comments may be submitted electronically to the Board at RegComments@a1.dep.state.pa.us. A subject heading of the proposal and return name and mailing address must be included in each transmission. Comments submitted electronically must also be received by the EQB May 10, 1999.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-343. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*NO<sub>x</sub> affected source*—A fossil fuel fired indirect heat exchange combustion unit with a maximum rated heat

input capacity of 250 MMBtu/hour or more and all fossil fuel fired electric generating [ facilities ] sources rated at 15 megawatts or greater or any other source that voluntarily opts to become a NO<sub>x</sub> affected source.

\* \* \* \* \*

CHAPTER 123. STANDARDS FOR CONTAMINANTS  
NO<sub>x</sub> ALLOWANCE REQUIREMENTS

§ 123.115. Initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations.

\* \* \* \* \*

(b) The [ Washington Power Company and ] Colver Power Project [ sources ] source identified in Appendix [ A ] E shall receive the allocation identified in Appendix E upon operation of the source.

\* \* \* \* \*

APPENDIX E

BONUS ALLOWANCE

Baseline  
NOx lb/MMBtu [ **Baseline**  
MMBtu ]

County	Facility	Combustion Source Name	Point ID	Allowance		
Adams	Met Edison Hamilton		031	4	0.59	[ 18,716 ]
Adams	Met Edison Ortanna		031	3	0.59	[ 13,130 ]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #1	031	17	0.45	[ 89,908 ]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #2	032	6	0.45	[ 29,243 ]
Adams	Metropolitan Edison Company	G. E. N Frame Turbine #3	033	14	0.45	[ 74,249 ]
Allegheny	Duquesne Light Company, Cheswick	Boiler	001	[ 2,114 ] 2,110	0.61	[ 15,025,580 ]
Armstrong	Penelec—Keystone	Boiler No. 1	031	[ 4,342 ] 4,334	0.80	[ 25,149,236 ]
Armstrong	Penelec—Keystone	Boiler No. 2	032	[ 3,446 ] 3,439	0.79	[ 22,657,898 ]
Armstrong	West Penn Power Co.	Foster Wheeler	031	[ 1,140 ] 1,137	0.95	[ 5,355,101 ]
Armstrong	West Penn Power Co.	Foster Wheeler	032	[ 1,066 ] 1,063	1.02	[ 5,007,467 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	032	[ 302 ] 301	0.83	[ 1,747,462 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	033	247	0.83	[ 1,431,342 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	034	286	0.83	[ 1,655,847 ]
Beaver	AES Beaver Valley Partners, Inc.	Babcock and Wilcox	035	154	0.81	[ 683,951 ]
Beaver	Penn Power Co.—Bruce Mansfield	Boiler Unit 1	031	[ 2,993 ] 2,987	0.90	[ 16,618,929 ]
Beaver	Penn Power Co.—Bruce Mansfield	Foster Wheeler Unit No. 2	032	[ 3,866 ] 3,857	0.90	[ 21,464,786 ]
Beaver	Penn Power Co.—Bruce Mansfield	Foster Wheeler Unit 3	033	[ 3,504 ] 3,497	0.70	[ 19,455,843 ]
Beaver	Zinc Corporation Of America	Coal Boiler 1	034	[ 241 ] 240	0.80	[ 1,380,627 ]
Beaver	Zinc Corporation Of America	Coal Boiler 2	035	[ 204 ] 203	0.80	[ 1,168,776 ]
Berks	Metropolitan Edison Co.—Titus	Unit 1	031	202	0.65	[ 1,836,587 ]
Berks	Metropolitan Edison Co.—Titus	Unit 2	032	186	0.68	[ 1,632,072 ]
Berks	Metropolitan Edison Co.—Titus	Unit 3	033	201	0.66	[ 1,805,003 ]
Berks	Metropolitan Edison Co.—Titus	No. 4 Combustion Turbine	034	2	0.44	[ 20,010 ]
Berks	Metropolitan Edison Co.—Titus	No. 5 Combustion Turbine	035	2	0.44	[ 15,484 ]
Blair	Penelec—Williamsburg	No. 11 Boiler—Rily	031	38	0.87	[ 200,874 ]
<b>Bucks</b>	<b>PECO Energy—Falls</b>	<b>Unit 1</b>		<b>7</b>	<b>0.67</b>	
<b>Bucks</b>	<b>PECO Energy—Falls</b>	<b>Unit 2</b>		<b>7</b>	<b>0.67</b>	
<b>Bucks</b>	<b>PECO Energy—Falls</b>	<b>Unit 3</b>		<b>6</b>	<b>0.67</b>	
Bucks	PECO Energy—Croyden	Croyden—Turbine #11	031	11	0.70	[ 42,451 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #12	032	7	0.70	[ 26,382 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #21	033	44	0.70	[ 175,640 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #22	034	20	0.70	[ 81,649 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #31	035	11	0.70	[ 42,534 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #32	036	14	0.70	[ 54,905 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #41	037	8	0.70	[ 30,191 ]
Bucks	PECO Energy—Croyden	Croyden—Turbine #42	038	38	0.70	[ 152,094 ]
Bucks	United States Steel Corp., The	Power House Boiler No. 3	043	63	0.26	[ 655,625 ]
Bucks	United States Steel Corp., The	Power House Boiler No. 4	044	14	0.27	[ 147,330 ]
Bucks	United States Steel Corp., The	Power House Boiler No. 5	045	73	0.26	[ 756,980 ]
Bucks	United States Steel Corp., The	Power House Boiler No. 6	046	84	0.26	[ 871,810 ]

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE	
					Baseline NOx lb/MMBtu	[ Baseline MMBtu ]
Cambria	Cambria CoGen Company	A Boiler	031	[ 200 ] 199	0.24	[ 2,003,177 ]
Cambria	Cambria CoGen Company	B Boiler	032	[ 212 ] 210	0.23	[ 2,116,233 ]
Cambria	Colver Power Project			[ 411 ] 409	0.20	[ 4,112,640 ]
Cambria	Ebensburg Power Company	CFB Boiler		[ 206 ] 205	0.08	[ 2,058,858 ]
Carbon	Panther Creek Energy Facility	Boiler 1		119	0.12	[ 1,592,491 ]
Carbon	Panther Creek Energy Facility	Boiler 2		[ 117 ] 116	0.12	[ 1,555,673 ]
<b>Chester</b>	<b>PECO Energy—Mosier</b>	<b>Unit 1</b>		7	0.67	
<b>Chester</b>	<b>PECO Energy—Mosier</b>	<b>Unit 2</b>		7	0.67	
<b>Chester</b>	<b>PECO Energy—Mosier</b>	<b>Unit 3</b>		6	0.67	
Chester	PECO Energy—Cromby	Boiler No 1	031	[ 247 ] 246	0.82	[ 1,660,770 ]
Chester	PECO Energy—Cromby	Boiler No 2	032	[ 187 ] 186	0.28	[ 1,257,120 ]
Clarion	Piney Creek Project	CFB Boiler		[ 122 ] 121	0.18	[ 1,217,989 ]
Clearfield	Penelec—Shawville	Babcock Wilcox Boiler	031	[ 981 ] 979	1.22	[ 3,737,976 ]
Clearfield	Penelec—Shawville	Babcock Wilcox Boiler	032	[ 947 ] 945	1.21	[ 3,624,416 ]
Clearfield	Penelec—Shawville	Combustion Engineering	033	[ 852 ] 850	0.86	[ 4,558,942 ]
Clearfield	Penelec—Shawville	Combustion Engineering	034	[ 693 ] 692	0.87	[ 3,697,889 ]
Clinton	International Paper Co.	1 Riley Stoker Vo-Sp	033	145	0.55	[ 1,220,703 ]
Clinton	International Paper Co.	2 Riley Stoker Vo-Sp	034	145	0.55	[ 1,218,878 ]
Clinton	PP&L—Lock Haven	CT 1		3	0.49	[ 14,818 ]
Columbia	Penelec—Benton		002	1	2.33	[ 2,661 ]
Columbia	Penelec—Benton		003	1	2.93	[ 2,330 ]
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine	031	9	0.45	[ 46,665 ]
Cumberland	Metropolitan Edison Company	G.E. N Frame Turbine #1	032	11	0.45	[ 55,480 ]
Cumberland	PP&L—West Shore	CT 1		3	0.49	[ 12,402 ]
Cumberland	PP&L—West Shore	CT 2		3	0.49	[ 13,231 ]
Dauphin	PP&L—Harrisburg	CT 1		[ 4 ] 3	0.49	[ 16,282 ]
Dauphin	PP&L—Harrisburg	CT 2		4	0.49	[ 15,884 ]
Dauphin	PP&L—Harrisburg	CT 3		4	0.49	[ 15,446 ]
Dauphin	PP&L—Harrisburg	CT 4		4	0.49	[ 15,386 ]
Delaware	BP Oil, Inc.	7 Boiler	032	[ 35 ] 33	0.37	[ 331,917 ]
Delaware	BP Oil, Inc.	8 Boiler	033	[ 56 ] 54	0.48	[ 535,337 ]
Delaware	BP Oil, Inc.		038	[ 187 ] 180	0.55	[ 1,789,455 ]
<b>Delaware</b>	<b>Tosco Refinery</b>	<b>543 Crude Heater</b>	<b>044</b>	<b>101</b>	<b>0.55</b>	
<b>Delaware</b>	<b>Tosco Refinery</b>	<b>544 Crude Heater</b>	<b>045</b>	<b>115</b>	<b>0.55</b>	
Delaware	PECO Energy—Eddystone	No. 1 Boiler	031	[ 663 ] 660	0.54	[ 5,571,014 ]
Delaware	PECO Energy—Eddystone	No. 2 Boiler	032	[ 432 ] 430	0.55	[ 3,629,294 ]
Delaware	PECO Energy—Eddystone	No. 3 Boiler	033	[ 257 ] 255	0.28	[ 2,153,713 ]
[ Delaware	<b>PECO Energy—Eddystone</b>	<b>No. 10 Gas Turbine</b>	<b>037</b>	<b>1</b>	<b>0.49</b>	<b>9,464 ]</b>
[ Delaware	<b>PECO Energy—Eddystone</b>	<b>No. 20 Gas Turbine</b>	<b>038</b>	<b>1</b>	<b>0.48</b>	<b>7,560 ]</b>
Delaware	PECO Energy—Eddystone	No. 30 Gas Turbine	039	2	0.48	[ 19,502 ]
Delaware	PECO Energy—Eddystone	No. 40 Gas Turbine	040	1	0.49	[ 9,450 ]
Delaware	PECO Energy—Eddystone	No. 4 Boiler	041	[ 249 ] 248	0.28	[ 2,089,539 ]
Delaware	Kimberly—Clark	Boiler No. 9	034	12	0.52	[ 264,600 ]
Delaware	Kimberly—Clark	10 Culm Cogen. Fbc Plant	035	[ 85 ] 84	0.08	[ 1,602,169 ]

## BONUS ALLOWANCE

Baseline  
NOx lb/MMBtu[ **Baseline**  
**MMBtu** ]

County	Facility	Combustion Source Name	Point ID	Allowance	Baseline NOx lb/MMBtu	[ <b>Baseline</b> <b>MMBtu</b> ]
Delaware	Sun Refining & Marketing		089	86	0.09	[ 1,211,002 ]
Delaware	Sun Refining & Marketing		090	145	0.08	[ 4,927,837 ]
[ Elk	<b>Penntech Papers, Inc.</b>	<b>B&amp;W Model Pm106 Boiler #6</b>	<b>038</b>	<b>0</b>	<b>0.00</b>	<b>0</b> ]
Elk	Penntech Papers, Inc.	B & W #81 Boiler	040	[ 103 ] 102	0.83	[ 570,989 ]
Elk	Penntech Papers, Inc.	B&W #82 Boiler	041	109	0.83	[ 603,471 ]
Erie	General Electric Co.	B & W Boiler No. 2	032	26	1.01	[ 587,180 ]
Erie	International Paper Company	Coal Fired Boiler No. 21	037	68	0.58	[ 321,958 ]
Erie	Norcon Power Partners	Turbine 1	001	50	0.07	[ 1,483,488 ]
Erie	Norcon Power Partners	Turbine 2	002	50	0.07	[ 1,483,488 ]
Erie	Penelec—Front Street	Erie City Iron Works No. 7	031	5	0.92	[ 38,964 ]
Erie	Penelec—Front Street	Erie City Iron Works No. 8	032	5	0.90	[ 39,881 ]
Erie	Penelec—Front Street	Comb. Eng. Boiler No. 9	033	[ 134 ] 133	0.57	[ 1,033,388 ]
Erie	Penelec—Front Street	Comb. Eng. Boiler No. 10	034	[ 134 ] 133	0.57	[ 1,033,528 ]
Greene	West Penn Power—Hatfield's Ferry	Babcock & Wilcox	031	[ 3,978 ] 3,969	1.04	[ 15,502,912 ]
Greene	West Penn Power—Hatfield's Ferry	Babcock & Wilcox	032	[ 3,703 ] 3,694	1.04	[ 14,429,251 ]
Greene	West Penn Power—Hatfield's Ferry	Babcock & Wilcox	033	[ 2,160 ] 2,154	1.04	[ 8,416,290 ]
Indiana	Penelec—Conemaugh	Boiler No. 1	031	[ 3,295 ] 3,288	0.76	[ 20,130,686 ]
Indiana	Penelec—Conemaugh	Boiler No. 2	032	[ 4,197 ] 4,187	0.76	[ 25,543,024 ]
Indiana	Penelec—Homer City	Boiler No. 1-Foster Whelr	031	[ 3,167 ] 3,160	1.20	[ 11,325,278 ]
Indiana	Penelec—Homer City	Boiler No. 2-Foster Whelr	032	[ 3,987 ] 3,978	1.20	[ 15,382,211 ]
Indiana	Penelec—Homer City	Boiler No. 3-B. & W.	033	[ 2,931 ] 2,924	0.62	[ 21,951,003 ]
Indiana	Penelec—Seward	Boiler No. 12 (B&W)	032	[ 145 ] 144	0.84	[ 849,307 ]
Indiana	Penelec—Seward	Boiler No. 14 (B&W)	033	146	0.83	[ 809,011 ]
Indiana	Penelec—Seward	Boiler No. 15 (Comb.Eng.)	931	[ 673 ] 672	0.75	[ 4,155,275 ]
Lackawanna	Archbald Power Corporation	Cogen		[ 82 ] 81	0.05	[ 818,013 ]
Lancaster	PP&L—Holtwood	Unit 17 Foster Wheeler	934	[ 807 ] 806	1.20	[ 3,116,786 ]
Lawrence	Penn Power Co.—New Castle	Foster Wheeler	031	108	0.91	[ 553,994 ]
Lawrence	Penn Power Co.—New Castle	B.W. Boiler	032	97	0.91	[ 498,559 ]
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	033	185	0.91	[ 947,292 ]
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	034	339	0.91	[ 1,737,996 ]
Lawrence	Penn Power Co.—New Castle	Babcock And Wilcox	035	[ 622 ] 620	0.91	[ 3,183,091 ]
Lehigh	PP&L—Allentown	CT 1		2	0.49	[ 10,329 ]
Lehigh	PP&L—Allentown	CT 2		3	0.49	[ 13,752 ]
Lehigh	PP&L—Allentown	CT 3		3	0.49	[ 14,215 ]
Lehigh	PP&L—Allentown	CT 4		3	0.49	[ 12,745 ]
Lycoming	PP&L—Williamsport	CT 1		3	0.49	[ 14,633 ]
Lycoming	PP&L—Williamsport	CT 2		3	0.49	[ 14,083 ]
Luzerne	Continental Energy Associates	Turbine		[ 269 ] 267	0.13	[ 2,687,577 ]
Luzerne	Continental Energy Associates	HRSG		[ 129 ] 128	0.20	[ 1,288,248 ]
Luzerne	UGI Corp.—Hunlock Power	Foster Wheeler	031	[ 375 ] 374	0.95	[ 1,821,127 ]
Luzerne	PP&L—Jenkins	CT 1		3	0.49	[ 12,942 ]
Luzerne	PP&L—Jenkins	CT 2		2	0.49	[ 6,885 ]



County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE	
					Baseline NOx lb/MMBtu	[ Baseline MMBtu ]
Luzerne	PP&L—Harwood	CT 1		3	0.49	[ 14,194 ]
Luzerne	PP&L—Harwood	CT 2		3	0.49	[ 14,049 ]
Monroe	Met Edison Shawnee		031	3	0.59	[ 15,285 ]
Montgomery	Merck Sharp & Dohme	Cogen II Gas Turbine	039	79	0.16	[ 1,028,875 ]
Montour	PP&L—Montour	Montour No. 1	031	[ 3,576 ] 3,568	0.85	[ 17,029,683 ]
Montour	PP&L—Montour	Montour No. 2	032	[ 4,706 ] 4,696	1.07	[ 22,409,322 ]
Montour	PP&L—Montour	Aux.Start-Up Boiler No. 1	033	9	0.17	[ 44,436 ]
Montour	PP&L—Montour	Aux.Start-Up Boiler No. 2	034	7	0.17	[ 34,076 ]
Northampton	Bethlehem Steel Corp.	Boiler 1 Boiler House 2	041	[ 90 ] 91	0.23	[ Confidential ]
Northampton	Bethlehem Steel Corp.	Boiler 2 Boiler House 2	042	[ 90 ] 91	0.23	[ Confidential ]
Northampton	Bethlehem Steel Corp.	Boiler 3 Boiler House 2	067	[ 91 ] 92	0.23	[ Confidential ]
Northampton	Met Edison Co.—Portland	Unit No. 1	031	[ 463 ] 462	0.59	[ 3,593,611 ]
Northampton	Met Edison Co.—Portland	Unit No. 2	032	[ 658 ] 657	0.66	[ 4,578,297 ]
Northampton	Met Edison Co.—Portland	Combustion Turbine No. 3	033	1	0.53	[ 9,795 ]
Northampton	Met Edison Co.—Portland	Combustion Turbine No. 4	034	6	0.53	[ 40,931 ]
Northampton	Northampton Generating Company	Boiler	001	[ 210 ] 209	0.10	[ 4,208,112 ]
Northampton	PP&L—Martins Creek	Foster-Wheeler Unit No. 1	031	[ 493 ] 492	1.01	[ 3,329,831 ]
Northampton	PP&L—Martins Creek	Foster-Wheeler Unit No. 2	032	[ 461 ] 459	0.91	[ 3,112,136 ]
Northampton	PP&L—Martins Creek	C-E Unit No. 3	033	[ 837 ] 835	0.51	[ 5,652,924 ]
Northampton	PP&L—Martins Creek	C-E Unit No. 4	034	[ 741 ] 739	0.51	[ 5,003,663 ]
Northampton	PP&L—Martins Creek	No. 4b Auxiliary Boiler	036	0	0.17	[ 2,394 ]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 1	037	3	0.02	[ 206,640 ]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 2	038	3	0.02	[ 206,640 ]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 3	039	3	0.02	[ 206,640 ]
Northampton	PP&L—Martins Creek	Combustion Turbine No. 4	040	3	0.02	[ 206,640 ]
Northumberland	Foster Wheeler Mt. Carmel Cogen	Cogen	031	[ 196 ] 195	0.10	[ 1,814,911 ]
<b>Philadelphia</b>	<b>Allied Signal</b>		<b>052</b>	<b>54</b>	<b>0.46</b>	
Philadelphia	PECO Energy		037	28	0.60	[ 117,455 ]
Philadelphia	PECO Energy		038	37	0.60	[ 156,375 ]
Philadelphia	PECO Energy—Delaware		013	[ 111 ] 112	0.45	[ 918,037 ]
Philadelphia	PECO Energy—Delaware		014	[ 129 ] 130	0.45	[ 1,066,091 ]
[ Philadelphia	<b>PECO Energy—Delaware</b>		<b>015</b>	<b>1</b>	<b>0.67</b>	<b>7,089 ]</b>
[ Philadelphia	<b>PECO Energy—Delaware</b>		<b>016</b>	<b>1</b>	<b>0.67</b>	<b>9,452 ]</b>
[ Philadelphia	<b>PECO Energy—Delaware</b>		<b>017</b>	<b>1</b>	<b>0.67</b>	<b>11,259 ]</b>
Philadelphia	PECO Energy—Delaware		018	2	0.67	[ 15,012 ]
Philadelphia	PECO Energy—Schuylkill		003	[ 174 ] 175	0.28	[ 1,459,923 ]
[ Philadelphia	<b>PECO Energy—Schuylkill</b>		<b>007</b>	<b>1</b>	<b>0.67</b>	<b>9,285 ]</b>
Philadelphia	PECO Energy—Schuylkill		008	0	0.67	[ 1,946 ]
Philadelphia	Trigen Energy Co—Sansom		001	31	0.45	[ 318,459 ]
Philadelphia	Trigen Energy Co—Sansom		002	27	0.45	[ 280,748 ]
Philadelphia	Trigen Energy Co—Sansom		003	12	0.45	[ 126,824 ]
Philadelphia	Trigen Energy Co—Sansom		004	15	0.45	[ 155,123 ]

BONUS ALLOWANCE

Baseline [ **Baseline**  
NOx lb/MMBtu MMBtu ]

County	Facility	Combustion Source Name	Point ID	Allowance	Baseline NOx lb/MMBtu	[ <b>Baseline MMBtu</b> ]
Philadelphia	Trigen Energy Co—Schuylkill		001	0	0.28	[ 511,191 ]
Philadelphia	Trigen Energy Co—Schuylkill		002	0	0.28	[ 228,162 ]
Philadelphia	Trigen Energy Co—Schuylkill		005	0	0.45	[ 248,138 ]
Philadelphia	U. S. Naval Base		098	1	0.14	[ 14,294 ]
Philadelphia	U. S. Naval Base		099	1	0.14	[ 1,960 ]
<b>Philadelphia</b>	<b>Sun Oil—Girard Point</b>	<b>GP Boiler 37</b>	<b>02-2,3</b>	<b>87</b>	<b>0.33</b>	
<b>Philadelphia</b>	<b>Sun Oil—Girard Point</b>	<b>GP Boiler 38</b>	<b>02-4,5</b>	<b>87</b>	<b>0.33</b>	
<b>Philadelphia</b>	<b>Sun Oil—Girard Point</b>	<b>GP Boiler 39</b>	<b>02-6,7</b>	<b>87</b>	<b>0.33</b>	
<b>Philadelphia</b>	<b>Sun Oil—Girard Point</b>	<b>GP Boiler 40</b>	<b>02-8,9</b>	<b>116</b>	<b>0.33</b>	
<b>Philadelphia</b>	<b>Sun Oil—Girard Point</b>	<b>GP F-1</b>	<b>002-2,3,4</b>	<b>91</b>	<b>0.27</b>	
<b>Philadelphia</b>	<b>Sun Oil—Point Breeze</b>	<b>PB 3H-1</b>	<b>19/20</b>	<b>43</b>	<b>0.15</b>	
Philadelphia	Grays Ferry Project	Combustion Turbine		[ 126 ]	125	
Philadelphia	Grays Ferry Project	Heat Recovery Steam Gen		21		
Philadelphia	Grays Ferry Project	Boiler 25		80		
Schuylkill	Gilberton Power Company	Boiler		[ 335 ]	333	0.17 [ 3,352,372 ]
Schuylkill	Northeastern Power Company	CFB Boiler		[ 202 ]	201	0.06 [ 2,022,148 ]
[ <b>Schuylkill</b>	<b>Northeastern Power Company</b>	<b>Aux Boiler</b>		<b>0</b>	<b>0.27</b>	<b>1,396 ]</b>
Schuylkill	Schuylkill Energy Resources	Boiler	031	[ 350 ]	348	0.20 [ 4,349,117 ]
Schuylkill	Westwood Energy Properties	Boiler		[ 135 ]	134	0.17 [ 1,351,408 ]
Schuylkill	Wheelabrator Frackville Energy Co	Boiler		[ 205 ]	203	0.14 [ 2,046,694 ]
Schuylkill	PP&L—Fishback	CT 1		2	0.49	[ 8,272 ]
Schuylkill	PP&L—Fishback	CT2		2	0.49	[ 7,217 ]
Snyder	PP&L—Sunbury	Sunbury SES Unit 1a	031	[ 295 ]	294	0.98 [ 1,455,641 ]
Snyder	PP&L—Sunbury	Sunbury SES Unit 1b	032	[ 295 ]	294	0.98 [ 1,455,641 ]
Snyder	PP&L—Sunbury	Sunbury SES Unit 2a	033	[ 295 ]	294	0.83 [ 1,455,641 ]
Snyder	PP&L—Sunbury	Sunbury SES Boiler 2b	034	[ 295 ]	294	0.83 [ 1,455,641 ]
Snyder	PP&L—Sunbury	Sunbury SES Unit No. 3	035	[ 681 ]	679	0.93 [ 3,363,299 ]
Snyder	PP&L—Sunbury	Sunbury SES Unit No. 4	036	[ 824 ]	821	0.99 [ 4,070,181 ]
[ <b>Snyder</b>	<b>PP&amp;L—Sunbury</b>	<b>Diesel Generator 1</b>	<b>037</b>	<b>0</b>	<b>3.39</b>	<b>709 ]</b>
[ <b>Snyder</b>	<b>PP&amp;L—Sunbury</b>	<b>Diesel Generator 2</b>	<b>038</b>	<b>0</b>	<b>3.23</b>	<b>806 ]</b>
Snyder	PP&L—Sunbury	Combustion Turbine 1	039	3	0.49	[ 14,581 ]
Snyder	PP&L—Sunbury	Combustion Turbine 2	040	3	0.49	[ 14,581 ]
Tioga	Penelec—Tioga		031	3	0.48	[ 30,267 ]
Venango	Scrubgrass Power Plant	Unit 1	031	[ 182 ]	181	0.14 [ 1,816,817 ]
Venango	Scrubgrass Power Plant	Unit 2	032	[ 179 ]	178	0.15 [ 1,790,997 ]
Warren	Penelec—Warren	Boiler No. 1	031	76	0.62	[ 569,825 ]
Warren	Penelec—Warren	Boiler No. 2	032	73	0.64	[ 546,534 ]
Warren	Penelec—Warren	Boiler No. 3	033	77	0.61	[ 572,007 ]
Warren	Penelec—Warren	Boiler No. 4	034	80	0.61	[ 596,377 ]
Warren	Penelec—Warren		001	10	0.69	[ 77,943 ]
Washington	Duquesne Light Co.—Elrama	No. 1 Boiler	031	[ 334 ]	333	0.87 [ 1,116,538 ]
Washington	Duquesne Light Co.—Elrama	No. 2 Boiler	032	[ 333 ]	332	0.90 [ 1,114,175 ]
Washington	Duquesne Light Co.—Elrama	No. 3 Boiler	033	[ 446 ]	445	0.87 [ 1,490,615 ]

County	Facility	Combustion Source Name	Point ID	Allowance	BONUS ALLOWANCE	
					Baseline NOx lb/MMBtu	[ <b>Baseline</b> <b>MMBtu</b> ]
Washington	Duquesne Light Co.—Elrama	No. 4 Boiler	034	[ <b>1,016</b> ] <b>1,013</b>	0.89	[ <b>3,398,150</b> ]
Washington	McGraw-Edison Co.	Foster-Wheeler	032	0	0.00	[ <b>0</b> ]
[ Washington	<b>Washington Power Co.</b>	<b>Boiler 1</b>		<b>155</b>	<b>0.15</b>	<b>2,068,438</b> ]
[ Washington	<b>Washington Power Co.</b>	<b>Boiler 2</b>		<b>155</b>	<b>0.15</b>	<b>2,068,438</b> ]
Washington	West Penn Power Co.—Mitchell	Combustion Eng Coal Unit	034	[ <b>931</b> ] <b>929</b>	0.72	[ <b>5,968,482</b> ]
Wayne	Penelec—Wayne		031	11	0.84	[ <b>62,736</b> ]
Wyoming	Procter & Gamble Paper Products Co.	Westinghouse 251B10	035	[ <b>246</b> ] <b>245</b>	0.68	[ <b>1,654,800</b> ]
York	Glatfelter, P.H. Co.	Number 4 Power Boiler	034	127	0.80	[ <b>978,985</b> ]
York	Glatfelter, P.H. Co.	Number 1 Power Boiler	035	85	0.80	[ <b>653,626</b> ]
York	Glatfelter, P.H. Co.	Number 5 Power Boiler	036	[ <b>232</b> ] <b>231</b>	0.29	[ <b>1,780,350</b> ]
York	Met Edison Tolna		031	4	0.59	[ <b>20,492</b> ]
York	Met Edison Tolna		032	4	0.59	[ <b>19,306</b> ]
York	PP&L—Brunner Island	Brunner Island 2	032	[ <b>1,474</b> ] <b>1,470</b>	0.69	[ <b>9,319,539</b> ]
York	PP&L—Brunner Island	Brunner Island Unit 1	931	[ <b>1,294</b> ] <b>1,290</b>	0.67	[ <b>8,178,891</b> ]
York	PP&L—Brunner Island	Brunner Island Unit 3	933	[ <b>2,913</b> ] <b>2,906</b>	0.78	[ <b>18,411,970</b> ]
[ York	<b>Solar Turbines, Inc</b>	<b>Turbine 1</b>	<b>031</b>	<b>33</b>	<b>0.19</b>	<b>355,420</b> ]
[ York	<b>Solar Turbines, Inc</b>	<b>Turbine 2</b>	<b>032</b>	<b>33</b>	<b>0.19</b>	<b>355,248</b> ]
[ York	<b>Solar Turbines, Inc</b>	<b>Turbine 3</b>	<b>033</b>	<b>33</b>	<b>0.19</b>	<b>357,626</b> ]
[ York	<b>Solar Turbines, Inc</b>	<b>Turbine 4</b>	<b>034</b>	<b>33</b>	<b>0.19</b>	<b>360,280</b> ]
[ York	<b>Solar Turbines, Inc</b>	<b>Turbine 5</b>	<b>035</b>	<b>33</b>	<b>0.19</b>	<b>357,488</b> ]
[ York	<b>Solar Turbines, Inc</b>	<b>Turbine 6</b>	<b>036</b>	<b>32</b>	<b>0.19</b>	<b>351,077</b> ]

[Pa.B. Doc. No. 99-346. Filed for public inspection March 5, 1999. 9:00 a.m.]

# FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 65 AND 111]

## Order to Show Cause; Trout Run Reservoir; Berks County—Fishing; Duck Harbor Pond, Wayne County—Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 51, 65 and 111 (relating to administrative provisions; special fishing regulations; and special regulations counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments relate to administration, fishing and boating.

### A. Effective Date

The proposed amendments, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

### B. Contact Person

For further information on the proposed changes, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's web site (<http://www.fish.state.pa.us>).

### C. Statutory Authority

The proposed amendments are published under the statutory authority of sections 928(c), 2102 and 5124 of the code (relating to revocation, suspension or denial of license; permit or registration; rules and regulations; and particular areas of water).

### D. Purpose and Background

The proposed amendments are designed to update, modify and improve the Commission's administrative, fishing and special boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. Prior to final consideration by the Commission of the amendment to § 111.64 (relating to Wayne County), the Commission's Boating Advisory Board will review the proposal and make recommendations to the Commission.

### E. Summary of Proposal

(1) *Section 51.23 (relating to order to show cause)*. The Commission's regulations provide that when the Executive Director, after seeking staff input, determines that revocation or suspension proceedings should go forward, Director will cause the violator to be served with an order to show cause (why the violator's boating or fishing privileges should not be revoked or suspended). Current regulations provide that service of the order to show cause shall be by certified or registered mail. Many times, however, the violator fails or refuses to claim the certified mail that contains the order to show cause. After three unsuccessful attempts to deliver the certified letter, the post office returns it to the Commission. Staff then, under current practice, re-send the letter by means of regular mail. The Commission proposes to amend § 51.23 so that the regulations are consistent with the current practice.

(2) *Section 65.24 (relating to miscellaneous special regulations)*. At 21 Pa.B. 3693 (August 31, 1991), the Commission designated Trout Run Reservoir in Berks County as a water to be regulated and managed under § 65.9 (relating to big bass special regulations). At that time, Trout Run Reservoir was closed to public fishing under § 65.24. When the water was added to the Big Bass Special Regulations program, it was intended that it be removed from miscellaneous special regulation. However, due to an oversight, this was never done. The Commission recently discovered this omission and proposes to correct it at this time.

It should be noted that Trout Run Reservoir subsequently was removed from the list of waters subject to the Big Bass Special Regulations at 26 Pa.B. 5766 (November 23, 1996). Nonetheless, it remains open to public fishing today.

(3) *Section 111.64 (relating to Wayne County)*. The Commission received a petition requesting that the Commission modify special boating regulations on Duck Harbor Pond. The current regulation, in place since 1983, prohibits water skiing except between 10 a.m. and 6 p.m. on weekdays and between 10 a.m. and 4 p.m. on weekends. The petition requests that the Commission permit water skiing and other high speed boat operation between the hours of 10 a.m. and 6 p.m. and create a 10 mph speed limit from 6 p.m. until 10 a.m.

Duck Harbor Pond is located in Wayne County. Due to the shoreline structure and shallow stump areas, the lake has about 150 acres of usable open water. Since the early 1980's, a number of cottages have been built on the land surrounding the lake. It is a popular boating lake, and while the fisheries have declined in recent years, it still provides angling opportunities. Most access is gained through private docks and moorings. The Commission maintains a small access area at the west end of the lake. Joe Harcum is the owner of the land under and around most of the lake. He supports the proposed modifications to the current special regulation.

Although the petition seeks a speed limit of 10 mph, the Commission's Bureau of Law Enforcement has concerns regarding the enforcement of the limit. Therefore, the Commission proposes to amend the special regulations to limit the speed of boats to slow, minimum height swell speed between the hours of 6 p.m. and 10 a.m.

### F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

### G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-96. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISION**

**CHAPTER 51. ADMINISTRATIVE PROVISIONS**

**§ 51.23. Order to show cause.**

\* \* \* \* \*

(b) Service of the order to show cause shall be by certified or registered mail. **Service is complete upon delivery of the mail. If the mail is returned by the postal authorities with a notation that the violator refused to accept the mail or that the mail was unclaimed, the Commission will serve the order to show cause by ordinary mail with the return address of the Commission appearing thereon. Service by ordinary mail is complete if the mail is not returned to the Commission within 15 days after mailing.** Other documents served by the agency shall be served by first class mail in accordance with 1 Pa. Code § 33.31 (relating to service by the agency).

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
<b>[ Berks</b>	<b>Trout Run Reservoir</b>	<b>Closed to public fishing. ]</b>
	* * * * *	

**Subpart C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS COUNTIES**

**§ 111.64. Wayne County.**

\* \* \* \* \*

(b) *Duck Harbor Pond.*

\* \* \* \* \*

(2) **[ Water skiing is permitted on weekdays from 10 a.m. to 6 p.m. and on weekends and holidays from 10 a.m. to 4 p.m. Water skiing is prohibited at**

**all other times. ] The speed of boats is limited to slow, minimum height swell speed between the hours of 6 p.m. and 10 a.m.**

\* \* \* \* \*

[Pa.B. Doc. No. 99-347. Filed for public inspection March 5, 1999, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CH. 139]**

**Seasons and Bag Limits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 12, 1999, meeting, proposed the following amendment to read as set forth in Annex A:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 1999-2000 hunting license year.

This proposed amendment will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of this amendment is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposal was made public at the January 12, 1999, meeting of the Commission, and comments on this proposal can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until March 26, 1999.

*1. Introduction*

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 12, 1999, meeting proposed changing § 139.4 to provide for seasons and bag limits for the 1999-2000 license year. These seasons and bag limits were proposed under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of Commission; and regulation). Notable changes for the 1999-2000 year are a 2-week extension of the late Ringneck Pheasant season and the creation of a 3-day flintlock muzzleloader antlerless deer season.

*2. Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "... fix seasons ... and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Populations of pheasants are sufficiently abundant to justify extending their season and having a uniform ending of late small game season. Since antlerless deer license allocations have not been exhausted in the past 2 years it was decided to give flintlock muzzleloader deer hunters an early opportunity to take antlerless deer, with the required license, through the additional season.

*3. Regulatory Requirements*

These proposed seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. *Persons Affected*

All persons wishing to hunt and trap in this Commonwealth would be affected by these proposed seasons and bag limits.

5. *Cost and Paperwork Requirements*

The proposed new seasons and bag limits would not result in any additional cost either to the Commission or to hunters and furtakers.

6. *Effective Dates*

July 1, 1999, to June 30, 2000.

7. *Contact Persons*

For further information on the proposed changes the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

DONALD C. MADL,  
*Executive Director*

*(Editor's Note: The Commission is proposing to replace § 139.4 as it currently appears in the Pennsylvania Code at pages 139-3—139-10 (serial pages (244957)—(244964) with the version which appears in Annex A.)*

**Fiscal Note:** 48-108. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 58. RECREATION

## PART III. GAME COMMISSION

## CHAPTER 139. SEASONS AND BAG LIMITS

## § 139.4. Seasons and bag limits for the license year.

**1999-2000 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,  
FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 11	6	12
Squirrels—(Combined)	Oct. 16 and Dec. 27	Nov. 27 and Feb. 12, 2000	6	12
Ruffed Grouse—Statewide	Oct. 16 and Dec. 27	Nov. 27 and Jan. 29, 2000	2	4
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 16 and Dec. 27	Nov. 27 and Feb. 12, 2000	4	8
Ringneck Pheasant—Male only	Oct. 16	Nov. 27	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Oct. 16 and Dec. 27	Nov. 27 and Feb. 12, 2000	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 16	Nov. 27	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 27	Jan. 1, 2000	2	4

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season			Unlimited
Turkey—Male or Female			1	1
Management Areas # 1-A, 1-B, 2, 6, 7-A & 8	Oct. 30	Nov. 13		
Management Area # 7-B	Oct. 30	Nov. 6		
Management Areas # 3, 4 & 5	Oct. 30	Nov. 20		
Management Area # 9-A	Closed to fall turkey hunting			
Management Area # 9-B	Nov. 1	Nov. 6		
Turkey (Spring Gobbler) Statewide Bearded Bird only	April 29, 2000	May 27, 2000	1	1

**MIGRATORY GAME BIRDS**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.
- (d) There is no open season for taking Woodcock within the boundaries of State Game Land No. 69, located in Randolph, Richmond and Troy Townships in Crawford County, Pennsylvania.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 2 and Dec. 24	Nov. 28 Mar. 26, 2000		Unlimited
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season			Unlimited

**FALCONRY**

Squirrels—(Combined)	Sep. 1	Mar. 31, 2000	6	12
Quail	Sep. 1	Mar. 31, 2000	4	8
Ruffed Grouse	Sep. 1	Mar. 31, 2000	2	4
Cottontail Rabbits	Sep. 1	Mar. 31, 2000	4	8
Snowshoe or Varying Hare	Sep. 1	Mar. 31, 2000	2	4
Ringneck Pheasant—Male and Female (Combined)	Sep. 1	Mar. 31, 2000	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
<b>DEER</b>					
Deer (Archery), Antlered or Antlerless with the appropriate license	Oct. 2 Dec. 27	and	Nov. 13 Jan. 15, 2000	1 Per Day	One antlered.** An antlerless deer with each required antlerless license.
Deer (Buck), Antlered, (Statewide) with 2 or more points to an antler or a spike 3 or more inches long	Nov. 29		Dec. 11	1 Per Day	One antlered.**
Deer (Doe) Antlerless (Statewide) Junior License Holders Only with required antlerless license	Dec. 4	and	Dec. 11 only	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Statewide)	Dec. 13		Dec. 15	1 Per Day	An antlerless deer with each required antlerless license.
Deer (Doe) Antlerless (Presque Isle State Park, Erie County)	Dec. 8		Dec. 10	One antlered deer.** An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless only, (Flintlock Muzzleloading firearms only)	Nov. 18		Nov. 20	1 Per Day	An antlerless deer with each required antlerless license.
Deer (Doe) Antlered or Antlerless (Flintlock Muzzleloading firearms only)	Dec. 27		Jan. 15, 2000	1 Per Day	One antlered ** or one antlerless-plus An antlerless deer with each required antlerless license.
Deer (Doe) Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Nov. 29		Dec. 11	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.	



<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
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**SPECIAL REGULATIONS AREAS  
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

Deer (Doe) Antlerless only, (Flintlock Muzzleloading firearms only)	Nov. 18	Nov. 20	An antlerless deer with each required antlerless license.	
Deer (Buck), Antlered	Nov. 29	Dec. 11	One antlered deer.**	
Deer (Doe), Antlerless	Nov. 29  Dec. 27	and  Jan. 15, 2000	An antlerless deer with each required antlerless license.	

**BEAR**

Bear, any age	Nov. 22	Nov. 24	1	1
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**FUR TAKING—TRAPPING**

Minks and Muskrats—Statewide	Nov. 21	Jan. 9, 2000	Unlimited	
Beaver—Statewide	Dec. 26	Mar. 15, 2000		
Zones 1, 2 & 3 (except Bradford, McKean, Potter, Susquehanna, Tioga and Wayne Counties)			10	20
Bradford, McKean, Potter, Susquehanna Tioga and Wayne Counties			10	40
Zones 4 and 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 17	Feb. 26, 2000	Unlimited	

**FUR TAKING—HUNTING**

Coyotes—Statewide	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.		Unlimited	
Opossums, Skunks, Weasels— Statewide	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.			
Raccoons and Foxes—Statewide	Oct. 16	Feb. 26, 2000	Unlimited	

No open seasons on other wild birds or wild mammals.

\*\*Only one antlered deer (buck) may be taken during all seasons of the hunting license year.

[Pa.B. Doc. No. 99-348. Filed for public inspection March 5, 1999, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the State Police

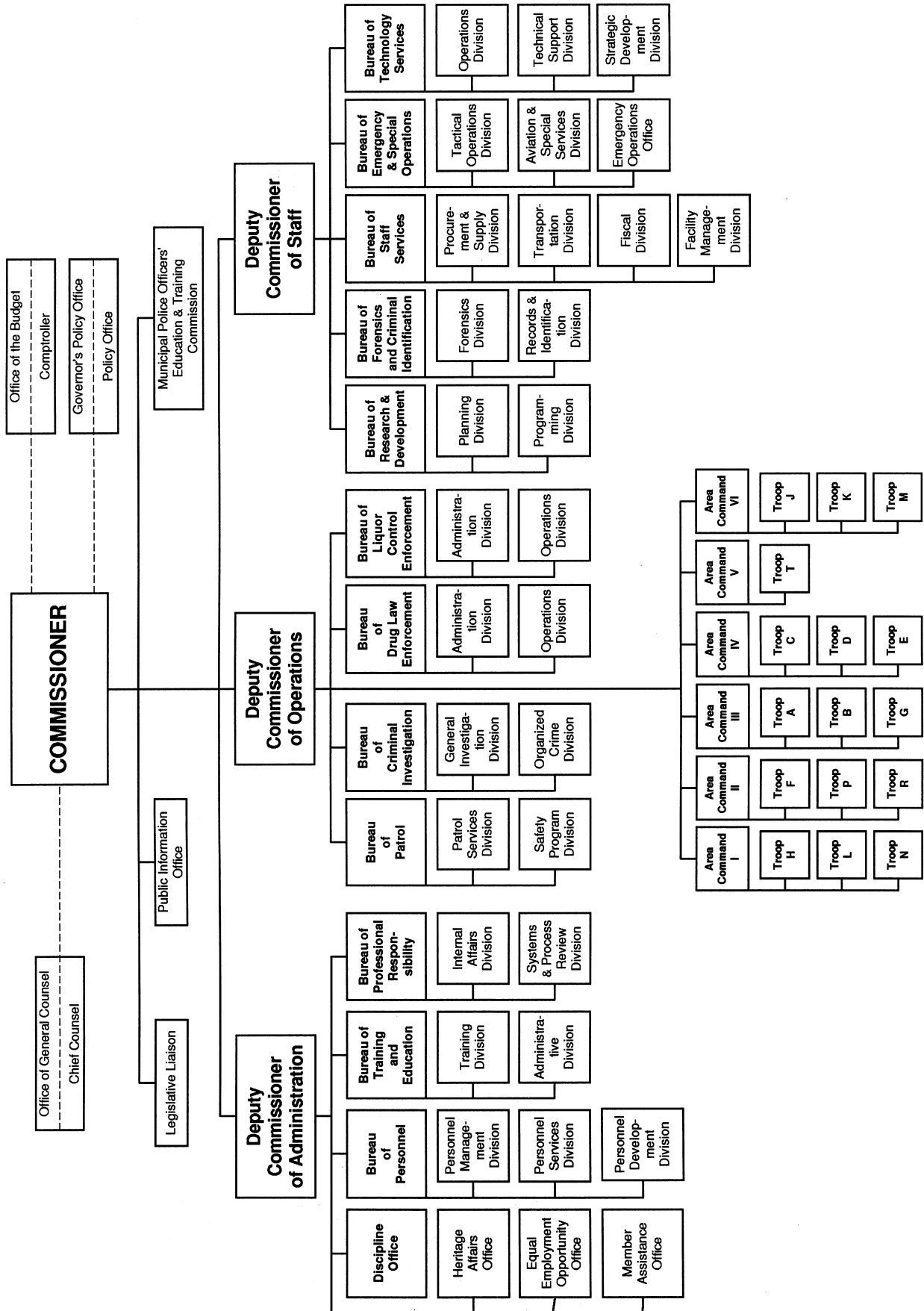
The Executive Board approved a reorganization of the State Police effective February 10, 1999.

The organization chart at 29 Pa.B. 1231 (March 6, 1999) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)*

[Pa.B. Doc. No. 99-349. Filed for public inspection March 5, 1999, 9:00 a.m.]

PENNSYLVANIA STATE POLICE



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meetings and Public Hearings

The Delaware River Basin Commission (Commission) will hold a series of meetings and public hearings on March 8 and 9, 1999. Each will be open to the public and held in the Hearing Room of the Department of Environmental Protection's Southeastern Regional Office at 555 E. North Lane, Lee Park Suite 6010, Conshohocken, PA.

On March 8, 1999, the Commission will hold a panel discussion focusing on perspectives on integrated resources planning. The panel, scheduled from 1:30 p.m. to 4 p.m., will address the relationships among watershed management, land use planning and ground water resources.

On March 9, 1999, an informal conference among the Commissioners and staff will be held at 9:30 a.m. and will include discussions of a proposed Commission-Corps of Engineers drought storage agreement; a proposed fisheries protection bank drought operations plan; and the Commission's Directions planning process workshops.

At 11 a.m., the Commission will hold a public hearing as part of its regular business meeting. In addition to the subjects summarized as follows which are scheduled for public hearing at the business meeting, the Commission will also address the following: Minutes of the January 27, 1999 Commission business meeting; announcements; report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; status of compliance of Somerton Springs Golf Development; consideration of a resolution to authorize funding of the remainder of Task 1, Phase I of the Flow Needs Study of the Delaware Estuary; and public dialogue.

The subjects of the hearing will be as follows:

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

1. *Department of the Army-Tobyhanna Army Depot D-87-57 CP RENEWAL.* An application for the renewal of a groundwater withdrawal project to supply up to 20 million gallons (mg)/30 days of water to the applicant's distribution system from Well Nos. 1, 2, 3, 4, 5 and 6. Commission approval on January 25, 1989, was extended to 10 years. The total withdrawal from all wells will remain limited to 20 mg/30 days. The project is located in Coolbaugh Township, Monroe County, PA.

2. *Nesquehoning Borough Authority D-94-47 CP.* An application for approval of a groundwater withdrawal project to supply up to 21.6 mg/30 days of water to the applicant's distribution system from new Well Nos. 1, 4

and 5, existing Well Nos. 2 and 3, and to limit the withdrawal from all wells to 21.6 mg/30 days. The project is located in Nesquehoning Borough, Carbon County, PA.

3. *Pennsylvania-American Water Company D-98-16 CP.* An application for approval of a groundwater withdrawal project to supply up to 21.6 mg/30 days of water from new Coolbaugh Well No. 1 to the applicant's Pocono System, a regional water system being formed by the acquisition of a number of water utilities, and to limit the withdrawal from all wells to 30 mg/30 days. The project is located in Coolbaugh Township, Monroe County, PA.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883-9500, Ext. 221 concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary at (609) 883-9500, Ext. 203 prior to the hearing.

### *Other Scheduled Hearings*

By earlier notice, the Commission announced its schedule of public hearings on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania concerning the establishment of numerical groundwater withdrawal limits for 62 subbasins which are entirely or partially within the Ground Water Protected Area. Limits, based upon baseflow frequency analyses, were initially specified for the 14 subbasins in the Neshaminy Creek Basin. Limits for the remaining 62 subbasins are based upon additional baseflow frequency analyses provided by the United States Geological Survey in 1998.

The public hearings are scheduled as follows:

March 9, 1999, beginning at 1 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will resume at 7 p.m. and continue until 9 p.m., as long as there are people present wishing to testify.

Copies of the full text of the proposed amendments as well as the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania may be obtained by contacting Susan M. Weisman, Commission Secretary, at (609) 883-9500, Ext. 203.

Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should be submitted to the Secretary at the Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628.

SUSAN M. WEISMAN,  
*Secretary*

[Pa.B. Doc. No. 99-350. Filed for public inspection March 5, 1999, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 23, 1999.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-99	The Legacy Bank of Harrisburg Harrisburg Dauphin County	2600 Commerce Drive Harrisburg Susquehanna Township Dauphin County	Filed
	<i>Correspondent:</i> Robin M. Wilder, Esq. Duane, Morris & Heckscher, LLP 305 North Front Street Harrisburg, PA 17108		

#### Foreign Bank Organization Offices

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-19-99	Bank Hapoalim, B. M. 50 Rothschild Boulevard Tel Avis, Israel	1515 Market St. Suite 205 Philadelphia Philadelphia County	Discontinued

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-99	U. S. Bank Johnstown Cambria County	Johnstown	Effective
	Purchase of assets/assumption of liabilities of two branch offices of First Western Bank, N. A., New Castle, located at: 103 Tenth Street Barnesboro Cambria County		
		104 South Center Street Ebensburg Cambria County	
2-16-99	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County	Jefferson Borough	Effective
	Purchase of assets/assumption of liabilities of one branch office of First Western Bank, N. A., New Castle, located at: 451 Hyde Park Road Leechburg Westmoreland County		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-99	Harris Savings Bank Harrisburg Dauphin County	33 S. Main Street Chambersburg Franklin County	Approved
2-18-99	Harris Savings Bank Harrisburg Dauphin County	Martin's/Giant Food 1580 Wesel Boulevard Hagerstown Washington Co., Maryland	Opened

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-18-99	Summit Bank Bethlehem Northampton County	Genuardi's Family Market 25 W. Germantown Pike Norristown Montgomery County	Opened
2-19-99	Summit Bank Bethlehem Northampton County	Pathmark Supermarket 840 Cottman Avenue Philadelphia Philadelphia County	Authorization Rescinded
2-19-99	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Gold Star Highway Shenandoah Schuylkill County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 3556 Old Gettysburg Rd. Lower Allen Township Cumberland County  <i>From:</i> 3555 Capital City Mall Lower Allen Township Cumberland County	Filed
2-17-99	Harris Savings Bank Harrisburg Dauphin County	<i>To:</i> 2700 Queen Street (S. Queen & Allegheny Dr.) York Township York County  <i>From:</i> 2081 Springwood Road York Township York County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-99	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County	914 Narrows Run Rd. Coraopolis Allegheny County	Effective
2-17-99	S & T Bank Indiana Indiana County	Route 28 and Carrier Street Summerville Jefferson County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-22-99	Patriot Bank Pottstown Montgomery County	To provide for the amendment to Article Third providing for the acquisition of fiduciary powers.	Approved and Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**  
**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-16-99	Members 1st Federal Credit Union, Mechanicsburg, and Iceberg Credit Union, Emigsville Surviving Institution— Members 1st Federal Credit Union, Mechanicsburg	Mechanicsburg	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
2-22-99	Utilities Employee Credit Union Sinking Spring Berks County	To provide for a revision to Article 8 permitting the Board of Directors to approve the addition of a new group to the field of membership, as provided by law and with prior approval of the Department of Banking, without the need to call a Special Meeting of Members.	Approved and Effective

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 99-351. Filed for public inspection March 5, 1999, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan; Notice of 1998 Annual Performance Report Availability

The Department of Community and Economic Development (Department) makes available for public review, the 1998 Annual Performance Report (APR) for the Commonwealth of Pennsylvania's Consolidated Plan. The 1998 APR reports on activities that were outlined in the Consolidated Plan for Federal fiscal years 1995 through 1999 as well as the Action Plan for 1998. The report describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in Federal fiscal year 1998. This report will be submitted to the United States Department of Housing and Urban Development by March 31, 1999.

Copies of the draft Annual Performance Report will be available for public comment from March 11, 1999, through March 25, 1999, at the following locations. The final APR will be made available again at the same locations, following approval by HUD.

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

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

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

*Department of Community and Economic Development  
Regional Offices:*

Southwest Regional Office 413 State Office Building 300 Liberty Avenue Pittsburgh, PA 15222 (412) 565-5002	Northeast Regional Office 201 Samters Building 101 Penn Avenue Scranton, PA 18503 (717) 963-4571
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Northwest Regional Office Third Floor, Rothrock Building 121 West 10th Street Erie, PA 16501 (814) 871-4241	Southeast Regional Office 908 State Office Building Broad & Spring Garden Streets Philadelphia, PA 19130 (215) 560-2256
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Northcentral and Southcentral Regional Offices  
576 Forum Building  
Harrisburg, PA 17120  
(717) 787-2412

*Pennsylvania's 27 District Libraries:*

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

Pottsville Free Public Library, Pottsville  
 Reading Public Library, Reading  
 Scranton Public Library, Scranton  
 Warren Public Library, Warren  
 Citizens Library, Washington  
 Chester County Library, Exton  
 Osterhout Free Library, Wilkes-Barre  
 James V. Brown Library, Williamsport

Please submit written comments concerning the Annual Performance Report to: Gary R. Thomas, Compliance Manager, Office of Community Development and Housing, Department of Community and Economic Development, 513 Forum Building, Harrisburg, PA 17120, fax (717) 234-4560. Written comments must be received by March 25, 1999.

Individuals with a hearing disability who wish to review the Annual Performance Report should notify the Department and accommodations will be made. Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 99-352. Filed for public inspection March 5, 1999, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Proposed Exchange of Lands

The Department of Conservation and Natural Resources, acting through the Bureau of Forestry, and Mr. and Mrs. J. Tyrone Lauer are proposing to negotiate an exchange of lands in McHenry Township, Lycoming County, PA.

The Bureau of Forestry is proposing to acquire from Mr. and Mrs. Lauer an island of about 10 acres in Pine Creek approximately 1/2 mile south of the Village of Cammal.

In return, the Bureau of Forestry proposes to convey to Mr. and Mrs. Lauer a parcel of 1 acre, more or less, situated on Pennsylvania Route 414 just south of the Village of Jersey Mills.

As is the policy of the Department of Conservation and Natural Resources, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing March 8, 1999, and ending April 6, 1999. Oral or written comments or questions concerning this proposed exchange may be addressed to: Dr. James R. Grace, State Forester, Pennsylvania Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2703. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department of Conservation and Natural Resources may schedule a public informational meeting.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 99-353. Filed for public inspection March 5, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Extension of the Act 143 Grant Application Submission Date

As a result of numerous requests for the extension of the submission date for the Act 143 grant applications based on ongoing negotiations for consolidation of grants and our inability to get the application forms posted to our web site in a timely fashion, the Bureau of Adult Basic and Literacy Education announces a new submission date of March 12, 1999, for the grant applications.

All other submission deadlines remain the same and will not be extended.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 99-354. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Request for Proposal: Act 101 (Higher Education Equal Opportunity Program)

The Department of Education (Education) solicits proposals from 2 and 4-year institutions of higher education. Proposals are solicited to provide special academic support and counseling services for undergraduate students whose economic and educational disadvantages impair their ability to successfully pursue higher education opportunities.

*Eligible Applicants:* All 2 and 4-year institutions of higher education within the Commonwealth of Pennsylvania.

*Funding Level:* Grant funds awarded for each successful applicant shall depend upon the merit and scope of the proposed project, as well as the level of funding appropriated by the Pennsylvania General Assembly.

*Duration of Project:* If appropriated by the General Assembly, project will be funded for a period of 1 year.

*Deadline:* Applications must be postmarked no later than April 16, 1999.

Applications should be addressed to Kathleen R. Kennedy, Office of Equal Educational Opportunity, Act 101 Program, Department of Education, 333 Market Street, 1st Floor Harrisburg, PA 17126-0333

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 99-355. Filed for public inspection March 5, 1999, 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 comment 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 relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding, should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (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 0055913.** Industrial waste, **Corco Chemical Corporation**, Tyburn Road and Cedar Lane, Fairless Hills, PA 19030.

This application is for renewal of an NPDES permit to discharge cooling water and treated groundwater from Corco Chemical plant air stripper unit and neutralization system, located in Falls Township, **Bucks County**. This is an existing discharge to Corco Lake No. 1 and Corco Lake No. 2.

The receiving two lakes are classified as impoundments with no influent or effluent streams.

The proposed effluent limits for Outfall 001 to Corco Lake No. 1, based on an average flow of 7,200 gallons per day of treated groundwater are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron	monitor	monitor	
Benzene	0.001	0.002	0.0025
Chloroform	0.006	0.012	0.015
1,1-Dichloroethylene	monitor	monitor	
Ethylbenzene	monitor	monitor	
Tetrachloroethylene	0.005	0.01	0.012
Toluene	monitor	monitor	
1,2-Trans Dichloroethylene	0.2	0.4	0.5
Trichloroethylene	0.005	0.01	0.012
Vinyl Chloride	0.002	0.004	0.005
Total Xylenes	monitor	monitor	
Total BETX*	0.1	0.2	0.25
pH	within limits of 6.0—9.0 standard units at all times		

\*BETX is the sum of the concentrations for Benzene, Ethylbenzene, Toluene and Xylenes

The proposed effluent limits for Outfall 002 to Corco Lake No. 2, based on an average flow of 115,000 gallons per day of noncontact cooling water are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Tetrachloroethylene	0.005	0.01	0.012
Trichloroethylene	0.005	0.01	0.012
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Vinyl Chloride	0.002	0.004	0.005

*Other Conditions:*

The EPA waiver is in effect.

Special Test Methods for certain pollutants.

**PA 0010880.** Industrial waste, **Quaker Chemical Corporation**, Elm and Lee Streets, Conshohocken, PA 19428.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from a chemical manufacturing facility in Whitmarsh Township, **Montgomery County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of .096 mgd for noncontact cooling water and an average stormwater event are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
<i>Stormwater</i>			
CBOD <sub>5</sub>			monitor/report
COD			monitor/report
Oil and Grease			monitor/report
pH			monitor/report
Total Suspended Solids			monitor/report
Total Kjeldahl Nitrogen			monitor/report
Total Phosphorus			monitor/report
Dissolved Iron			monitor/report
<i>Noncontact Cooling Water</i>			
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The EPA waiver is in effect.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.*

**PA 0012149.** Industrial waste, SIC: 3951, **Dixon Ticonderoga Company**, Route 61, Deer Lake, PA 17961.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater, cooling water and sewage into Pine Creek in West Brunswick Township, **Schuylkill County**.

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

*Outfall 001*

The proposed effluent limits based on a design flow of .004 mgd are:

	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
Total Residual Chlorine (1st Month—24th Month)	monitor and report	monitor and report
(25th Month—Expiration)	1.2	2.8

*Outfall 001—Flow .058 mgd*

	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0—9.0 standard units at all times	

*Outfall 002 and 003—Stormwater Runoff.*

The EPA waiver is in effect.

**PA 0063223.** Sewerage, **Martha J. Vetter**, P. O. Box 152, Damascus, PA 18415-0152.

This proposed action is for renewal of an NPDES permit to discharge treated sewage from a single family residence sewage treatment plant into the Delaware River in Damascus Township, **Wayne County**.

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

Effluent limits for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics are evaluated at the point of discharge.

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

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	15.0	30.0
Total Suspended Solids	20.0	40.0
NH <sub>3</sub> -N	20.0	40.0
Phosphorous as P	20.0	40.0
Fecal Coliform	200/100 ml as a geometric mean	
pH	6.0—8.5 standard units at all times	
Total Residual Chlorine	monitor only	

The EPA waiver is in effect.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PA 0026280.** Sewage, SIC: 4952, **Borough of Lewistown**, 2 East Third Street, Lewistown, PA 17044-1799.

This application is for renewal and rerating of an NPDES permit for an existing discharge of treated sewage to Juniata River in the Borough of Lewistown, **Mifflin 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 Dauphin Consolidated Water Co. located at the Rockville Bridge. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.818 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N	monitor and report		monitor and report
Total Residual Chlorine			
(Interim)	1.2		2.4
(Final)	0.87		1.74
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0—9.0 inclusive		
Fecal Coliforms			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is not in effect.

**PA 0021539.** Sewage, SIC: 4952, **Borough of Williamsburg**, 305 East Second Street, Williamsburg, PA 16693-1041.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Frankstown Branch, in Catherine Township, **Blair County**.

The receiving stream is classified for trout stocking 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 United Water Company located in Dauphin County. The discharge is not expected to impact any potable water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0—9.0 inclusive		
Fecal Coliforms		200/100 ml as a geometric average		
(5-1 to 9-30)		2,000/100 ml as a geometric average		
(10-1 to 4-30)				

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0087963.** Sewage, SIC: 6515, **Nancy R. Miller**, R. D. 1, Box 98, Manns Choice, PA 15550.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary to the Raystown Branch Juniata River, in Napier Township, **Bedford 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 the Bedford Water Company located in Wolfsburg, Bedford County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.002 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 Phosphorus	2.0	4.0
Total Residual Chlorine	0.5	1.6
Dissolved Oxygen		minimum of 5.0 at all times
pH		from 6.0—9.0 inclusive
Fecal Coliforms		200/100 ml as a geometric average
(5-1 to 9-30)		5,000/100 ml as a geometric average
(10-1 to 4-30)		

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0081574.** Sewage, SIC: 4952, **Salisbury Township**, 5581 Old Philadelphia Pike, Gap, PA 17527.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to an unnamed tributary to Pequea Creek, in Salisbury Township, **Lancaster County**.

The receiving stream is classified for cold 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 Holtwood Power Plant located in Martic Township, 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 0.34 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Total Phosphorus	2.0		4.0
Total Residual Chlorine	0.37		1.2
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

**PA 0044911.** Industrial waste, SIC: 2021 and 2023, **Land O'Lakes, Inc.**, Carlisle Dairy Foods, P. O. Box 64101, St. Paul, Minnesota 55164-0101.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Mountain Creek, in South Middleton Township, **Cumberland County**.

The receiving stream is classified for trout stocking 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 United Water Company located in Fairview Township, York County. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.481 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
Total Suspended Solids	monitor and report	XXX	33
BOD <sub>5</sub>	monitor and report	XXX	26
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5	3	3.75
(11-1 to 4-30)	4.5	9	11
Phosphorus	2	4	5
Temperature	monitor and report	monitor and report	XXX
Dissolved Oxygen		minimum of 5.0 at all times	

The proposed final effluent limits for Outfall 001 for a design flow of 0.81 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s. u.)		from 6.0—9.0 inclusive	
Total Suspended Solids	monitor and report	XXX	42
BOD <sub>5</sub>	monitor and report	XXX	33
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5	3	3.75
(11-1 to 4-30)	4.5	9	11
Phosphorus	2	4	5
Temperature			
(7-1 to 7-31)	82	monitor and report	XXX
(8-1 to 6-30)	monitor and report	monitor and report	XXX
Dissolved Oxygen		minimum of 5.0 at all times	

The proposed effluent limits for Internal Monitoring Point 101 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
Total Suspended Solids	monitor and report	monitor and report	XXX
BOD <sub>5</sub>	monitor and report	monitor and report	XXX
NH <sub>3</sub> -N	monitor and report	monitor and report	XXX
Phosphorus	monitor and report	monitor and report	XXX
Temperature	monitor and report	monitor and report	XXX

The proposed effluent limits for Internal Monitoring Point 102 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XXX	XXX	XXX
pH (s.u.)		from 6.0—9.0 inclusive	
Temperature	monitor and report	monitor and report	XXX

Persons may make an appointment to review the DEP files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is not in effect.

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

**PA 0043869.** Sewage, **North Hempfield Volunteer Fire Company**, R. R. 15, Box 200, Greensburg, PA 15601.

This application is for renewal of an NPDES permit to discharge treated sewage from North Hempfield Volunteer Fire Company STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Brush Creek, 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 Pennsylvania American Water Company.

*Outfall 001:* existing discharge, design flow of .002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	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)	4,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month)	monitor and report			
(37th month—expiration)	0.65			1.5
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0092517.** Sewage, **Allegheny Plaza Associates I**, c/o Rosen Associates Management Corp., 33 South Service Road, Jericho, NY 11753-1006.

This application is for renewal of an NPDES permit to discharge treated sewage from the Allegheny Plaza Associates Sewage Treatment Plant in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Pine Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company located on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.0175 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>	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0096784.** Sewage, **Green Township Municipal Authority**, P. O. Box 129, Commodore, PA 15729.

This application is for renewal of an NPDES permit to discharge treated sewage from Commodore STP in Green Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Branch Two Lick 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 Pennsylvania-American Water Company, Indiana District, on Two Lick Creek.

Outfall 001: existing discharge, design flow of 0.0342 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	8.0	12.0		16.0
(11-1 to 4-30)	24.0	36.0		48.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.2			2.7
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0034878.** Sewage. **Springhill Estates**, 8356 Meadville Road, Girard, PA 16417.

This application is for renewal of an NPDES permit to discharge treated sewage to the Unnamed Tributary to Conneaut Creek in Spring Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish; migratory fish, 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/proposed downstream potable water supply considered during the evaluation is the PA/Ohio state border.

The proposed effluent limits for Outfall No. 001, based on a design flow of .002750 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	6	12
(11-1 to 4-30)	18	36
Phosphorus	1	2
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.2
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0033448.** Sewage. **Pennwood Estates, L.L.C.**, 1826 South Main Street, Akron, OH 44301.

This application is for a renewal of an NPDES permit to discharge treated sewage to the West Branch—Little Neshannock Creek in Lackawannock Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocked fishes, 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/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River located in Eastvale, approximately 35 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.009 mgd, are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia-Nitrogen		
(5-1 to 10-31)	4.5	9
(11-1 to 4-30)	13	26
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	6,700/100 ml as a geometric average	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine (Interim) (Final)	XX 0.85	2
pH	6.0—9.0 at all times	

XX = monitor and report

The EPA waiver is in effect.

**PA 0006301.** Industrial waste, SIC: 3084. **J-M Manufacturing Co., Inc.**, 315 Grant Street, P. O. Box 71, Franklin, PA 16323.

This application is for renewal of an NPDES permit to discharge treated industrial waste, noncontact and contact cooling water, and stormwater to French Creek in Franklin, **Venango County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at Emlenton, approximately 29 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.191 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)		monitoring only	
BOC <sub>5</sub>		23	
TSS		17	
Oil and Grease	15	25	30
pH		6.0—9.0 at all times	

The proposed discharge limits, based on a design flow of n/a mgd, are:

*Outfall No. 002/003*

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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These discharges are uncontaminated stormwater only.

Refer to Special Condition A in Part C of this permit.

The EPA waiver is in effect.

**PA 0000736.** Industrial waste, SIC: 3624, 3597. **Keystone Powdered Metal Co.**

This application is for renewal of an NPDES permit, to discharge noncontact cooling water, boiler blowdown and stormwater to Iron Run and Elk Creek in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water Company on the Clarion River located at Clarion, approximately 54 miles below point of discharge.

- Outfall No. 003
- Outfall No. 005
- Outfall No. 006
- Outfall No. 007
- Outfall No. 009
- Outfall No. 010
- Outfall No. 012
- Outfall No. 013
- Outfall No. 014

The proposed discharge limits are based upon a design average flow of n/a mgd.

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow	monitoring only		
Copper	monitoring only		

These discharges shall consist of stormwater only.



Outfall No. 001

The proposed discharge limits are based upon a design average flow of n/a mgd.

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	monitoring only		

Samples taken at the following locations: *Outfall 001 (prior to mixing with any other waters).*

Outfall No. 002

The proposed discharge limits are based upon a design average flow of n/a mgd.

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	monitoring only		

Samples taken at the following locations: *Outfall 002 (prior to mixing with any other waters).*

Outfall No. 004

The proposed discharge limits are based upon a design average flow of 0.018 mgd.

<i>Parameters</i>	<i>Monthly Average (lbs/d)</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	0.0077		
Zinc	0.089		
Dissolved Iron	0.236		
Temperature	monitoring only		

Samples taken at the following locations: *Outfall 004 (Prior to mixing with any other waters).*

Outfall No. 008

The proposed discharge limits are based upon a design average flow of 0.0032 mgd.

<i>Parameters</i>	<i>Monthly Average (lbs/d)</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	0.0014		
Zinc	0.016		
Dissolved Iron	0.043		
Temperature	monitoring only		

Samples taken at the following locations: *Outfall 008 (prior to mixing with any other waters).*

Outfall No. 011

The proposed discharge limits are based upon a design average flow of n/a mgd.

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	monitoring only		

Samples taken at the following locations: *Outfall 011 (prior to mixing with any other waters).*

Outfall No. 015

The proposed discharge limits are based upon a design average flow of n/a mgd.

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	monitoring only		

Samples taken at the following locations: *Outfall 015 (prior to mixing with any other waters).*

Outfall No. 102

The proposed discharge limits are based upon a design average flow of n/a mgd.

<i>Parameters</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitoring only		
Copper	monitoring only		

Samples taken at the following locations: *Outfall 102 (prior to mixing with stormwater).*

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 wastewaters 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). 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 Office 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 Manager 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.

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*Northeast Regional Office: Regional 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-0060674	The Guided Tours Camp Lee Mar, Inc. Route 590 Lackawaxen, PA 18435	Pike Lackawaxen Twp.	Unnamed Tributary to Lord's Creek	TRC
PA-0035033	Bible Fellowship Church P. O. Box 1 Stroudsburg, PA 18360	Monroe Stroud Twp.	Brodhead Creek	TRC
PA-0070131	Pine Grove Travel Center P. O. Box 326 Pine Grove, PA 17963	Schuylkill Pine Grove Twp.	Unnamed Tributary to Swatara Creek	TRC

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*Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0085715	Lloyd S. Geib, Jr. Bertha Geib 504 Hemlock Lane Lebanon, PA 17042-9015	Lebanon Cornwall Boro	Shearers Creek	TRC
PA0053023	Stephen Gass 159 Fort Henry Rd. Bethel, PA 19507	Berks Bethel Twp.	UNT	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 name, address and telephone number of the protester, identification of the plan or application to which the protest is addressed and a concise statement or protest in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each protester will be notified in writing of the time and place of any scheduled hearing or conference concerning the plan, action or application to which the protest relates. To insure consideration by the Department prior to final action on permit application 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.

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

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

**A. 4599401.** Sewerage. **Pleasant Valley School District**, Route 115, Middle School Building, Brodheadsville, PA 18322-2002. Application to construct wastewater facilities for new intermediate school and a new transportation facility, located in Polk Township, **Monroe County**. Application received in the Regional Office—February 12, 1999.

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

**WQM Permit No. 4699405.** Sewerage. **Montgomery Township Municipal Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605. This project is for the construction and operation of an extension of the Little Neshaminy Sewer to serve the General Hancock Partnership Retail Center located in Montgomery Township, **Montgomery County**.

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

**WQM Permit No. 1099401.** Sewerage. **Port O'Call Recreational Club**, 108 Bay Street, Butler, PA 16002. This project is for the construction and operation of a 60,000 gpd sewage treatment facility to replace the existing facility in Penn Township, **Butler County**.

**WQM Permit No. 2599403.** Sewerage. **Wesleyan Church of the Nazarene**, 9580 US Route 6N, Albion, PA 16401. This project is for the construction and operation of a small flow treatment facility to replace an existing onlot system in Conneaut Township, **Erie County**.

**WQM Permit No. 1099402.** Sewerage. **Squaw Valley Woodlands Property Owners Association**, 221 Byron Center Road, Emlenton, PA 16373. This project is for the construction and operation of a sewage treatment facility to serve a private subdivision in Allegheny Township, **Butler County**.

**WQM Permit No. 6299401.** Sewerage. **Miracle Mountain Ranch**, R. D. 1, Box 95, Spring Creek, PA 16436. This project is for the extension of sewer lines to serve three additional residences in Spring Creek, **Warren County**.

**SAFE DRINKING WATER**

**Applications received 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.*

**1398503.** Public water supply. **Beaver Run Water Assoc.** (a.k.a. Holiday Pocono subdivision). Diane Harbin, Sec., P. O. Box 265, Albrightsville, PA 18210. This proposal involves the construction of two wells with control buildings, pH/alkalinity adjustment, disinfection, finished water storage and distribution piping. It is located in Kidder Township, **Carbon County**. *Engineer: Bruce Steigord.*

*Southcentral Regional Office: Sanitarian Regional Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4708.*

**A. 6799501.** Public water supply. **West Manchester Township Authority**, West Manchester Township, **York County**. *Responsible Official: Samuel Null, Chairperson, 2115 Log Cabin Road, York, PA 17404. Type of Facility: Well No. 8 at a rate of 150 gpm. Treatment will consist of disinfection with chlorine gas. Consulting Engineer: Thomas S. Ladue, Goodkind & O'Dea, Inc., 101 Noble Boulevard, P. O. Box 340, Carlisle, PA 17013.*

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

**A. 9996472.** **Northern Springs, Inc.**, 91 Pine Road, Brentwood, NH 03833-9510; Joseph Cimino, President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Northern Springs Natural Spring Water.

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

**A. 2499501.** Public water supply. **Ridgway Township Municipal Authority**, P. O. Box 403, Ridgway, PA 15853. This proposal involves the construction of approximately 12,200 lf of 12" diameter water main, 420 lf of 6" diameter water main, a 278,000 gallon water storage tank, and related appurtenance in Ridgway Township, **Elk County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

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Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standards. Statewide health standard, the site-specific standard, or who intend to remediate a site as 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 or suspected 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, or who receives approval of a special industrial area remediation 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. Furthermore, the person 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 standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as follows and proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, 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 the 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 the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in 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:

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

**Engelhard Corporation**, 1729 E. Avenue, Erie, PA, City of Erie, **Erie County**, has submitted a Notice of Intent to remediate groundwater. The site has been found to be contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Times* on February 17, 1999.

### **SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS**

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#### **Application for Determination of Applicability for General Permit received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.**

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*Northcentral Regional Office: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653.*

**General Permit No. WMGR038NC003. Keystone Rubber Processing Technologies, Inc.** (P. O. Box 122, Osceola Mills, PA 16666). Application for Determination of Applicability for General Permit to operate a waste tire processing facility located in Decatur Township, **Clearfield County**. Application received in the regional office on February 12, 1999.

Interested parties or municipalities may submit comments to the Department within 60 days. Comments should be addressed to Richard L. Bittle, Waste Management, 208 W. Third St., Suite 101, Williamsport, PA 17701.

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#### **Request for Determination of Applicability received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

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

Received an application from **Philadelphia City Water Department**, 1101 Market Street, Philadelphia, PA 19107-2994, for determination of applicability on **permit no. WMGR017** issued to **City of Lebanon Authority**, for use of drinking water treatment plant sludge generated by a water supply treatment facility for use as a soil additive on agricultural lands. The Department accepted the application as administratively complete on February 19, 1999.

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

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

**General Permit WMGR060. Bradford City Water Authority (BCWA)**, 28 Kennedy Street, Bradford, PA 16701. An application for use of drinking water treatment plant residuals for mine reclamation.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

#### RESIDUAL WASTE PROCESSING FACILITIES

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

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

**General Permit A. WMGR061. Thermo-Depolymerization Process LLC**, 460 Hempstead Avenue, West Hempstead, NY 11552. General Permit No. WMGR061 for the processing of food processing waste and rendering waste prior to beneficial use as fuel. The Department accepted the application as administratively complete on February 19, 1999.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use 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 application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 101494. Tullytown Resource Recovery Facility**, 1121 Bordentown Road, Morrisville, PA 19067. Application was received for the Tullytown Resource Recovery Facility Municipal Waste Landfill permit re-

newal. Application was received in the Southeast Regional Office on January 8, 1999.

### AIR QUALITY

#### Notice of Plan Approval and Operating Permit Applications

##### Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the act.

#### OPERATING PERMITS

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**39-399-044: Ransom Industries, Inc.** (101 North Church Street, Macungie, PA 18062) for operation of pipe reamers in Macungie Township, **Lehigh County**.

**48-313-080A: Binney and Smith, Inc.** (1100 Church Lane, P. O. Box 431, Easton, PA 18044) for operation of paint mixers and kettles in Bethlehem Township, **Northampton County**.

**54-313-073A: Air Products and Chemical Co.** (P. O. Box 351, Tamaqua, PA 18252) for operation of a nitrogen trifluoride plant in Rush Township, **Schuylkill County**.

**54-318-013: Air Products and Chemical Co.** (P. O. Box 351, Tamaqua, PA 18252) for operation of a paint spray booth in Rush Township, **Schuylkill County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-1069B: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for a battery assembly facility controlled by various collectors in Richard Township, **Berks County**. Several of the sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**36-2002A: Armstrong World Industries, Inc.** (P. O. Box 3001, Lancaster, PA 17604) for creation of ERCs from the shutdown of a rotogravure printing line in Lancaster, **Lancaster County**.

**67-3011: Topflight Corp.** (P. O. Box 2847, York, PA 17405) for flexographic label printing operation in Springfield Township, **York County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**08-322-001A: Northern Tier Solid Waste Authority** (P. O. Box 10, Burlington, PA 18814) for operation of a municipal waste landfill gas extraction, collection and control (flare) system in West Burlington Township, **Bradford County**.

**12-399-006B: GKN Sinter Metals** (R. R. 2, Box 47, Emporium, PA 15834) for operation of a sintered metal parts heat treat furnace (PF #5), a sintered metal parts draw furnace (PF #5D), a parts dryer (PA #138) and associated air cleaning device (an electrostatic precipitator) at Plant #1 in Shippen Township, **Cameron County**.

#### Public Notice

*The City of Philadelphia, Air Management Services (AMS) intends to issue Synthetic Minor State Only Operating Permits for the following facilities:*

**Permit No. S95-061: Angelica Textile Services** (57th and Lindbergh Blvd., Philadelphia, PA 19143) for operation of a textile laundering facility which includes two <35 MMBTU/hr boilers.

**Permit No. S95-011: Caledonian Dye Works Inc.** (3300 Emerald Street, Philadelphia, PA 19134) for operation of a 600 HP boiler.

**Permit No. S95-093: General Services Administration—William J. Green Federal Bldg.** (600 Arch Street, Philadelphia, PA 19106) for operation of four <30 MMBTU/hr boilers and three emergency generators.

**Permit No. S95-056: Jowitt & Rodgers Co.** (9400 State Road, Philadelphia, PA 19114) for operation of an abrasive grinding wheel manufacturing facility.

**Permit No. S96-017: Luithlen Dye Corp.** (J & Tioga Streets, Philadelphia, PA 19134) for operation of two 400 HP boilers.

**Permit No. S96-025: Nazareth Hospital** (2601 Holme Avenue, Philadelphia, PA 19152) for operation of three <=500 HP boilers and four emergency generators.

**Permit No. S96-007: St. Christopher's Hospital for Children** (Erie Avenue at Front Street, Philadelphia, PA 19134) for operation of three <=500 HP boilers and three emergency generators.

**Permit No. S96-004: Germantown Hospital and Community Health Services** (One Penn Blvd., Philadelphia, PA 19144) for operation of three <=20 MMBTU/hr boilers and two emergency generators.

*AMS also intends to issue Title V Operating Permits for the following facilities:*

**Permit No. V95-020: Allied Tube & Conduit Corporation** (11350 Norcom Road, Philadelphia, PA 19154) for operation of a tube and conduit manufacturing facility.

**Permit No. V95-028: The Budd Co.** (2450 Hunting Park Avenue, Philadelphia, PA 19129) for operation of two <100 MMBTU/hr boilers.

**Permit No. V95-080: Mercy Hospital of Philadelphia** (501 South 54th St., Philadelphia, PA 19143) for operation of three 11.7 MMBTU/hr boilers.

**Permit No. V97-011: Regal Corrugated Box Co.** (Adams Avenue and Ashland Street, Philadelphia, PA 19124) for operation of a corrugated box manufacturing facility which includes two <= 500 HP boilers.

**Permit No. V95-075: Aldan Rubber Co.** (Tioga and Salmon Streets, Philadelphia, PA 19134) for operation of a custom rubber coated fabric manufacturing facility.

The operating permits have been issued under the *Pennsylvania Code* Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Brenda Bonner at (215) 685-7572.

Persons wishing to file protest or comments on the above operating permits must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

#### Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Attn: Kanubhai L. Patel, (717) 705-4702.*

**31-05001: Pennsylvania Department of Corrections** (P. O. Box 598, Camp Hill, PA 17001-0598) for the Huntingdon SCI, located in Smithfield Township, **Huntingdon County**. The facility emits primarily sulfur oxides (SO<sub>x</sub>).

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, Attn: Mohammad Zaman, (717) 327-3637.*

**TVOP-19-00006: Heinz Pet Products** (6670 Low Street, Bloomsburg, PA 17815) for their dog and cat food manufacturing facility located in South Centre Township, **Columbia County**. The facility's major sources include natural gas/oil fired boilers and surface coating operations which emit major quantities of sulfur oxides (SO<sub>x</sub>) and volatile organic compounds (VOCs). The owner and operator of this facility have taken Federally enforceable emissions restrictions to: limit the nitrogen oxides (NO<sub>x</sub>) emissions to levels below major source thresholds and limit the SO<sub>x</sub> emissions to levels below the prevention of significant deterioration (PSD) thresholds. The sources also emit CO and particulate matter. As a result of the major quantities of SO<sub>x</sub> and VOCs, the Heinz Pet Products facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) and Standards of Performance for New Stationary Sources (NSPS).

**TVOP-59-00001: Westfield Tanning Co.** (360 Church Street, Westfield, PA 16950) for their tannery located in Westfield Borough, **Tioga County**. The facility's major sources include leather tanning, waterproofing operations, harness and sole leather dyeing and treating operation, and natural gas and oil fired boilers which emit major quantities of volatile organic compounds (VOCs). The owner and operator of this facility have taken Federally enforceable emissions restrictions to limit the hazardous air pollutants (HAPs) emissions below major source thresholds. The sources also emit CO, NO<sub>x</sub>, SO<sub>x</sub> and particulate matter. As a result of the major quantities of volatile organic compounds emitted, the Westfield Plant is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT) and Standards of Performance for New Stationary Sources (NSPS).

**TVOP-59-00005: CNG Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3197) for their gas transmission and storage facility at their Sabinsville Station located in Clymer Township, **Tioga County**. The CNG Corporation's Sabinsville facility stores and transmits natural gas to the main distribution line. The facility's main sources include several natural gas fired

engines, heaters and emergency generators which emit major quantities of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs). As a result of emissions of major quantities of VOCs and NO<sub>x</sub> the facility is a major stationary source as defined in Title 1, Part D of the Clean Air Act Amendments. The facility is therefore subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility also emits CO, SO<sub>2</sub>, hazardous air pollutants (HAPs) and particulate matter. This facility is also subject to all applicable requirements of Reasonably Available Control Technology (RACT).

*Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Attn: Mark Wayner, (412) 442-4161.*

**65-00720: Carbidie Corp.** (Arona Road, P. O. Box 509, Irwin, PA 15642) located in Hempfield Township, **Westmoreland County**. The facility is used in the production of cemented tungsten carbide. This facility is a major facility for volatile organic compounds (VOC) emission. The main source of VOC emissions is the mixing and drying of the powder.

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

**20-00194: Lord Corp., Chemical Products Division** (601 South Street, Saegertown, PA 16433) located in Saegertown Borough, **Crawford County**. The facility's major emission sources include various small boilers, storage tanks, mixers, reactors, mixers and grinders. The facility is a major facility due to its potential to emit Volatile Organic Compounds.

#### PLAN APPROVALS

#### Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-46-0182: Rotoflex Technology Inc.** (92B County Line Road, Colmar, PA 18915) for construction of a chrome plating process in Hatfield Township, **Montgomery County**.

**23-323-003GP: Southco, Inc.** (210 North Brinton Lake Road, Concordville, PA 19014) for construction of burn off ovens in Concord Township, **Delaware County**.

**PA-46-0166: M & M Stone Co.** (Indian Creek Road, Harleysville, PA 19438) for construction of a batch asphalt plant in Lower Salford Township, **Montgomery County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**40-313-035: Flint Ink North America Corp.** (4600 Arrowhead Drive, Ann Arbor, MI 48105) for construction of a pigment mixing operation at 100 Unico Drive, Hazle Township, **Luzerne County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**01-310-001D: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for modification/installation of four crushers, two screens and a fabric collector for a crushing and screening plant in Cumberland Township,

**Adams County.** This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

**01-318-009D: Aristokraft, Inc.** (Keystone Street, Littlestown, PA 17340) for construction of two sealer booths controlled by dry roll filters, and the modification of the existing operating permit to include a Plantwide Applicability Limit (PAL) for VOC emissions.

**06-1007S: Carpenter Technologies Corp.** (P. O. Box 14662, Reading, PA 19612) for two cleaning lines controlled by a wet scrubber and a 25 million BTU boiler controlled by low NOx technology in Reading, **Berks County.** This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

**06-1007T: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612) for an electric arc melt shop controlled by two fabric collectors in Reading, **Berks County.** These sources are subject to 25 Pa. Code Chapter 127, Subchapter E, New Source Review, and 40 CFR 52.21, Prevention of Significant Deterioration of Air Quality.

**06-1069F: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for three oxide mills each controlled by a cyclone, fabric collector and HEPA filter in Richmond Township, **Berks County.** These sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**06-3072A: Animal Rescue League of Berks County** (P. O. Box 69, Mohnnton, PA 19540) for a pet crematory controlled by a thermal oxidizer in Cumru Township, **Berks County.**

**21-310-031B: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for modification/installation of two crushers and triple deck screen for a crushing and screening plant in Southampton Township, **Cumberland County.** This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

**38-313-013B: O'Sullivan Corp.** (1507 Willow Street, Lebanon, PA 17046) issued February 18, 1999, for modification of the PVC resin pneumatic conveying system in Lebanon, **Lebanon County.**

**67-05032A: Harley-Davidson Motor Co.** (1425 Eden Road, York, PA 17402) for welding and polishing units controlled by fabric filters in Springettsbury Township, **York County.**

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**OP-19-0004A: Transcontinental Gas Pipe Line Corp.** (P. O. Box 1396, Houston, TX 77251-1396) for construction of two 15,000 horsepower natural gas-fired turbines at Compressor Station 517 in Jackson Township, **Columbia County.** These turbines will be subject to Subpart GG of the Federal Standards of Performance for New Stationary Sources and the New Source Review requirements of Subchapter E of Chapter 127 of the Rules and Regulations of the Department of Environmental Protection.

**08-399-047: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) for construction of a phosphor coater and associated air cleaning device (a two stage catalytic oxidizer and converter) in Department 210, Building 1 in North Towanda Township, **Bradford County.**

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

**PA-10-300A: Spang & Company—Magnetics Division** (Box 391, Butler, PA 16003-0751) for construction of a metal coil construction process and surface coating operation (150 fpm of steel strip), in East Butler Borough, **Butler County.**

**PA-25-0095E: Lord Corp., Mechanical Products Division** (1635 West 12th Street, P. O. Box 10039, Erie, PA 16514) for a minor modification of existing plan approval to increase the potential VOC emissions from the source in the City of Erie, **Erie County.**

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Notice of Intent to Issue RACT Plan Approval No.  
06-1006A; Public Hearing**

The Department of Environmental Protection (Department) intends to issue a RACT Plan Approval to Brentwood Industries, Inc. (610 Morgantown Road, Reading, PA 19611) for the Reading Plant in Reading, Berks County in accordance with 25 Pa. Code § 127.44 and 40 CFR Part 52 State Implementation Plan (SIP).

A public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on April 7, 1999, from 10 a.m. until all scheduled comments on the proposal are received. The hearing will be at the Reading District Office (1005 Cross Roads Boulevard, Reading, PA 19605). Individuals wishing to present testimony and/or review the pertinent documents shall contact Roger A. Fitterling at (610) 916-0100.

Written comments should be submitted to the Reading District Office no later than April 14, 1999.

Persons with a disability who wish to attend the hearing, and require an auxiliary aid, service or other accommodation to participate, should contact Sandy Roderick at (717) 705-4703 or through the AT&T Relay Service at (800) 654-5984. (TDD).

**Notice of Proposed Revision of the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds and Notice of Public Hearing**

*Approval of Reasonable Available Control Technology (RACT) Plans for Harris Semiconductor, Wright Township, Luzerne County.*

The Department of Environmental Protection (Department) has made a preliminary determination to approve RACT plans and amendments to the State Implementation Plan (SIP) for Harris Semiconductor.

The proposed SIP revisions do not adopt new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with correct regulations.

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

The main sources at the Harris Semiconductor facility are listed as follows and a summary of the preliminary RACT determination for this facility:



*Source*

FAB  
 Six (6) Vapor Degreasers  
 One (1) Spray Clean Station  
 One (1) Wipe Clean Operation  
 One (1) Metals—Etch & Clean  
 One (1) Maintenance—Etch & Clean  
 One (1) FAB—Etch & Clean  
 Four (4) Cleaver Brooks Boilers  
 One (1) Hybrid Drying Station  
 One (1) Fuel Oil Storage Tank

*VOC RACT Limit*

7.2 lbs/hr  
 0.175 TPY  
 0.20 TPY  
 1.00 TPY  
 0.10 TPY  
 0.45 TPY  
 0.75 TPY  
 1.24 TPY  
 0.12 TPY  
 0.012 TPY

A public hearing will be held for the purpose of receiving comments on the proposed Plan Approvals/Operating Permits and the proposed SIP revisions. The hearing will be held on April 7, 1999, at 10 a.m. at the DEP, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Mark Carmon, Community Relations Coordinator, at (570) 826-2531 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with disabilities who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Richard Shudak of the Department at (570) 826-2531 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wish to comment, should provide written comment to Thomas DiLazaro, Regional Air Quality Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should be submitted within 30 days of this publication in the *Pennsylvania Bulletin*.

All the pertinent documents are available for review from 8 a.m. to 4 p.m. in the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (570) 826-2531.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen; Notice of Public Hearing for an Amendment of May 16, 1995, Operating Permit for Three Turbines.**

*Approval of Reasonably Available Control Technology (RACT) Plans for Tennessee Gas Pipeline Company (TGP), Station 321, Clifford Township, Susquehanna County.*

Current RACT operating permit (58-0001) was issued on May 16, 1995, to incorporate NOx RACT requirements for three Solar Centaur recuperative turbines. The operating permit required each turbine to comply with 50 ppmv NOx emission rate corrected at 15% oxygen using Dry Low NOx Combustor (DLNC) technology.

Due to repeated mechanical failure of the experimental DLNC technology, on August 11, 1998, TGP requested the

Department's approval to replace the DLNC with standard combustors for each of three turbines and the NOx emission limits in the existing RACT operating permit be revised from 50 ppmv to 140 ppmv corrected at 50% oxygen.

The Department proposes to approve replacement of DLNCs with standard combustors for each of three turbines and revise the emissions limits for nitrogen oxides from 50 ppmv to 140 ppmv corrected at 15% oxygen for each turbine.

The proposed amendment to RACT operating permit would exempt these three turbines from NOx RACT limit during start-ups and shutdowns. However, each start-up and shutdown must not last more than an hour.

If approved, the amended Plan Approval will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's State Implementation Plan.

One public hearing will be held for the purpose of receiving comments on the proposed revision/amendment. The hearing will be held on April 7, 1999, at 10 a.m. at the Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Mark Carmon, Community Relations Coordinator, at (570) 826-2531 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Richard Shudak of the Department at (570) 826-2531 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comment to Thomas DiLazaro, Regional Air Quality Manager, Pennsylvania DEP, Two Public Square, Wilkes-Barre, PA 18711-0790. Comments should be submitted within 30 days of this publication in the *Pennsylvania Bulletin*.

All the pertinent documents are available for review from 8 a.m. to 4 p.m. in the Department's Northeast

Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790. Appointments for scheduling a review may be made by calling (570) 826-2531.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds; Public Hearing**

*Approval of Reasonably Available Control Technology (RACT) plan for Textron Lycoming in the City of Williamsport, Lycoming County.*

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan

(SIP) for an aircraft engine manufacturing facility owned and operated by Textron Lycoming in the City of Williamsport, Lycoming County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this operation:

*Source*

- 23 "Varsol" spray booths
- 6 "Cooper" tanks
- 55 dip tanks
- 21 corrosion protection tanks
- 35 engine test cells, stands, and the like

*RACT Requirement*

- The solvent used in the spray booths must have a vapor pressure below 3.0 mm Hg at 20° C.
- The collection tank or vessel associated with each booth must either be enclosed or equipped with a lid or cover.
- The total combined volatile organic compound emissions shall not exceed 27.8 tons in any 12 consecutive month period.
- The solvent used in the tanks must have a vapor pressure below 3.0 mm Hg at 20° C.
- Each tank must be equipped with a lid or cover which shall be kept closed when the tank is not being used.
- The parts removed from each tank shall be allowed to drain for at least 15 seconds or until dripping has stopped.
- The total combined volatile organic compound emissions from these 6 tanks and 5 additional Cooper tanks shall not exceed 17.21 tons in any 12 consecutive month period.
- The solvent used in the tanks shall have a vapor pressure below 3.0 mm Hg at 20° C.
- Each tank shall be equipped with a lid or cover which shall be kept closed when the tank is not being used.
- The parts removed from each tank shall be allowed to drain for at least 15 seconds or until dripping has stopped.
- The total combined volatile organic compound emissions shall not exceed 15.45 tons in any 12 consecutive month period.
- The solvent used in the tanks shall not have a vapor pressure below 3.0 mm Hg at 20° C.
- Each tank shall be equipped with a lid or cover which shall be kept closed when the tank is not being used.
- The parts removed from each tank shall be allowed to drain for at least 15 seconds or until dripping has stopped.
- The total combined volatile organic compound emissions shall not exceed 10.95 tons in any 12 consecutive month period.
- The maximum amount of aviation gasoline which may be burned in the process of testing engines shall be 1,156,758 gallons in any 12 consecutive month period.
- The total combined volatile organic compound emissions shall not exceed 27.4 tons in any 12 consecutive month period.
- No turbine engines may be tested.

*Source*

- various small natural gas-fired combustion sources
- manual parts and equipment cleaning operations

Additionally, the volatile organic compound emissions from various categories of minor or de minimis sources shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per year per source category.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on April 8, 1999, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to David Aldenderfer, Air Quality Environmental Program Manager, Pennsylvania DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by April 18, 1999.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

## 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

*RACT Requirement*

- The maximum amount of natural gas which may be burned shall be a combined total of 972 million cubic feet in any 12 consecutive month period.
- The total combined volatile organic compound emissions shall not exceed 3.04 tons in any 12 consecutive month period.
- The total combined volatile organic compound emissions shall not exceed 3.3 tons in any 12 consecutive month period.
- The lowest volatility solvent practicable shall be used.
- All containers of solvent shall be kept closed when not in actual use. All solvent-wet rags, and the like shall be stored in closed containers when not in actual use.

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

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts

upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

*Coal Applications Received*

**32930106.** Permit Renewal for reclamation, only, **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), for continued restoration of a bituminous strip mine in Center Township, **Indiana County**, affecting 102.5 acres, receiving stream Tearing Run. Application received January 22, 1999.

**32970103.** Permit Revision, **Kent Coal Mining Company** (P. O. Box 219, Shelocta, PA 15774), a variance to mine through and reconstruct the unnamed tributary to Marshall Run in Young and Conemaugh Townships, **Indiana County**, affecting 113.0 acres, receiving stream Marshall Run and unnamed tributaries to Marshall Run. Application received January 25, 1999.

**56890108.** Permit Renewal for reclamation, only, **Godin Brothers, Inc.** (136 Godin Drive, Boswell, PA 15531), for continued restoration of a bituminous strip mine in Jenner Township, **Somerset County**, affecting 82.9 acres, receiving stream unnamed tributary to Quemahoning Creek; and unnamed tributary to Hoffman Run. Application received January 28, 1999.

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

**03890116R.** **Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Perry Township, **Armstrong County**. Receiving streams: four unnamed tributaries to the Allegheny River. Renewal application received: January 29, 1999.

**63840102R.** **Pennweir Construction Company** (401 Pennsylvania Avenue, Weirton, WV 26062). Renewal application received for continued reclamation of a bituminous surface auger mine located in Jefferson Township, **Washington County** affecting 267.89 acres. Receiving streams: Unnamed tributaries to Scott and Parnar Runs to Cross Creek to the Ohio River. Renewal application received: February 2, 1999.

**67393031R.** **Twilight Industries** (212 State Street, Belle Vernon, PA 15012). Renewal application received for continued reclamation of a bituminous surface mine located in Somers Township, **Washington County**, affecting 621.95 acres. Receiving streams: Unnamed tributaries to Sawmill Creek to Pigeon Creek to the Monongahela River. Renewal application received: February 8, 1999.

**65940101R.** **Amerikohl Mining Inc.** (P. O. Box 427, Acme, PA 15610). Renewal application received for continued reclamation of a bituminous surface mine located in Rostraver Township, **Westmoreland County**, affecting 130 acres. Receiving streams: Unnamed tributaries to the Monongahela River and the Monongahela River. Renewal application received February 10, 1999.

**65940103R.** **Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15610). Renewal application received for continued reclamation of a bituminous surface mine located in

Derry Township, **Westmoreland County**, affecting 22 acres. Receiving streams: Unnamed tributary to Saxman Run and Saxman Run. Renewal application received February 10, 1999.

**03930107R.** **B&B Coal Mining Inc.** (Friendship Plaza, R. D. 6, Kittanning, PA 16201). Renewal application received for continued reclamation of a bituminous surface auger mine located in Wayne Township, **Armstrong County**, affecting 71.7 acres. Receiving streams: Mahoning Creek and unnamed tributaries to Mahoning Creek. Renewal application received February 11, 1999.

**03990101.** **Reichard Contracting, Inc.** (R. D. 3, New Bethlehem, PA 16242). Application received for commencement, operation and reclamation of a bituminous surface mining site located in Redbank Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: one unnamed tributary to Nolf Run to Nolf Run to Little Sandy Creek to Redbank Creek to the Allegheny River; two unnamed tributaries to Mudlick Creek and Mudlick Creek to Pine Run to Mahoning Creek to the Allegheny River; one unnamed tributary to Painter Run to Painter Run to Pine Run to Mahoning Creek to the Allegheny River. Application received February 10, 1999.

**63990101.** **Robinson Coal Company** (200 Neville Road, Pittsburgh, PA 15225). Application received for commencement, operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, proposed to affect 54.0 acres. Receiving streams: unnamed tributary to Robinson Run, Robinson Run, Ohio River. Application received: February 11, 1999.

**03990102.** **Thomas J. Smith Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Application received for commencement, operation and reclamation of a bituminous surface auger mine located in South Bend Township, **Armstrong County**, proposed to affect 58.0 acres. Receiving streams: Fagley Run to Crooked Creek. Application received February 19, 1999.

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

**17990101.** **Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), commencement, operation and restoration of a bituminous surface mine-auger permit in Girard Township, **Clearfield County** affecting 149 acres. Receiving streams: Surveyor Run and two unnamed tributaries to Surveyor Run. Application received January 29, 1999.

**17850120.** **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), revision to an existing bituminous surface mine permit for a change in permit acreage from 902.4 to 924.7 acres, Bell Township, **Clearfield County**. Receiving streams: unnamed tributaries to Haslett Run and Haslett Run to Whisky Run contributory to West Branch of the Susquehanna River. Application received January 27, 1999.

**17830117.** **K & J Coal Co., Inc.** (P. O. Box 189, Westover, PA 16692), transfer from Northern Counties Coal Co., Inc. and renewal of an existing bituminous surface mine permit in Chest Township, **Clearfield County** affecting 202 acres. Receiving streams: unnamed tributary to Chest Creek and Chest Creek. Application received February 5, 1999.

**17990102.** **River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847), commencement, operation and restoration of a bituminous surface mine-auger permit in Decatur Township, **Clearfield County** affecting 400

acres. Receiving streams: Little Laurel Run and unnamed tributary to Shimel Run. Application received February 9, 1999.

**17970103. Ecklund coal Co., Inc.** (R. D. 1, Box 109, Irvona, PA 16656), revision to an existing bituminous surface mine permit for a change in permit acreage from 33.2 to 39.0 acres and to add augering, Bigler Township, **Clearfield County**. Receiving streams: Alexander Run to Clearfield Creek. Application received February 8, 1999.

**17930129. Penn Grampian Coal Co.** (P. O. Box 249, Clearfield, PA 16830), renewal of an existing bituminous surface mine permit in Jordan Township, **Clearfield County** affecting 436.4 acres. Receiving streams: Potts Run, unnamed tributaries to Gazzam Run and McNeel Run. Application received January 19, 1999.

**17753180. James M. Stott Coal Co., Inc.** (P. O. Box 68, Boswell, PA 15531), renewal of an existing bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 140 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received January 20, 1999.

**17663037. Al Hamilton Contracting Co.** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Decatur and Woodward Townships, **Clearfield County** affecting 400.5 acres. Receiving streams: Goss Run and Little Beaver Run; both to Beaver Run to Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received February 5, 1999.

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

**16940101. Reichard Contracting, Inc.** (R. D. 3, Box 20, New Bethlehem, PA 16242). Renewal of an existing bituminous surface strip and beneficial use of fly ash operation in Porter Township, **Clarion County** affecting 65.5 acres. Receiving streams: One unnamed tributary to Leatherwood Creek to Redbank Creek to the Allegheny River; two unnamed tributaries to Long Run and Long Run to Redbank Creek to the Allegheny River. Application for reclamation only. Application received January 27, 1999.

**33930111. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Bell, McCalmont and Young Townships, **Jefferson County** affecting 213.4 acres. Receiving streams: Unnamed tributaries to Elk Run to Mahoning Creek to the Allegheny River. Application for reclamation only. Application received January 29, 1999.

**24900102. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, auger and tippel refuse disposal operation in Fox Township, **Elk County** affecting 143.0 acres. Receiving streams: Brandy Camp Creek to Little Toby Creek; unnamed tributary to Little Toby Creek to Toby Creek to the Clarion River to the Allegheny River. Application for reclamation only. Application received February 1, 1999.

**43820102. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface strip operation in Pine, Liberty and Mercer Townships, **Mercer and Butler Counties** affecting 358.1 acres. Receiving streams: Two unnamed tributaries to Swamp Run to Wolf Creek; two unnamed tributaries to Wolf Creek. Application for reclamation only. Application received February 3, 1999.

**16830114. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous surface strip, tippel refuse disposal and fly ash/bottom ash disposal operation in Toby Township, **Clarion County** affecting 704.0 acres. Receiving streams: Six unnamed tributaries to Cherry Run, Cherry Run to Clarion River to the Allegheny River. Application received February 8, 1999.

**33860109. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858). Revision to an existing bituminous surface strip and auger operation to add 10.0 acres in Washington Township, **Jefferson County**. Total acreage 167.0 acres. Receiving streams: unnamed tributaries to Rattlesnake Creek to Little Toby Creek to Toby Creek to the Clarion River to the Allegheny River. Application received February 8, 1999.

**33990102. McKay Coal Company, Inc.** (R. D. 2, Templeton, PA 16259). Commencement, operation and restoration of a bituminous surface strip and auger operation in Perry Township, **Jefferson County**, affecting 67.3 acres. Receiving streams: Two unnamed tributaries to Foundry Run, Foundry Run and Perryville Run to Mahoning Creek to the Allegheny River. Application received February 12, 1999.

**102577-33990102-E-1. McKay Coal Company, Inc.** (R. D. 2, Templeton, PA 16259). Application for a stream encroachment to mine within 25 feet of unnamed tributary to Foundry Run. Receiving streams: Two unnamed tributaries to Foundry Run, Foundry Run and Perryville Run to Mahoning Creek to the Allegheny River. Application received February 12, 1999.

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

**49921301R. Chestnut Coal Company** (R. R. 3, Box 142B, Sunbury, PA 17801), renewal of an existing anthracite deep mine operation in Zerbe Township, **Northumberland County**, affecting 5.0 acres, receiving stream—Zerbe Run. Renewal received January 11, 1999.

**19930101R. Burnrite Coal Company** (325 Mulberry Street, Atlas, PA 17851), renewal of an existing anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties**, affecting 556.1 acres, receiving stream—none. Application received January 27, 1999.

**54830101R3. K & K Coal Company** (133 Valley Furnace Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 176.0 acres, receiving stream—Schuylkill River. Application received January 28, 1999.

**54860107R2. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Cass Township, **Schuylkill County** affecting 786.0 acres, receiving stream—none. Application received January 28, 1999.

**49840103R2. Reading Anthracite Company** (200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in East Cameron Township, **Northumberland County** affecting 127.0 acres, receiving stream—none. Application received January 28, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32980701. RoxCoal, Inc.** (P. O. Box 149, Friedens, PA 15541), to operate the Rock Refuse Disposal Area in

Green Township, **Indiana County**, new coal refuse disposal area unnamed tributary to North Branch of Two Lick. Application received December 14, 1998.

**32753702. Pennsylvania Electric Company** (1001 Broad St., Johnstown, PA 15907), to revise the permit for the Homer City Refuse Disposal Facility in Center Township, **Indiana County** to add 65 refuse disposal acres and 33 support acres to the permit, no additional discharges. Application received January 11, 1999.

**63841302. Maple Creek Mining Inc.** (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in New Eagle Borough, **Washington County** to revise subsidence control plan to mine within area of potential influence, no additional discharges. Application received January 12, 1999.

**32831303. Florence Mining Company** (P. O. Box 51, New Florence, PA 15944), to revise the permit for the Florence No. 2 Mine in West Wheatfield Township, **Indiana County** to change postmining land use, no additional discharges. Application received January 22, 1999.

**04971301. MJ Mining Company** (1021 Whitestown Rd., Butler, PA 16001), to revise the permit for the MJ Mine in Greene Township, **Beaver County** to add 411.9 subsidence control plan acres, no additional discharges. Application received January 22, 1999.

**30841317. Consol PA Coal Company** (Waynesburg Operations, P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to add 35.35 acres for new airshaft 3 North #2, and future portal, Rocky Run. Application received January 25, 1999.

**63733701. Champion Processing, Inc.** (P. O. Box 1073, Coraopolis, PA 15108), to renew the permit for the Champion Refuse Disposal Area in Robinson Township, **Washington County** to, no additional discharges. Application received February 3, 1999.

**56890703. Svonavec, Inc.** (150 West Union St., Suite 201, Somerset, PA 15501), to renew the permit for the Milford #3 CRDA in Milford Township, **Somerset County**, no additional discharges. Application received February 8, 1999.

**30830701. Consolidation Coal Company** (P. O. Box 100, Osage, WV 26543), to renew the permit for the Dilworth Rock Disposal Area in Cumberland Township, **Greene County** to renew, no additional discharges. Application received February 9, 1999.

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

**61990301. Cooperstown Sand & Gravel** (R. D. 2, Box 10, Franklin, PA 16323). Commencement, operation and restoration of a sand and gravel operation in Jackson Township, **Venango County** affecting 36.5 acres. Receiving streams: One unnamed tributary to Sugar Creek and Sugar Creek to French Creek to Allegheny River. Application to include a land use change from forestland and cropland to unmanaged natural habitat and unmanaged water impoundment on property of Schiffer Excavating, Inc. Application received January 20, 1999.

**25940302. Bedrock Sand & Gravel, Inc.** (10400 Messenger Road, Girard, PA 16417). Renewal of an existing sand and gravel operation in Girard Township, **Erie County** affecting 93.7 acres. Receiving streams: Two unnamed tributaries to Elk Creek. Renewal of NPDES Permit No PA0212067. Application received January 29, 1999.

**301974-25992802-E-1. Walter Kuhl** (9415 Peck Road, Erie, PA 16510). Application for a stream encroachment to conduct mining activities within 50 feet of the north side of unnamed tributary to Fourmile Creek in Greene Township, **Erie County**. Receiving streams: unnamed tributary. Application received February 4, 1999.

**3773SM6. Cooperstown Sand & Gravel** (R. D. 2, Box 10, Franklin, PA 16323). Transfer of an existing sand and gravel operation in Sugarcreek Borough, **Venango County** affecting 10.0 acres. Receiving streams: One unnamed tributary to Patchel Run and Patchel Run to French Creek to the Allegheny River. Transfer from Lee A. Phillips. Application received February 5, 1999.

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

### ENCROACHMENTS

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

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

**EA46-003SE.** Environmental Assessment. **Arcadia at Inverness Glen, LP.** 100 W. Lancaster Avenue, Suite 102, Wayne, PA 19087. A request for an environmental assessment approval for the construction of an earth fill dam across unnamed tributaries to Pennypack Creek (TSF, MF) and 0.03 acre of adjacent wetland (PFO) associated with the construction of stormwater management facilities at the proposed Arcadia at Inverness Glen Subdivision. The structure is to be located approximately 1,400 feet north of the intersection of Old Welsh Road (SR 0063) and Valley Road (Frankford, PA-NJ Quadrangle N: 22.5 inches; W: 11.1 inches) in Lower Moreland Township, **Montgomery County**.

**E51-175.** Encroachment. **Cobbs Creek Property, LP,** 1601 South Christopher Columbus Blvd., Philadelphia,

PA 19148-1402. To operate and maintain a parking lot access road and associated grading work for the existing CVS Pharmacy located in the floodway of Cobbs Creek (TSF), located west of the intersection of Saybrook Avenue and Island Avenue, (Philadelphia, PA Quadrangle N: 7.6 inches; W: 17.3 inches) in the City of Philadelphia, **Philadelphia County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-5485.*

**E40-518.** Encroachment. **E. Donald Challis**, R. R. 1, Box 290, Harvey Lake, PA 18618. To modify and maintain an existing pile-supported dock in Harvey Lake, with work consisting of enlarging the dock area to add a boat slip and boathouse. As modified, the structure extends 42 feet from the shoreline, and has a width of 52 feet in areal coverage of approximately 1,750 square feet. The project is located at Pole No. 60, Lakeside Drive (Harveys Lake, PA Quadrangle N: 22.0 inches; W: 5.5 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-519.** Encroachment. **Pete Bayo**, R. R. 1, Box 122, Harvey Lake, PA 18618. To modify and maintain an existing pile-supported dock in Harvey Lake, with work consisting of enlarging the dock area from approximately 400 square feet to 1,260 square feet. As modified, the dock extends 50 feet from the shoreline and has an overall width of 42 feet. The project is located at Pole No. 157-B, Lakeside Drive (Harveys Lake, PA Quadrangle N: 22.3 inches; W: 6.5 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E40-520.** Encroachment. **Jack Smulovitz**, 69 Wyoming Street, Wilkes-Barre, PA 18702. To modify and maintain an existing pile-supported dock/boathouse in Harvey Lake, with work including repairs to the existing structure and the addition of approximately 482 square feet of dock area. The structure, as modified extends 47 feet from the shoreline and has an overall width of 32 feet. The project is located at Pole No. 51, Lakeside Drive (Harveys Lake, PA Quadrangle N: 21.0 inches; W: 5.4 inches), Harveys Lake Borough, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E28-266.** Encroachment. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To remove the existing deteriorated culverts and to construct, extend the length, provide revetment at the ends of pipes and maintain the culverts along the channels of an unnamed tributary to West Branch Conococheague Creek to widen and improve the lanes of I-76 from Mile Post (MP) 194.4 (Doylestown, PA Quadrangle N: 3.24 inches; W: 14.17 inches) to MP 188.97 (Fannettsburg, PA Quadrangle N: 18.21 inches; W: 8.49 inches) in Fannett and Metal Townships, **Franklin County**.

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

**E02-1266.** Encroachment. **Anthony Merante**, 3240 Brownsville Road, Pittsburgh, PA 15227. To construct and maintain a bridge across Streets Run (WWF) to provide access to applicant's property. The bridge is located on the

east side of Streets Run Road, approximately 2,300 feet northeast from the intersection of Prospect Road and Streets Run Road (Glassport, PA Quadrangle N: 20.0 inches; W: 10.5 inches) in West Mifflin Borough, **Allegheny County**.

**E63-296.** Encroachment. **McGrew Welding Company**, P. O. Box 87, Donora, PA 15033. To amend Permit No. E63-296 to construct and maintain an additional barge facility in the channel of and along the right bank of the Monongahela River located near River Mile Post 38.15 (Donora, PA Quadrangle N: 6.95 inches; W: 15.80 inches) in Carroll Township, **Washington County**.

**E02-1264.** Encroachment. **Port Authority of Allegheny County**, 2235 Beaver Avenue, Pittsburgh, PA 15233-1080. To remove the existing structure, to construct and maintain a reinforced concrete box culvert having a span of 2.43 m (8 feet) and an underclearance of 1.53 m (5 feet) for a distance of approximately 217 m (710 feet), the invert of the box culvert will be depressed an average depth of 0.3 m (1 foot) to place and maintain 43 m (140 feet) of gabion mattress inlet protection and 55 m (180 feet) of gabion mattress outlet protection in a tributary to Piney Fork (TSF) for the purpose of permanently stabilizing the stream bank and protecting the rail line. The project is located along the west side of Brightwood Road between its intersections with Munroe Street and Winton Drive (Bridgeville, PA Quadrangle N: 12.6 inches; W: 3.9 inches and ends at N: 13.1 inches; W: 4.1 inches) in the Municipality of Bethel Park, **Allegheny County**.

**E56-288.** Encroachment. **Somerset County Commissioners**, Suite 100, 111 East Union Street, Somerset, PA 15501-1543. To rehabilitate and maintain the Reading Mines Bridge having a span of 39.9 feet and an underclearance of 10.1 feet to correct a severe undermining problem along the south abutment and placing a concrete toe wall and rock protection along the south abutment. The bridge is located across Beaverdam Creek on (HQ-CWF-Stocked) on T-648 approximately 2,500 feet north of the intersection of T-648 and S. R. 281 (Stoystown, PA Quadrangle N: 16.5 inches; W: 12.19 inches) in Quemahoning Township, **Somerset County**.

**E02-1265.** Encroachment. **City of Pittsburgh**, Room 301 City County Building, 414 Grant Street, Pittsburgh, PA 15219-2455. To construct and maintain a 75 feet long and 12 feet high retaining wall between two existing retaining walls along the left bank side of the Monongahela River near River Mile 1.9 for a proposed gravel walking trail and paved bicycle path (Pittsburgh East, PA Quadrangle N: 10.4 inches; W: 14.8 inches) in the City of Pittsburgh, **Allegheny County**.

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

**E20-467.** Encroachment. **PA Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing structure and to construct and maintain precast reinforced concrete box culvert having a 14-foot-wide by 7-foot-high waterway opening in Lake Creek (WWF) on SR 0198 Segment 0690, Offset 0538 in the Village of Guys Mills (Townville, PA Quadrangle N: 1.1 inches; W: 13.9 inches) located in Randolph Township, **Crawford 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.*

**D46-332. Dam. Township of Abington** (1176 Old York Road, Abington, PA 19001). To construct, operate and maintain the Susquehanna Woods Flood Control Dam across a tributary to Sandy Run (TSF), impacting 0.18 acre of wetlands (PEM) and 1,325 feet of stream for the purpose of flood control for the community immediately downstream of the project site (Germantown, PA Quadrangle N: 22.5 inches; W: 3.5 inches) in Abington Township, **Montgomery County**. The applicant proposes a contribution to the Pennsylvania Wetland Replacement Project in lieu of constructing replacement wetlands.

**D67-531. Dam. Pennsylvania Power and Light Company, Inc.** (Two North Ninth Street, Allentown, PA 18101-1179). To modify, operate and maintain Brunner Island Ash Basin No. 5 located offstream of a tributary to the Susquehanna River (WWF), for the purpose of closing Ash Basin No. 5 by covering the remaining 30 acres of ash in the basin with 1 foot of soil and seeding (York Haven, PA Quadrangle N: 15.7 inches; W: 8.7 inches) in East Manchester Township, **York County**.

### ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

##### (Part I Permits)

The Department of Environmental Protection (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, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does

not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**NPDES Permit No. PA0036978.** Sewage. **Telford Borough Authority**, P. O. Box 209, Telford, PA 18969-0209 is authorized to discharge from a facility located in Franconia Township, **Montgomery County** into Indian Creek.

**NPDES Permit No. PA0055107.** Sewage. **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348 is authorized to discharge from a facility located in East Marlborough Township, **Chester County** to an unnamed tributary to East Branch of Red Clay Creek.

**WQM Permit No. 1598403.** Sewage. **Downingtown Area Regional Authority**, P. O. Box 8, Exton, PA 19341-0008. Approval was granted for the rerate of the Downingtown Regional Water Pollution Control Center. No construction will be required as a result of the rerate located in East Caln, **Chester County**.

**WQM Permit No. 2398411.** Sewerage. **Upper Providence Township Sewer Authority**, 935 N. Providence Road, Media, PA 19063. Approval is granted for the upgrade and operation of Valley View Pump Station 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. 5298404.** Sewerage. **Delaware Valley School District**, 236 Routes 6 and 209, Milford, PA 18337. Permit to modify and add to existing sewage treatment plant, located in Dingman Township, **Pike County**.

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

**WQM Permit No. 2599401.** Sewage. **Millcreek Township Sewer Authority**, P. O. Box 8158, Erie, PA 16508-0158. This project is for the installation of a relief sewer along Pittsburgh Avenue and Manor Drive in the City of Erie and Millcreek Township, **Erie County**.

**WQM Permit No. 3799401.** Sewage. **CSX Transportation, Inc., CSX New Castle Rail Yard**, 500 Water Street, J275, Jacksonville, FL 32202. This project is for the construction and operation of a small flow treatment facility located in Taylor Township, **Lawrence County**.

*Northwest Regional Office: Regional Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**WQM Permit No. 6188601-T1, Amendment No. 1.** Industrial waste. **Danco Industries, Inc.**, P. O. Box 941, Oil City, PA 16301. This project is for modification and operation of an industrial wastewater treatment facility in Sugar creek Borough, **Venango County**.

#### INDIVIDUAL PERMITS (PAS)

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



*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q154	Anna H. Tercha Charles J. Haaf Estate 1919 Tercha Road Fogelsville, PA 18051-2029	Lehigh County Upper Macungie Township	Iron Run
PAS10Q164	King Real Estate Mgmt. Co. 315 S. Cedar Crest Blvd. Allentown, PA 18103	Lehigh County S. Whitehall Township	Little Lehigh Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10K022	Harbor Development Company 8050 Hamot Road Erie, PA 16509	Erie County Millcreek Township	Walnut Creek and Thomas Run

### INDIVIDUAL PERMITS

(PAR)

#### Approvals to Use NPDES and/or Other General Permits

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
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2**Facility Location  
County and  
Municipality**Permit No.**Applicant Name  
and Address**Receiving Stream  
or Body of Water**Contact Office and  
Telephone No.*Schuylkill County  
Rush and Ryan  
Townships

PAR105774

Northeastern Schuylkill  
Joint Municipal Authority  
(NSJMA)  
c/o George Sanchez  
P. O. Box 1326, R. R. 1  
Hometown, PA 18252Hosensock & Pine  
Creeks to  
Schuylkill RiverSchuylkill CD  
(570) 622-3742Schuylkill County  
Frailey Township

PAR105775

O.S.M. 54 (3703) 102.1  
N. Donaldson Phase II  
PA DEP  
Bureau of Abandoned Mine  
Reclamation  
Michael R. Ferko  
2 Public Square  
Wilkes-Barre, PA  
18711-0790Martin's Run to  
Swatara CreekSchuylkill CD  
(570) 622-3742Schuylkill County  
Frailey Township

PAR0105776

O.S.M. 54 (3703) 103.1  
N. Donaldson Phase III  
PA DEP  
Bureau of Abandoned Mine  
Reclamation  
Michael R. Ferko  
2 Public Square  
Wilkes-Barre, PA  
18711-0790Martin's Run to  
Swatara CreekSchuylkill CD  
(570) 622-3742Butler County  
Butler Township

PAR10E099

Moraine Pointe Plaza  
Phase II  
Oxford Development Co.  
One Oxford Center Floor 37  
Pittsburgh, PA 15219Unnamed  
Tributary to  
Connoquenessing  
CreekButler Conservation  
District  
122 McCune Dr.  
Butler, PA 16001-65001  
(724) 284-5270Butler County  
Slippery Rock  
Township

PAR10E100

Bureau of Abandoned Mine  
Reclamation  
P. O. Box 8476  
Harrisburg, PA 17105-8476Unnamed  
Tributary to  
Long RunButler Conservation  
District  
122 McCune Dr.  
Butler, PA 16001-65001  
(724) 284-5270Butler County  
Cranberry Township

PAR10E101

Windwood Heights  
Hopeview Partners  
241 Emmett Road  
Wexford, PA 15090

Kaufman Run

Butler Conservation  
District  
122 McCune Dr.  
Butler, PA 16001-65001  
(724) 284-5270Butler County  
Middlesex Township

PAR10E102

Pheasant Ridge Inc.  
6065 Rittman Road  
Valencia, PA 16059Unnamed  
Tributary to  
Bull CreekButler Conservation  
District  
122 McCune Dr.  
Butler, PA 16001-65001  
(724) 284-5270Butler County  
Cranberry Township

PAR10E103

PENN-DOT  
P. O. Box 429, Rt. 286 S  
Indiana, PA 15701Unnamed  
Tributary to  
Brush CreekButler Conservation  
District  
122 McCune Dr.  
Butler, PA 16001-65001  
(724) 284-5270Butler County  
Cranberry Township

PAR10E104

Woodmont Corporation  
6500 West Freeway  
Suite 900  
One Ridgmar Center  
Fort Worth, TX 76116-2190Unnamed  
Tributary to  
Brush CreekButler Conservation  
District  
122 McCune Dr.  
Butler, PA 16001-65001  
(724) 284-5270Elk County  
St. Marys

PAR102506

PENNDOT  
1924-30 Daisy Street  
P. O. Box 342  
Clearfield, PA 16830

Powers Run

Elk Conservation  
District  
Elk County Courthouse  
P. O. Box 448  
Ridgway, PA 15853  
(814) 776-5373

*General Permit Type—PAG-4**Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Bedford County Liberty Township	PAG043609	William D. Baker 2305 Pinchot Road Saxton, PA 16678	UNT to Raystown Branch Juniata River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
West Hempfield Township Lancaster County	PAG043610	Robert C. Gardner 2520 Ironville Pike Columbia, PA 17512	Shawnee Run	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**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. 5498504.** Public water supply. **Blue Mountain Elementary School**, Red Dale Road, Orwigsburg, PA 17961. This proposal involves the addition of a contact tank cartridge filter, and sequestering to augment existing treatment for iron removal. The amended system becomes: pH adjustment, chlorination contact time, cartridge filtration, sequestering and finished water storage. It is located in Wayne Township, **Schuylkill County**. Construction permit issued January 19, 1999.

**Permit No. 5498505.** Public water supply. **Minersville Borough Municipal Authority**, 2 E. Sunbury St., Minersville, PA 17954. This proposal involves conversion of the Minersville Slow Sand Filtration Plant to a Package Filtration Plant with associated system modifications. It is located in Cass Township, **Schuylkill County**. Construction permit issued February.

**Permit No. 5498509.** Public water supply. **Honey Brook Water Co.**, William Miller, Sr., 76 South Kennedy Drive, McAdoo, PA 18237. This proposal involves the installation of corrosion control treatment at the Honey Brook Water Supply System consisting of soda ash and orthophosphate addition. It is located in McAdoo Borough, **Schuylkill County**. Construction permit issued February 4, 1999.

Operations Permit issued on January 4, 1999, to **Sisters of Mercy of Dallas, PA**, Dallas Township, **Luzerne County**.

Operations Permit issued on January 5, 1999, to **Jim Thorpe Borough, (Jim Thorpe West Side Filtration Plant)**, Jim Thorpe Borough, **Carbon County**.

Operations Permit issued on January 25, 1999, to **Tamaqua Borough Area Water Authority**, Tamaqua Borough, **Schuylkill County**.

Operations Permit issued on February 1, 1999, to **Beechcrest Mobile Home Park**, Dennison Township, **Luzerne County**.

Operations Permit issued on February 11, 1999, to **Li'l Wolf Mobile Home Park**, North Whitehall Township, **Lehigh County**.

Operations Permit issued on February 8, 1999, **PAWC—silver System**, Delaware Township, **Pike County**.

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

**Permit No. M. A.** The Department issued a construction and operation permit to **Dushore Borough Council** at 216 Julia Street, Dushore, PA 18614, in Dushore Borough, **Sullivan County**, for installation of approximately 2,200 feet of 8-inch diameter cement lined ductile iron waterline along German and Water Streets in the borough.

**Permit No. 1798501.** The Department issued a construction permit to **Houtzdale Municipal Authority**, 731 I Kirk Street, P. O. Box 97, Houtzdale, PA 16651, **Clearfield County** for construction of: 65,000 feet of distribution lines in the Sanbourn, Jeffries, New Castle and Ashland areas; a 244,000 gallon finished water storage tank; and a pump station with chlorination facilities.

**HAZARDOUS SITES CLEANUP**

**Under the Act of October 18, 1988  
Settlements Under the Hazardous Sites Cleanup Act  
Quality Container Corporation Site  
City of Philadelphia, Philadelphia County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into multiple Consent Decrees for settlements with 10 parties regarding the Department's costs incurred for conducting response activities at the Quality Container Corporation (QCC) site. The QCC site is a parcel of land of approximately 1.25 acres located in the City of Philadelphia, Philadelphia County, at the intersection of Collins Street and E. Ontario Street. The surrounding area is zoned commercial and residential.

QCC operated a drum reconditioning facility from 1977 through 1990. QCC stopped operations in 1990 and subsequently abandoned the site leaving roll-off containers, drums and wastes generated by facility operations. In addition, process equipment on the site was not cleaned of wastes at the time the facility was abandoned. The roll-off containers, drums, process equipment and abandoned wastes were not contained and were accessible to the public.

Because of the threat to human health and the environment posed by the QCC site, the site was deemed as a HSCA site on August 12, 1994, under section 502 of HSCA (35 P. S. § 6020.502). The Department subsequently implemented and completed an interim response from March 20, 1995, through February 8, 1996, to address the release or threat of release of hazardous substances. To date, the Department has incurred re-

sponse costs of approximately \$1.85 million related to the release or threat of release of hazardous substances.

The Department has entered into Consent Decrees for settlements with the following Defendants in the matter of *Commonwealth of Pennsylvania, Department of Environmental Protection v. Borden Chemical, Inc., et al.*, 99-CV-647 (E. D. Pa.): Borden Chemical Inc., Ciba Specialty Chemicals Corporation, Novartis Corporation, Cookson Pigments, Inc., Daicolor-Pope, Inc., E. F. Houghton & Company, Millmaster Onyx Group and United States Printing Ink, A Division of Sun Chemical Corporation, for and in place of United States Printing Ink Corporation, National Starch and Chemical Co., Reichhold, Inc. and Zeneca, Inc.

The proposed Consent Decrees with Defendants were lodged with the United States District Court for the Eastern District of Pennsylvania on February 5, 1999. Under the terms of the Consent Decrees subject to this notice, the Department will receive a total of \$960,478.09.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The proposed Consent Decree is subject to final approval by the Department following the receipt and review of comments submitted by the public. The proposed Consent Decrees contain the specific terms of the settlements are available for public review and comment. The proposed Consent Decrees can be examined from 8 a.m. to 4 p.m. at the Department's office at 555 North Lane, Suite 6010 Lee Park, Conshohocken, PA 19428 by contacting Sonja Smith at (610) 832-6003 or through the PA AT&T Relay Service at (800) 654-5984 (TDD). A public comment period on the proposed consent order and agreement will extend for 60 days from the date of publication of this notice. Persons may submit written comments regarding the proposed Consent Decrees to the Department by May 5, 1999, by submitting them to April Flipse, Project Officer, at the previous address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of 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 Manager 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:

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

**Former National Granulating Corporation, Inc., Facility, City of Washington, Washington County.** Detroit Street Partners, L. P., 4839 Campbells Run Road, Pittsburgh, PA 15205-1386 and Timothy T. Ratvasky, WEG Engineering, 575 William Pitt Way, Pittsburgh, PA 15238 have submitted a Final Report addressing soil contaminated with zinc and VOCs. The report is intended to document remediation of the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Observer-Reporter* on February 11, 1999.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.**

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative

form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

**F. P. Woll and Co.**, City of Philadelphia, **Philadelphia County**. Terence O'Reilly, TriState Environmental Management Services, Inc., 362 Dunks Ferry Road, Bensalem, PA 19020, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons, and groundwater contaminated with solvents, BTEX and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard for soils and was approved by the Department on February 5, 1999. However, groundwater assessment and remediation is ongoing and an amendment to the Final Report addressing attainment of a groundwater standard will be submitted in the future.

**The West Company**, Phoenixville Borough, **Chester County**. John P. Judge, Esq., Montgomery, McCracken, Walker & Rhoads, LLP, 123 South Broad Street, Philadelphia, PA 19109-1099, has submitted a Final Report concerning the remediation of site soil contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons, and groundwater contaminated with solvents. The final report demonstrated attainment of the Statewide health and site-specific standards and was approved by the Department on February 9, 1999.

**Collegetown Associates, L. P.**, Collegetown Borough, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Final Report concerning the remediation of site soil contaminated with lead, solvents, BTEX and petroleum hydrocarbons; and groundwater contaminated with solvents, BTEX and petroleum hydrocarbons. The final report demonstrated attainment of site-specific standards and was approved by the Department on February 16, 1999.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 400628. Technochem Environmental Systems, Inc.**, Steel Blvd. and New Ford Mill Road, Morrisville, PA 19067. This permit was revoked, because the facility was never constructed and subsequently never went into operation. Facility is located in Falls Township, **Bucks County**. Permit was revoked in the Southeast Regional Office on February 5, 1999.

**Permit No. 400584. Taylor Hospital**, 175 East Chester Pike, Ridley Park, PA 19078. This permit was revoked, because the facility is no longer using their infectious waste incinerator which is located in Ridley

Park Borough, **Delaware County**. Permit was revoked in the Southeast Regional Office on February 2, 1999.

**Permit No. 100905. Northeast Incinerator Transfer Station**, 1101 Market Street, Philadelphia, PA 19107. This permit was revoked, because the facility is no longer operating the incinerator. Facility is located in the **City of Philadelphia**. Permit was revoked in the Southeast Regional Office on February 2, 1999.

**Permit No. 400572. Temple University Hospital**, 1009 Montgomery Avenue, Philadelphia, PA 19122. This permit was revoked, because the facility indicated that they are no longer operating their infectious waste incinerator. Facility located in the **City of Philadelphia**. Permit was revoked in the Southeast Regional Office on February 2, 1999.

**Permit No. 400498. Temple University Hospital**, 1009 Montgomery Avenue, Philadelphia, PA 19122. This permit was revoked, because the facility indicated that they are no longer operating their infectious waste incinerator. Facility located in the **City of Philadelphia**. Permit was revoked in the Southeast Regional Office on February 2, 1999.

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 100691.** Permit application to renew facility's operating permit for the term April 25, 1999, through April 25, 2009, was received from **Waste Management of Pennsylvania, Inc.** (Greater Erie Transfer Station and Recycling Center), 1159 West 16th Street, Erie, PA 16502. Permit was issued in the Regional Office on January 25, 1999. This was incorrectly published in the February 13, 1999 *Pennsylvania Bulletin*.

## AIR QUALITY

### OPERATING PERMITS

**General Plan Approval and Operating Permit 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.**

*Northwest Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**48-310-036GP: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for construction and operation of a portable stone crushing plant at Stockerton Materials, Stockerton Borough, **Northampton County**.

**Administrative Amendment of 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.**

*Northwest Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**SM-39-00023: Mobil Oil Corp.** (1134 North Quebec Street, Allentown, PA 18103) issued February 3, 1999, for the Allentown Terminal in The City of Allentown, **Lehigh County**.

*Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**TIVOP-17-00001: GPU Generation Inc. (Genco), Shawville Plant** (1001 Broad Street, Johnstown, PA 15907) issued Title IV (Acid Rain) permit on December 31, 1997. Amended on December 31, 1998, to include nitrogen oxides (NO<sub>x</sub>) requirements in accordance with 40 CFR Part 76 for operation of four coal fired boilers in Bradford Township, **Clearfield County**.

**TIVOP-47-00001: PP&L, Inc., Montour SES** (Two North Ninth Street, Allentown, PA 18101) issued Title IV (Acid Rain) permit on December 31, 1997. Amended on December 31, 1998, to include nitrogen oxides (NO<sub>x</sub>) requirements in accordance with 40 CFR Part 76 for operation of two coal fired boilers in Derry Township, **Montour County**.

**TIVOP-55-00001: PP&L, Inc., Sunbury SES** (Two North Ninth Street, Allentown, PA 18101) issued Title IV (Acid Rain) permit on December 31, 1997. Amended on December 31, 1998, to include nitrogen oxides (NO<sub>x</sub>) requirements in accordance with 40 CFR Part 76 for operation of six coal fired boilers in Monroe Township, **Snyder County**.

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

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**40-0005: U.G.I. Utilities, Inc.** (Hanover Industrial Estates, 400 Stewart Road, P. O. Box 3200, Wilkes-Barre, PA 18773-3200) for minor modification of a boiler at the Hunlock Creek Plant, Hunlock Township, **Luzerne County**.

#### PLAN APPROVALS

**Administrative Amendment 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.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-15-0027A: Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19087) amended February 19, 1999, for drum dryer dust collector in Tredyffrin Township, **Chester County**.

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

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**67-306-006A: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) granted February 19,

1999, to authorize temporary operation for a circulating fluidized bed boiler controlled by electrostatic precipitator, covered by this Plan Approval until June 18, 1999, at the Spring Grove Mill in Spring Grove Borough, **York 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, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.*

**OP-59-0005A: CNG Transmission Corp.** (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) on February 11, 1999, to increase the allowable hours of operation of a minor combustion source, a 1.5 million BTU per hour natural gas-fired boiler, at the Boom Compressor Station in Lawrence Township, **Tioga County**.

**08-316-013A: Masonite** (P. O. Box 311, Towanda, PA 18848) on February 12, 1999, for deletion of a mist eliminator pressure drop establishment requirement and for the extension of a stack performance deadline in Wysox Township, **Bradford County**.

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

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**PA-09-0103: W. A. Schmidt, Inc.** (775 Jacksonville Road, Warminster, PA 18974) issued February 19, 1999, for operation of a surface coating line in Warminster Township, **Bucks County**.

**PA-09-0057: Ametek Inc., U. S. Gauge Division** (900 Clymer Avenue, Sellersville, PA 18960) issued February 19, 1999, for operation of a degreaser in Sellersville Borough, **Bucks County**.

**PA-09-0106: Van Waters & Rogers, Inc.** (Steel Road, Morrisville, PA 19067) issued February 22, 1999, for operation of a chemical distribution facility in Falls Township, **Bucks County**.

*Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.*

**13-308-083A: Horsehead Resource Development Co., Inc.** (900 Delaware Avenue, Palmerton, PA 18071) issued February 11, 1999, for modification of a materials dust collection system in Palmerton Borough, **Carbon County**.

**13-308-087A: Horsehead Resource Development Co., Inc.** (900 Delaware Avenue, Palmerton, PA 18071) issued February 11, 1999, for modification of a conveying system in Palmerton Borough, **Carbon County**.

**45-318-028: Tobyhanna Army Depot** (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) issued February 10, 1999, for construction of two paint spray booths in Coolbaugh Township, **Monroe County**.

**48-309-104: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) issued February 4, 1999, for modification of pack machines 1 and 4 in Nazareth Borough, **Northampton County**.

**48-318-130: Production Partners Incorporated** (521 West Babbit Avenue, Pen Argyl, PA 18072) issued February 10, 1999, for construction of a paint spray operation in Pen Argyl Borough, **Northampton County**.

**54-313-068A: Air Products and Chemical Co.** (P. O. Box 351, Tamaqua, PA 18252) issued February 11, 1999, for modification of a vapor degreaser in Rush Township, **Schuylkill County**.

*Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.*

**06-5018A: Hershey Chocolate North America** (P. O. Box 15087, Reading, PA 19612) issued February 18, 1999, for construction of the candy manufacturing controlled by four fabric collectors at the Luden's Plant, in Reading, **Berks County**.

**06-1069C: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for a battery assembly line controlled by a fabric collector at S-1 and a battery operation controlled by a packed bed scrubber at S-1 in Richmond Township, **Berks County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance of New Stationary Sources.

**21-2026A: Carlisle Syntec, Inc.** (P. O. Box 7000, Carlisle, PA 17013) issued February 19, 1999, for installation of a natural gas-fired IC engine/compressor set in Carlisle Borough, **Cumberland County**.

**38-313-013B: O'Sullivan Corp.** (1507 Willow Street, Lebanon, PA 17046) issued February 18, 1999, for modification of the PVC resin pneumatic conveying system in Lebanon, **Lebanon County**.

**67-05003A: Mastercraft Specialties, Inc.** (800 Maple Street, Red Lion, PA 17356) issued February 11, 1999, for installation of a surface coating operation in Red Lion Borough, **York County**.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.**

*Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.*

**OP-46-0015: Occidental Chemical** (Armand Hammer Boulevard, Pottstown, PA 19464) issued February 22, 1999, for Facility VOCs/NOx in Lower Pottsgrove Township, **Montgomery County**.

**MINING**

**APPROVALS TO CONDUCT COAL AND NONCOAL  
ACTIVITIES**

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

**56733072.** Permit Renewal for reclamation, only, **Scurfield Coal, Inc.** (228 Main Street, Berlin, PA 15530), for continued restoration of a bituminous/coal refuse disposal strip mine in Paint Township, **Somerset County**, affecting 170.76 acres, receiving stream Seese Run and unnamed tributary to Paint Creek. Application received February 8, 1999. Issued February 9, 1999.

**56980103. Godin Brothers, Inc.** (136 Godin Drive, Boswell, PA 15531), commencement, operation and restoration of a bituminous strip mine in Lincoln and Jenner Townships, **Somerset County**, affecting 143.3 acres, receiving stream unnamed tributaries to Quemahoning Creek. Application received March 5, 1998. Permit issued February 4, 1999.

**56870201.** Permit Renewal for reclamation, only, **J. R. Coal Sales, Inc.** (311 Allegheny Street, Boswell, PA 15531), for continued restoration of a bituminous strip mine in Boswell Borough, **Somerset County**, affecting 19.9 acres, receiving stream Quemahoning Creek. Application received July 17, 1998. Permit issued February 11, 1999.

**56890102.** Permit Revision, **Svonavec, Inc.** (140 West Union Street, Somerset, PA 15501). The permit revision is for the purpose of adding 4.8 acres to the existing permit. This revision also includes a request for a variance to construct a haul road across an unnamed tributary to Casselman River. This crossing is located approximately 1,230 feet north of the unnamed tributary's entrance into the Casselman River, in Lower Turkeyfoot Township, **Somerset County**, affecting 87.7 acres, receiving stream unnamed tributaries to Casselman River and Casselman River. Application received September 4, 1998. Permit issued February 10, 1999.

**56890104.** Permit Renewal, **Chambers Development Company, Inc.** (Box 315, Valley View Drive, Hollsopple, PA 15935), commencement, operation and restoration of bituminous strip mine in Conemaugh Township, **Somerset County**, affecting 245.0 acres, receiving stream unnamed tributary to Stonycreek and Stonycreek. Application received December 3, 1998. Permit issued February 11, 1999.

**56823051.** Permit Renewal for reclamation, only, **American Mining Company** (290 Kanaul Road, Rockwood, PA 15557), for continued restoration of a bituminous strip mine in Summit Township, **Somerset County**, affecting 138.3 acres, receiving stream unnamed tributary to Bigby Creek and unnamed tributaries to Casselman River. Application received February 10, 1999. Issued February 11, 1999.

**17773075.** Permit Renewal for reclamation, only, **Black Oak Development, Inc.** (P. O. Box 176, Glen Campbell, PA 15742), for continued restoration of a bituminous strip mine in Banks; Bell and Burnside Townships, **Cambria and Clearfield Counties**, affecting 343.0 acres, receiving stream Martin Run and two unnamed tributaries to West Branch Susquehanna River to Susquehanna River. Application received February 12, 1999. Issued February 16, 1999.

**32860109.** Permit Renewal for reclamation, only, **North Cambria Fuel Company** (P. O. Box 1319, Indiana, PA 15701), for continued restoration of a bituminous strip mine in Brushvalley Township, **Indiana County**, affecting 153.3 acres, receiving stream unnamed tributary to Aulds Run and unnamed tributary to Laurel Run. Application received February 11, 1999. Issued February 16, 1999.

**32940101.** Permit Renewal for reclamation, only, **Kraynak Coal Company** (R. D. 1, Box 158, Mahaffey, PA 15757) for continued restoration of bituminous strip mine in Grant and Green Townships, **Indiana County**, affecting 43.0 acres, receiving stream unnamed tributaries to Dixon Run. Application received February 18, 1999. Issued February 19, 1999.

**32940106.** Permit Renewal for reclamation, only, **Larry and Warren Weaver** (R. D. 1, Box 169, Smicksburg, PA 16256), for continued restoration of bituminous strip mine in Grant Township, **Indiana County**, affecting 46.0 acres, receiving stream two unnamed tributaries to Little Mahoning Creek. Application received February 17, 1999. Issued February 19, 1999.

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

**03980901.** **SBP Coal Company** (P. O. Box 11, Kittanning, PA 16201). Permit issued for commencement, operation and restoration of an incidental coal extraction/auger mining operation located in Pine Township, **Armstrong County**, affecting 15.6 acres. Receiving streams: unnamed tributary to Scrubgrass to Scrubgrass to Mahoning Creek. Application received: August 12, 1998. Permit issued: February 4, 1999.

**63823020R.** **Robert B. Goodall** (725 Midway Candor Road, Bulgar, PA 15019). Permit renewal issued for continued operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 39 acres. Receiving streams: unnamed tributary to Little Racoon Creek to Ohio River. Application received: October 7, 1998. Renewal issued: February 5, 1999.

**03920111R.** **Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Permit renewal issued for continued reclamation only of a bituminous surface/auger mine located in Wayne Township, **Armstrong County**, affecting 64.8 acres. Receiving streams: unnamed tributaries to South Branch Pine Creek and South Branch Pine Creek. Application received: December 15, 1998. Renewal issued: February 5, 1999.

**02940101R.** **Neville Manor, Inc.** (772 Pine Valley Drive, Pittsburgh, PA 15239). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Collier Township, **Allegheny County**, affecting 20.2 acres. Receiving streams: one unnamed tributary to Chartiers Creek. Application received: December 2, 1998. Renewal issued: February 11, 1999.

**26950201R.** **Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Three-year permit renewal issued for commencement, operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Redstone Township, **Fayette County**, affecting 124.5 acres. Receiving streams: unnamed tributaries to Fourmile Run, and to Fourmile Run. Application received: December 14, 1998. Renewal issued: February 17, 1999.

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

**17890120.** **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation on the 292.3 acre site, Bell and Greenwood Townships, **Clearfield County**. Receiving streams: Haslett Run and West Branch of the Susquehanna River. Application received July 20, 1998. Permit issued January 25, 1999.

**17860123.** **Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation on a 286 acre site in Ferguson, Knox and Jordan Townships, **Clearfield County**. Application received September 21, 1998. Permit issued January 25, 1999.

**57830101.** **Bernice Mining & Contracting, Inc.** (P. O. Box 208, Mildred, PA 18632), transfer of an existing bituminous surface mine permit from Commonwealth Resource Corporation, Cherry Township, **Sullivan County**, affecting 880.1 acres. Receiving streams: Birch Creek and to unnamed tributaries of Loyalsock Creek, both to Loyalsock Creek and Loyalsock Creek to West Branch Susquehanna River to Susquehanna River. Application received August 31, 1998. Permit issued January 15, 1999.

**57813001.** **Bernice Mining & Contracting, Inc.** (P. O. Box 208, Mildred, PA 18632), transfer of an existing bituminous surface mine permit from Commonwealth Resource Corporation, Cherry Township, **Sullivan County** affecting 511 acres. Receiving streams: Birch Creek to Loyalsock Creek, and two unnamed tributaries of Loyalsock Creek to Loyalsock Creek, and Loyalsock Creek to West Branch Susquehanna River. Application received August 31, 1998; permit issued February 2, 1999.

**17980103.** **Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201), commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 64.2 acres. Receiving streams: unnamed tributaries of East Mahoning Creek to the West Branch of the Susquehanna River. Application received February 11, 1998; permit issued February 4, 1999.

*McMurray District Office, 3913 Washington Road, McMurray, PA 15317.*

**32951301.** **GRG Group** (R. D. 1, Box 119-A, Avonmore, PA 15618), to revise the permit for the Burrell Mine in Burrell Township, **Indiana County**, revision to add ventilation borehole, no additional discharges. Permit issued January 27, 1999.

**30841312.** **Consolidation Coal Company** (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville No. 2 Mine in Wayne Township, **Green County** to add 12 surface acres to drill 24 degasification boreholes, no additional discharges. Permit issued January 28, 1999.

**26830701.** **White Rock Fuel Company** (2 Bailey Ln., Uniontown, PA 15401), to renew the permit for the Wynn Washery in Georges Township, **Fayette County**, no additional discharges. Permit issued February 1, 1999.

**16901604.** **Manor Coal Company** (P. O. Box 527, Clarion, PA 16214-0527), to renew the permit for the Manor Coal Prep Plant in Beaver Township, **Clarion County**, no additional discharges. Permit issued February 1, 1999.

**33961302.** **Laurel Energy, LP** (One Energy Place, Suite 7500, Latrobe, PA 15650-9628), to transfer the



permit for the Sandy Lands Mine in McCalmont Township, **Jefferson County**, from Doverspike Brothers Coal Company, no additional discharges. Permit issued February 2, 1999.

**11941301. L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA 16838), to revise the permit for the Garmantown Mine in Susquehanna Township, **Cambria County** to revise surface area and add surface and auger mining, no additional discharges. Permit issued February 2, 1999.

**03901601. Bradys Bend Dock Company** (R. D. 1, Box 109, East Brady, PA 16028), to renew the permit for the Blue Row Tipple in Bradys Bend Township, **Armstrong County**, no additional discharges. Permit issued February 8, 1999.

**17881601. E. M. Brown, Inc.** (P. O. Box 767, Clearfield, PA 16830), to renew and revise the permit for the Winburne Coal Preparation Facility in Cooper Township, **Clearfield County**, renewal and revision to delete 15.0 acres from permit area and to request bond release for same area, no additional discharges. Permit issued February 8, 1999.

**63901301. Catsburg Mining Company, Inc.** (P. O. Box 1015, Uniontown, PA 15401), to renew the permit for the Catsburg No. 1 Mine in Carroll Township, **Washington County** to revise surface site plan layout, no additional discharges. Permit issued February 8, 1999.

**56841307. Reitz Coal Company** (509 15th St., Windber, PA 15963), to revise the permit for the No. 23 J. T. Mine in Shade Township, **Somerset County**, postmining land use change of 0.1 acre from forestland to industrial/commercial, no additional discharges. Permit issued February 9, 1999.

**32921302. Helvetia Coal Company** (P. O. Box 729, Indiana, PA 15701), to renew the permit for the Marshall Run Mine in Young and Conemaugh Townships, **Indiana County**, no additional discharges. Permit issued February 17, 1999.

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

**54830107C2. Selkirk Mining Company** (200 East Norwegian Street, Pottsville, PA 17901), correction to an existing anthracite surface mine operation in Branch and Reilly Townships, **Schuylkill County** 2,207.0 acres, receiving stream—West Branch of Schuylkill River. Correction issued February 1, 1999.

**54980103. Gale Coal Company, Inc.** (1441 Oak Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Frailey Township, **Schuylkill County** affecting 419.9 acres, receiving stream—none. Permit issued February 4, 1999.

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

*Noncoal Permits Issued*

**N. L. Minich and Sons, Inc.** (730 North College Street, Carlisle, PA 17013), correction to an existing quarry operation in North Middleton Township, **Cumberland County** affecting 95.55 acres, receiving stream—Meeting House Run. Correction issued February 17, 1999.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**08980801. James K. Mattocks** (R. R. 3, Box 175, Troy, PA 16947), commencement, operation and restoration of a small industrial mineral (top soil) permit in Troy Township, **Bradford County** affecting 1 acre. Receiving stream: Sugar Creek, tributary to Susquehanna River. Application received February 19, 1999. Permit issued January 19, 1999.

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

**28982801. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Cumberland, PA 17201), commencement, operation and restoration of a quarry operation in Antrim Township, **Cumberland County** affecting 5.0 acres, receiving stream—unnamed tributary of Muddy Run. Permit issued February 18, 1999.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

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

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

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

**E23-287.** Encroachment Permit. **Mr. and Mrs. Joseph Cappelli**, P. O. Box 934, Concordville, PA 19331. To reissue Permit No. E23-287 which authorized the removal of the existing 18-inch and 48-inch CMP culverts and to construct and maintain 55 linear feet of a twin 4 foot by 11 foot reinforced concrete culvert and 58 linear feet of triple 5 foot by 12 feet reinforced concrete box culvert across Harvey Run which is a tributary to the Brandy-

wine Creek and across wetland impacting (0.245) acre of wetlands for the purpose of providing an access road to the upland portion of the site. The site is located south and adjacent to Baltimore Pike (US Route 1) approximately 5,000 feet west of its intersection with Route 202 (Wilmington North: DE-PE Quadrangle, N: 22.5 inches; W: 8.8 inches) in Chadds Ford Township, **Delaware County**.

**E15-593.** Encroachment Permit. **London Grove Township**, 550 Baltimore Pike, Suite 220, West Grove, PA 19390. To construct and maintain an 8-inch force main sanitary sewer line across an unnamed tributary of the East Branch of White Clay Creek (CWF) and installation of associated stream bank protection. The utility line crossing is associated with the Avonwheel pump station and force main project located between Newport Pike (Route 41) and State Road, which will convey sanitary sewer flows along 8,952 linear feet of 8-inch piping from Avonwheel Estates Mobil Home Park to Inniscrone's lagoon and spray irrigation wastewater treatment facility, (West Grove, PA DEL Quadrangle, N: 14.7 inches; W: 5.9 inches) in London Grove Township, **Chester County**. The project will impact a de minimis area (0.01 acre) of wetlands.

**E46-825.** Encroachment Permit. **McBlynn Lodging**, 333 Lancaster Avenue, Wayne, PA 19087. To operate and maintain a 270 foot long stream enclosure consisting of a 60-inch RCP culvert along an unnamed tributary to the Plymouth Creek (WWF) for the purpose of constructing a parking lot for the proposed Hampton Inn Hotel. The site is located approximately 3,000 feet north of the intersection of Ridge Pike and Chemical Road (Norristown, PA Quadrangle N: 18.25 inches; W: 5.75 inches) in Plymouth Township, **Montgomery County**.

*Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E35-303.** Encroachment. **Pennsylvania Department of Transportation**, District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain an adjacent box beam bridge having a span of 84.5 feet, with a minimum underclearance of 7.5 feet on a 54 degree skew across Gardner Creek; to excavate in the channel of Gardner Creek from Station 19+50 to Station 20+60 to remove an existing gravel bar. The project is located on S. R. 3007 (Evergreen Drive), approximately 100 south of the intersection of S. R. 3007 and S. R. 3001 (Newton Ransom Boulevard) (Ransom, PA Quadrangle N: 6.1 inches; W: 8.5 inches) in Ransom Township, **Lackawanna County**.

**E39-356.** Encroachment. **K & M Associates**, P. O. Box 332, Trexlertown, PA 18087. To construct and maintain a stormwater outfall channel having a bottom width of 24 feet with 3H:1V side slopes and R5 rock riprap channel lining along the right bank of Little Lehigh Creek. The project, associated with the Brandywine Village residential subdivision, is located on the north side of T-475 approximately 1.5 miles west of S. R. 3003 (Allentown West, PA Quadrangle N: 6.3 inches; W: 9.4 inches) in Lower Macungie Township, **Lehigh County**.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.*

**E05-216-R-A1.** Encroachment. **Monroe Township**, Ron May, P. O. Box 38, Clearville, PA 15535. To amend Permit No. E05-216-R to construct and maintain a 6-foot

diameter corrugated metal pipe (CMP) culvert in the channel of an unnamed tributary to Elk Lick Creek on T-352 located about 0.4 mile from its intersection with T-351 (Clearville, PA Quadrangle N: 3.5 inches; W: 11.05 inches) in Monroe Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E05-259.** Encroachment. **James Blattenberger**, R. D. 4, Box 438, Bedford, PA 15522. To construct and maintain a twin 72-inch diameter culvert at the channel of an unnamed tributary to Raystown Branch of the Juniata River to provide access to a new home located on the east side of Egolf Road about 1,300 feet from its intersection with PA 326 (Everett West, PA Quadrangle N: 0.5 inch; W: 12.2 inches) in Snake Spring Valley Township, **Bedford County**. The amount of wetland impact is considered de minimis and wetland mitigation is not required. This permit also includes 401 Water Quality Certification.

**E06-518.** Encroachment. **Exeter Township**, John Theisen, 4975 DeMoss Road, Reading, PA 19606. To remove an existing structure and to construct and maintain a 7 foot x 16 foot concrete box culvert in the channel of Monocacy Creek at a point at Friends Road (Birdsboro, PA Quadrangle N: 10.7 inches; W: 6.5 inches) in Exeter Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E22-385.** Encroachment. **Lee Moyer**, 851 Bullfrog Valley Road, Hummelstown, PA 17036. To remove an existing structure and construct and maintain a 22-foot x 6-foot, 150 linear feet reinforced concrete box culvert and impact 0.20 acre of wetlands in and along a tributary to Swatara Creek at a point along Bullfrog Valley Road (Hershey, PA Quadrangle N: 1.0 inch; W: 8.5 inches) in Derry Township, **Dauphin County**. The permittee is required to provide a minimum of 0.03 acre of replacement wetlands onsite. The permittee will meet the remaining wetland requirement by participating in the Pennsylvania Wetland Replacement Project. This permit also includes 401 Water Quality Certification.

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

**E02-1253.** Encroachment. **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. To place and maintain fill in the floodway fringe of Plum Creek along the left bank side for a distance of approximately 1,500 feet for the purpose of constructing various ball fields. The project is located on the north east side of Hulton Road at its intersection of Indiana Road. (New Kensington West, PA Quadrangle N: 1.6 inches; W: 6.0 inches) in the Municipality of Penn Hills, **Allegheny County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E32-395.** Encroachment. **Montgomery Township**, P. O. Box 133, Arcadia, PA 15712. To remove the existing structure and to construct and maintain a low-flow crossing consisting of five 4-foot diameter RC pipe culverts with 0.5 foot depressed invert in Cush Creek (CWF, stocked) located on T-436 (Brown Road) at a point approximately 600 feet south of S. R. 286. Also, to construct and maintain rock rip rap at the culvert's approaches (Burnside, PA Quadrangle N: 10.9 inches; W: 12.3 inches) in Montgomery Township, **Indiana County**.

This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E65-715.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. To remove the existing structure and to construct and maintain a 1.0-foot depressed single cell concrete box culvert having a normal span of 18.0 feet and an underclearance of 5.7 feet in Saxman Run for the purpose of improving the roadway standards. The project is located on S. R. 0982, Section P01, Station 0+196.5 (Derry, PA Quadrangle N: 12.5 inches; W: 13.5 inches) in Derry Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E11-270.** Encroachment. **Carrolltown Borough Municipal Authority**, P. O. Box 37, Carrolltown, PA 15722. To remove the existing structures and to construct and maintain two low flow culvert crossings each consisting of three 12-inch CPP culverts and a single 18-inch CPP culvert in an unnamed tributary to Chest Creek (HQ-CWF) locally known as Bender Run for the purpose of providing access to the Hoover Public Water Supply Well located just north of the Carrolltown Airport (Carrolltown, PA Quadrangle N: 18.0 inches; W: 8.0 inches) in East Carroll Township, **Cambria County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E42-246A.** Encroachment. **Flood Control Authority**, City of Bradford, City Hall, 24 Kennedy Street, Bradford, PA 16701. To amend Permit No. E42-246, which authorizes Bradford District Flood Control Authority to maintain the existing flood control measures along Tunungwant Creek, East and West Branch Tunungwant Creek, Bolivar Run, Kendall Creek and Foster Brooks as shown in the "As-Built" drawings supplied by the US Army Corps of Engineers for the Bradford Flood Protection Project as turned over to the Bradford Flood Control District Authority in 1961 in the City of Bradford, Bradford Township and Foster Township, **McKean County**.

The proposed amendment is to construct and maintain the following outfall structures discharging into the Bradford Flood Control Project as part of a stormwater collection and discharge project located in the City of Bradford, **McKean County**:

1. A 48-inch-diameter pipe stormwater outfall along the right bank of Tunungwant Creek immediately upstream of the Mill Street Bridge.
2. A 60-inch-diameter pipe stormwater outfall along the left bank of Tunungwant Creek immediately upstream of the Mill Street Bridge.
3. Twin 48-inch-diameter pipe stormwater outfall along the left bank of Kendall Creek approximately 200 feet downstream of S. R. 346.

**E61-216.** Encroachment. **Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. To construct and maintain an aerial 10-inch-diameter PVC sewer line within a 20-inch-diameter steel casing across a tributary to Allegheny River immediately downstream of the existing Conrail railroad crossing south of S. R. 62 approximately 0.75 mile upstream of the confluence of French Creek and

the Allegheny River (Franklin, PA Quadrangle N: 5.3 inches; W: 7.2 inches) located in Sugarcreek Borough, **Venango County**.

## SPECIAL NOTICES

### Public Hearing Notice

#### 102/NPDES/Stormwater Construction Activity Permit

The Department of Environmental Protection (Department) Water Management Program will be holding a fact-finding hearing on the following Stormwater NPDES permit application: Wyeth Ayerst Laboratories, Wyeth Ayerst Great Valley Office & IS Technology Center Expansion.

The hearing is scheduled for April 14, 1999, at 1:30 p.m. at the Chester County Conservation District Office, Conference Room 240, 610 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to tributary to Little Valley Creek. A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is: Wyeth Ayerst Laboratories, 280 King of Prussia Road, Radnor, PA 19087. Comments received will be considered by the Department in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

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

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

#### Submission Date for Recycling Program Development and Implementation Grants Under Act 101 Section 902 The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling program grant assistance under section 902 of the act of July 28, 1988 (P. L. 556, No. 101) as amended, known as the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. 4000.101—4000.1904). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships and home rule municipalities. Authorities are not eligible to apply for the grants, but may be sponsored by a municipality.

The following categories of recycling projects will be given funding priority in the order they are listed. Intergovernmental cooperative projects within any category will receive higher priority.

1. Projects implemented by a municipality, mandated by Act 101 to have a curbside recycling program, that establish or maintain compliance with the recycling requirements of the Act including:

a) semiannual public information and education programs required under Act 101 section 1501(d) concerning recycling program features and requirements for the residential, commercial, institutional and municipal sections; and,

b) programs for the collection of recyclables and leaf or yard waste from residential, and/or commercial, institutional and municipal establishments.

2. Implementation of a curbside or drop-off recycling program.

3. Replacement equipment for the collection or processing of recyclables or leaf and yard wastes.

4. Leaf or yard waste collection and composting programs.

5. General recycling education projects.

6. Expansion of existing public sector recycling collection centers or materials processing facilities.

7. New public sector recycling collection centers or materials processing facilities.

Municipalities and counties are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Financial Distressed Communities Act, P. L. 246, No. 47 of 1987, are eligible for an additional 10% of approved costs.

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables, transport recyclables to processing facilities or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility; and the costs associated with educating the public on recycling program requirements, including the development and publication of printed and audiovisual educational materials, advertisements, the development of Internet "Recycling Home Pages," and school or special event programs.

Leaf and yard waste collection programs, and yard waste composting programs defined by the Pennsylvania Municipal Waste Management Regulations, Chapter 271, are considered to be recycling programs.

Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be prorated according to its recycling use. Funding

for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood processing equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines or in cases where the equipment is used cooperatively among two or more municipalities. A municipality must retain sole ownership of equipment or facilities funded by the grant.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. For example, before a municipality can submit an application for the funding of mechanical processing equipment, it must first publish notices in a newspaper of general circulation describing in detail the kinds of processing equipment that it proposes to purchase and the intended use of the equipment. The municipality must allow 30 days from the date of the latest notice for responses from interested individuals. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded the mechanical processing equipment is not available to the program from the private sector.

It is strongly recommended that potential applicants contact the appropriate DEP Regional Planning and Recycling Coordinator listed to schedule a preapplication conference to discuss application requirements.

Grant applications must be received or postmarked by 3 p.m. June 24, 1999. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the appropriate DEP Regional Office. All grant awards will be 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 concerning this notice should be directed to Carl Hursh, Chief, Recycling and Markets, 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.

[Pa.B. Doc. No. 99-356. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Availability Of Technical Guidance

Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 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 continue to revise its documents, as necessary, throughout 1999.

*Ordering Paper Copies Of DEP 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. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes To 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 Joe Sieber at (717) 783-8727.

*Draft Guidance*

DEP ID: 274-3100-001 Title: Policy for Stage II Vapor Recovery Testing Requirements Description: This guidance identifies testing requirements to verify that the Stage II vapor recovery system is operating properly. Anticipated Effective Date: April 6, 1999 Comment by: April 5, 1999 Contact: Jon Harwick at (717) 772-3994

DEP ID: 362-2192-002 Title: Guidance for the Storage of Biosolids Description: The purpose of this document is to establish a rational and reasonable basis for staff decisions which will promote quality, timely and consistent service to the public and the regulated community. Anticipated Effective Date: April 6, 1999 Comment by: April 5, 1999 Contact: Jay Africa at (717) 783-2941

*Final Guidance—Substantive Revision*

DEP ID: 012-0900-001 Title: Policy for Development, Approval and Distribution of Guidance Description: The purpose of this guidance is 1) To establish standards for the content of technical guidance documents and create a uniform process for developing, approving and distributing these documents, and 2) To comply with the Governor's Executive Order 1996-1 regarding Regulatory Review and Promulgation as it relates to nonregulatory documents. Effective Date: February 26, 1999 Contact: Joe Sieber at (717) 783-1497

DEP ID: 563-2112-222 Title: Coal Surface Mining—Oil and Gas Barriers Description: This guidance specifies procedures and guidelines for reviewing proposals for conducting coal surface mining within 125 feet (38.1 meters) of an oil or gas well. Effective Date: February 10, 1999 Contact: Evan Shuster at (717) 783-9888

*Final Guidance*

DEP ID: 394-0300-001 Title: Commonwealth of Pennsylvania, Coastal Zone Management Plan, Guidance Document Description: This document describes the Pennsylvania Coastal Zone Management (CZM) Program, and provides guidance to all levels of government and the public to ensure that their activities affecting Pennsylvania's coastal zones will be undertaken in a manner consistent with the policies of the CZM Program. Effective Date: March 31, 1999 Contact: Lawrence J. Toth at (717) 787- 5259

DEP ID: 563-2112-605 Title: Water Supply Replacement and Permitting Description: This guidance describes the process for, and technical factors to consider, when replacing a water supply that may be affected by surface coal

mining activities. Effective Date: December 31, 1998 Contact: Evan Shuster at (717) 783-9888

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-357. Filed for public inspection March 5, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Lehigh Valley Hospital for Exception to 28 Pa. Code § 107.62(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code and that it be permitted to allow registered dietitians to accept oral orders.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: the Division of Acute and Ambulatory Care, PA Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, fax: (717) 772-2163, e-mail Address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-358. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Application of the Medical Center, Beaver, Pennsylvania for Exception to 28 Pa. Code § 107.25(b)(8)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Medical Center, Beaver, Pennsylvania, has requested an exception to the requirements of 28 Pa. Code and that the medical staff be permitted to meet six times a year instead of at least ten times a year.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717)

783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-359. Filed for public inspection March 5, 1999, 9:00 a.m.]

#### Application of Muhlenberg Hospital Center for Exception to 28 Pa. Code § 107.62(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muhlenberg Hospital Center has requested an exception to the requirements of 28 Pa. Code and that it be permitted to allow registered dietitians to accept oral orders.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-360. Filed for public inspection March 5, 1999, 9:00 a.m.]

#### Application of Pinnacle Health Hospitals for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(b) which require compliance with the standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities 1996-97. Pinnacle specifically requests exemption from 10.15.A5 of the Guidelines, which requires that hand washing facilities shall be provided in each patient room.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-361. Filed for public inspection March 5, 1999, 9:00 a.m.]

#### Application of Titusville Area Hospital for Exception to 28 Pa. Code § 153.1(b)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Titusville Area Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(b) which require compliance with the standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. Titusville specifically requests exemption from the following standards contained in this publication:

7.8.A2.(b)18—The hospital is proposing to use all single bed rooms on the unit and is requesting permission to omit the examination/treatment room.

7.8.A2(b)(4)—The hospital is requesting permission to continue using a toilet room for the staff located in the staff changing area and a staff toilet next to the education center rather than having a staff toilet on the unit.

7.8.A2(b)9—The hospital is requesting permission to be exempt from having a clean workroom or supply room.

7.8A2(b)(10)—The hospital is requesting permission to be exempt from having a soiled workroom or soiled holding room for the exclusive use of the obstetrical suite.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-362. Filed for public inspection March 5, 1999, 9:00 a.m.]

### **Application of UPMC Lee Regional Hospital for Exception to 28 Pa. Code § 107.32**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Lee Regional Hospital has requested an exception to the requirements of 28 Pa. Code and that it be permitted to have bimonthly medical staff meetings instead of at least 10 a year at monthly intervals.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717)

783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
*Acting Secretary*

[Pa.B. Doc. No. 99-363. Filed for public inspection March 5, 1999, 9:00 a.m.]

### **Application of UPMC Lee Regional Hospital for Exception to 28 Pa. Code § 153.1(b)**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Lee Regional Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(b) which require compliance with the standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities 1996-97. UPMC Lee specifically requests exemption from the following standards contained in this publication:

7.14—The hospital is requesting permission to locate a hospital based dialysis unit in a nursing home, Laurel Crest. It is not a contiguous integral unit separate from all program functions of the nursing home.

7.14.B3—The hospital is requesting an exemption from the requirement for at least 80 square feet for each individual treatment station.

7.14.B10—The hospital is requesting an exemption from the requirement for a clean workroom. The hospital is requesting permission to use a multipurpose room as the clean workroom.

7.14.B11—The hospital is requesting an exemption from the requirement for a soiled workroom. The hospital is requesting permission to use a multipurpose room as the soiled workroom.

7.14.B14—The hospital is requesting an exemption from the requirement for an Exclusive Environmental Services closet. The hospital's request is to have the Laurel Crest Nursing Home provide for the Environmental Services of the unit.

7.14B16—The hospital is requesting an exemption from the requirement for a supply area or supply cart. The hospital is requesting permission to supply the unit on a daily basis from UPMC Lee Regional and store supplies in the clean multi-purpose room.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: the Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, telephone: (717) 783-8980, fax: (717) 772-2163, e-mail address: LVIA@HEALTH.STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

GARY L. GURIAN,  
Acting Secretary

[Pa.B. Doc. No. 99-364. Filed for public inspection March 5, 1999, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Crazy 8's Instant Lottery Game

[Correction]

An error appeared in the document, which appeared at 29 Pa.B. 875, 876 (February 13, 1999), giving notice of the rules for the new instant lottery game. There was a typographical error of a figure in section 8 (relating to number and description of prizes and approximate odds), in the "Get" column. The following represents the correct version of that figure, with ellipses referring to the existing text of the chart:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approx. No. of Winners per 8,160,000 Tickets</i>
		* * *	* * *
\$ 88	\$ 88	1: 13,333	612
\$ 188	\$ 188	1: 30,000	272
\$8,888	\$8,888	1:453,333	18
		* * *	* * *

[Pa.B. Doc. No. 99-241. Filed for public inspection February 12, 1999, 9:00 a.m.]

### Pennsylvania Lucky 7's Bingo Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky 7's Bingo.

2. *Price:* The price of a Pennsylvania Lucky 7's Bingo instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Lucky 7's Bingo instant lottery game ticket will contain four play areas designated as "Card 1," "Card 2," "Card 3" and "Card 4." The 76 play symbols and their captions located in the four play areas are: The numbers 1 through 75 and FREE. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 3 × 10 grid. The play symbols that may be located in

each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *7 Pattern:* Each "Card" will also contain a highlighted "7" pattern.

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$7, \$10, \$15, \$17, \$20, \$27, \$75, \$100, \$250, \$500, and \$25,000. The player can win up to three times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Lucky 7's Bingo instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 4," shall be entitled to a prize of \$25,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 3," shall be entitled to a prize of \$500.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 2," shall be entitled to a prize of \$250.

(d) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4," shall be entitled to a prize of \$250.

(e) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$100.

(f) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$75.

(g) Holders of tickets matching the "Caller's Card" play symbols in the highlighted "7" pattern on "Card 4," shall be entitled to a prize of \$27.

(h) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$20.

(i) Holders of tickets matching the "Caller's Card" play symbols in the highlighted "7" pattern on "Card 3," shall be entitled to a prize of \$17.

(j) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$15.

(k) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(l) Holders of tickets matching the "Caller's Card" play symbols in the highlighted "7" pattern on "Card 1" or "Card 2," shall be entitled to a prize of \$7.

(m) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 3," shall be entitled to a prize of \$5.



(n) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 4," shall be entitled to a prize of \$2.

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:

*Form a Line, An "X," A Diamond, Get 4 Corners or Match All The Numbers In Highlighted "7" Pattern With Prize(s) Of:*

	Win	Approximate Odds	Approximate No. of Winners Per 8,400,000 Tickets
LC-1	\$2	1:18.75	448,000
LC-2	\$2	1:18.75	448,000
LC-4	\$2	1:21.43	392,000
LC-1 + LC-2	\$4	1:50	168,000
LC-2 + LC-4	\$4	1:75	112,000
LC-3	\$5	1:150	56,000
LC-1 + LC-2 + LC-4	\$6	1:150	56,000
"7" C-1	\$7	1:50	168,000
"7" C-2	\$7	1:50	168,000
4 Corners C-1	\$10	1:750	11,200
4 Corners C-2	\$15	1:750	11,200
4 Corners C-3	\$15	1:750	11,200
4 Corners C-4	\$15	1:750	11,200
"7" C-3	\$17	1:150	56,000
DC-1	\$20	1:750	11,200
4 Corners CS-1 & 2	\$25	1:6,000	1,400
4 Corners CS-1 & 3	\$25	1:6,000	1,400
4 Corners CS-1 & 4	\$25	1:6,000	1,400
DC-1 + LC-3	\$25	1:6,000	1,400
"7" C-4	\$27	1:171.43	49,000
DC-2	\$75	1:60,000	140
DC-3	\$75	1:60,000	140
"X" C-1	\$100	1:60,000	140
"X" C-2	\$250	1:120,000	70
DC-4	\$250	1:120,000	70
"X" C-3	\$500	1:120,000	70
"X" C-2 + DC-4	\$500	1:120,000	70
"X" C-4	\$25,000	1:525,000	16

L = Line, C = Card and D = Diamond

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 7's Bingo 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 Lucky 7's Bingo, prize money from winning Pennsylvania Lucky 7's Bingo 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 Lucky 7's Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (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 Lucky 7's Bingo or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-365. Filed for public inspection March 5, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right of Way

Notice is hereby given that pursuant to Volume 67 PA Code Chapter 495, Section 495.4, Par. D; Rules and Regulations covering the Administration of the Provisions of Act No. 37, approved March 13, 1974, and Act 251, as amended November 17, 1982, amending Section 2002, Act of April 9, 1929, P. L. 177, (No. 175) known as the Administrative Code of 1929, an application has been made to the Pennsylvania Department of Transportation by Horizon House, Inc. (a non-profit agency serving the disabled), 120 South 30th Street, Philadelphia, PA 19104-3403.

To lease a portion of right-of-way on S. R. 3006-03B designated as the lower level of the Walnut Street Bridge formerly L. R. 67319 & 67352, Section 03B.

This portion will be improved for parking spaces.

Interested persons are invited to submit written comments, suggestions and/or objections to the approval of the application, within thirty (30) calendar days from the date of publication of this notice to: Andrew Warren, District Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087-5178, c/o Ray DeMasi, Real Estate Specialist, KOP Annex.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-366. Filed for public inspection March 5, 1999, 9:00 a.m.]

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

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The parcel available consists of 6,293.31 square feet of land improved with a 22' x 32' Garage, and is located in Springettsbury Township, at former address of 3797 Stonybrook Road, York, Pennsylvania. Minimum Price \$6,300.00.

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

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Barry Hoffman, P.E., District Engineer, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103.

BRADLEY E. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-367. Filed for public inspection March 5, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, February 18, 1999, and took the following actions:

#### *Regulations Approved:*

State Board of Certified Real Estate Appraisers # 16A-707: Broker/Appraiser Fees (amends 49 Pa. Code § 36.6)

State Board of Certified Real Estate Appraisers # 16A-708: Continuing Education (amends 49 Pa. Code §§ 36.41, 36.42, 36.261 and 36.262)

Pennsylvania Emergency Management Agency # 30-49: Radiation Emergency Response Fund (amends 4 Pa. Code Chapter 116)

Pennsylvania Emergency Management Agency # 30-50: Radiation Transportation Emergency Response Fund (amends 4 Pa. Code Chapter 117)

*Regulations deemed approved under Section 5(g) of the Regulatory Review Act—Effective February 18, 1999*

State Board of Veterinary Medicine # 16A-577: Fees (amends 49 Pa. Code § 31.41)

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

Public Meeting held  
February 18, 1999

*State Board of Certified Real Estate Appraisers—Broker/Appraiser Fees; Regulation No. 16A-707*

### Order

On April 17, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking amends 49 Pa. Code § 36.6. The authority for this regulation is section 457.6(a)(3) of Act 71 of 1996, which amended the Real Estate Appraisers Certification Act (63 P. S. § 457.6(a)(3)). The proposed regulation was published in the *Pennsylvania Bulletin* May 2, 1998, with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 25, 1999.

This rulemaking establishes new fees for the recently created new classification of real estate brokers/appraisers. The new certification fees will impact about 3,500 brokers. On February 9, 1999, the House Professional Licensure Committee approved the regulation.

We have reviewed this regulation and find it to be in the public interest. This rulemaking will update the Board's regulations and authorize it to collect the administrative fees applicable to the certifications of real estate brokers/appraisers.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-707 from the State Board of Certified Real Estate Appraisers, as submitted to the Commission on January 25, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

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

Public Meeting held  
February 18, 1999

*State Board of Real Estate Appraisers—Continuing Education; Regulation No. 16A-708*

### Order

On January 25, 1999, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Real Estate Appraisers (Board). This rulemaking amends 49 Pa. Code §§ 36.41, 36.42, 36.261 and 36.262. The authority for this regulation is found in section 10(b) of the Real Estate Appraisers Certification Act (REACA) (63 P. S. § 457.10(b)) and section 4(d) of the Assessors Certification Act (63 P. S. § 458.4(d)). Notice of proposed rulemaking was omitted

for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

The regulation increases the continuing education requirements for certified general and residential appraisers and certified Pennsylvania evaluators from 20 hours to 28 hours biennially. The regulation also mandates that 6 of the required hours cover the Uniform Standards of Professional Appraisal Practice and the Board's certification statutes and regulations. On February 9, 1999, the House Professional Licensure Committee approved the regulation.

We have reviewed this regulation and find it to be in the public interest. The new continuing education requirements for appraisers are consistent with the corresponding Federal requirements as required by REACA. Imposing the same requirements on certified Pennsylvania evaluators will ensure that evaluators maintain the same level of competency as appraisers.

*Therefore, It Is Ordered That:*

1. Regulation No. 16A-708 from the State Board of Certified Real Estate Appraisers, as submitted to the Commission on January 25, 1999, 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; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 18, 1999

*Pennsylvania Emergency Management Agency—Radiation Emergency Response Fund; Regulation No. 30-49*

#### **Order**

On June 9, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Emergency Management Agency (PEMA). This rulemaking amends 4 Pa. Code Chapter 116. The authority for this regulation is section 7313 of the Emergency Management Services Code (35 Pa.C.S. § 7313). The proposed regulation was published in the June 20, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was initially submitted to the Commission on November 16, 1998. The 20-day Committee review period was suspended by final adjournment of the General Assembly on November 30, 1998. Under section 5.1(f) of the Regulatory Review Act (71 P. S. § 745.5a(f)), PEMA resubmitted this regulation on February 2, 1999.

This regulation streamlines the administration of the Radiation Emergency Response Fund (RERF). Counties and local governments with nuclear reactors or related facilities within or near their borders and certain State agencies may apply to PEMA for RERF grants for radiation emergency response programs. The revenue sources for the RERF are set forth in section 402(c) of the Radiation Protection Act (35 P. S. § 402(c)).

We have reviewed this regulation and find it to be in the public interest. This regulation will streamline the processing and approval of grant payments to emergency

response programs. It will reduce the time that recipients currently must wait for payments by several months.

*Therefore, It Is Ordered That:*

1. Regulation No. 30-49 from the Pennsylvania Emergency Management Agency, as submitted to the Commission on February 2, 1999, 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; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held  
February 18, 1999

*Pennsylvania Emergency Management Agency—Radiation Transportation Emergency Response Fund; Regulation No. 30-50*

#### **Order**

On June 9, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Emergency Management Agency (PEMA). This rulemaking amends 4 Pa. Code Chapter 117. The authority for this regulation is section 7313 of the Emergency Management Services Code (35 Pa.C.S. § 7313). The proposed regulation was published in the June 20, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was initially submitted to the Commission on November 16, 1998. The 20-day Committee review period was suspended by final adjournment of the General Assembly on November 30, 1998. Under section 5.1(f) of the Regulatory Review Act (71 P. S. § 745.5a(f)), PEMA resubmitted this regulation on February 2, 1999.

This regulation streamlines the administration of the Radiation Transportation Emergency Response Fund (RTERF). Counties and local governments with an approved shipment route for spent nuclear fuel within 5 miles of their borders and certain State agencies may apply to PEMA for RTERF grants. These grants support emergency response programs for accidents involving the shipment of spent nuclear fuel. The revenue source for the RTERF is set forth in section 402(c)(4) of the Radiation Protection Act (35 P. S. § 402(c)(4)).

We have reviewed this regulation and find it to be in the public interest. This regulation will streamline the processing and approval of grant payments to emergency response programs. It will reduce the time that recipients currently must wait for payments by several months.

*Therefore, It Is Ordered That:*

1. Regulation No. 30-50 from the Pennsylvania Emergency Management Agency, as submitted to the Commission on February 2, 1999, is approved; and

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

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 99-368. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received, on the dates indicated, the following 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.

#### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-441	Department of Public Welfare Protective Services	2/18/99
2-111	Department of Agriculture Weights, Measures and Standards	2/22/99
7-337	Environmental Quality Board Bottled Water Systems; Permit by Rule	2/23/99
7-328	Environmental Quality Board Hazardous Waste Management	2/23/99

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-369. Filed for public inspection March 5, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by CIGNA Property and Casualty Insurance Company

CIGNA Property and Casualty Insurance Company, a Connecticut stock life insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of Connecticut to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under section 357 of the Insurance Company Law of 1921 (40 P. S. § 477e). Persons wishing to comment on the redomestication are invited to submit a written statement 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 interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-370. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority

Key Trust Company, a domestic title insurance company, has submitted an application for approval to sur-

render its Pennsylvania Insurance Department Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Pennsylvania 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 writer, identification of the application to which the comment is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Room 1311 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-371. Filed for public inspection March 5, 1999, 9:00 a.m.]

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

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Neil W. Umstead; file no. 99-181-00225; Erie Insurance Exchange; doc. no. P99-02-016; March 23, 1999, at 1 p.m.;

Appeal of Richard Dawson; file no. 99-121-00286; Keystone Insurance Company; doc. no. P99-02-018; March 24, 1999, at 9 a.m.;

Appeal of Hilary L. Chester; file no. 98-265-35549; GEICO Indemnity Company; doc. no. P99-02-020; March 24, 1999, at 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the

hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, 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 hearings, 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. 99-372. Filed for public inspection March 5, 1999, 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. All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Rose Hall; file no. 99-267-30192; Fair Plan of Pennsylvania; doc. no. PH99-02-015; March 23, 1999, at 10 a.m.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-373. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Travelers Indemnity Company; The Standard Fire Insurance Company; Private Passenger Automobile Rate Filing

On February 19, 1999, the Insurance Department received a private passenger automobile rate filing from the Travelers Indemnity Company and The Standard Fire Insurance Company.

Travelers Indemnity requests an overall 3.9% decrease effective April 1, 1999. The Standard Fire Insurance Company requests an overall 2.3% increase effective April 1, 1999.

Unless formal administrative action is taken prior to April 20, 1999, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at [mikeb@ins.state.pa.us](mailto:mikeb@ins.state.pa.us)).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-374. Filed for public inspection March 5, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Railroad With Hearing

**A-00111562. County of Allegheny.** Application of the County of Allegheny, for approval of the alteration of the crossing by the construction of a new ramp on the Homestead Hi-Level bridge which carries Browns Hill Road over CSX Transportation, Inc. the Monongahela River, Consolidated Rail Corporation, Sixth Avenue and Seventh Avenue with the Borough of Homestead, Allegheny County.

An initial hearing on this matter will be held Friday, March 26, 1999, at 10 a.m. in an available hearing room, Pittsburgh State Office Building, 11th floor hearing room,

300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-375. Filed for public inspection March 5, 1999, 9:00 a.m.]

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**Railroad  
With Hearing**

**A-00115360. Department of Transportation.** Application of Commonwealth of Pennsylvania, Department of Transportation for approval of the installation of a pedestrian at-grade crossing where the right-of-way of Tunkhannock Borough Street called West Street crosses at-grade the tracks of Reading, Blue Mountain, and Northern Railroad located in Tunkhannock Borough, Wyoming County, all in accordance with the Federal Grade Crossing Program and the allocation of costs incident thereto.

An initial hearing on this matter will be held Tuesday, April 6, 1999, at 10 a.m. in Room 318, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-376. Filed for public inspection March 5, 1999, 9:00 a.m.]

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**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 29, 1999, 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 amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00114310, F. 1, Am-A. Beninati Transport Corporation** (220 Hemlock Road, Trafford, Westmoreland County, PA 15085), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Armstrong, Washington and Fayette, and from points in said counties, to points in the counties of Allegheny and Somerset, and the borough of Murrysville, Westmoreland County, and return: *So as to*

*permit* the transportation of persons in limousine service, between points in the counties of Westmoreland, Butler, Armstrong and Indiana, and from points in the said counties and the county of Allegheny, to points in Pennsylvania, and return.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-377. Filed for public inspection March 5, 1999, 9:00 a.m.]

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**Sewage Service  
Without Hearing**

**A-230242F0003. LP Water and Sewer Company.** Application of LP Water and Sewer Company for approval of the right to offer, render, furnish or supply sewage service to the public in additional portions of Lehman Township, Pike County, and Middle Smithfield Township, Monroe County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 22, 1999, under 52 Pa. Code (relating to public utilities).

*Applicant:* LP Water and Sewer Company

*Through and By Counsel:* Charles B. Zwally, Esquire, Guy P. Beneventano, Esquire, Mette, Evans and Woodside, 3401 North Front Street, P. O. Box 5950, Harrisburg, PA 17110-0950.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-378. Filed for public inspection March 5, 1999, 9:00 a.m.]

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**Telecommunications**

**A-310295F0002. Bell Atlantic-Pennsylvania, Inc. and CTC Communications, Corp.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and CTC Communications, Corp. for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and CTC Communications, Corp., by its counsel, filed on December 18, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and CTC Communications, Corp. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-379. Filed for public inspection March 5, 1999, 9:00 a.m.]

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### Telecommunications

**A-310403F0002. Bell Atlantic-Pennsylvania, Inc. and Preferred Carrier Services, Inc. d/b/a Phones for All.** Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Preferred Carrier Services, Inc. d/b/a Phones for All (Spanish) Telefonos Para Todos for approval of a Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Preferred Carrier Services, Inc. d/b/a Phones for All (Spanish) Telefonos Para Todos, by its counsel, filed on December 18, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Resale Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Preferred Carrier Services, Inc. d/b/a Phones for All (Spanish) Telefonos Para Todos Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-380. Filed for public inspection March 5, 1999, 9:00 a.m.]

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### Telecommunications

**A-310424F0002. Commonwealth Telephone Company and 360 Communications d/b/a Alltel.** Joint Petition of Commonwealth Telephone Company and 360 Communications d/b/a Alltel for approval of an Interconnection Agreement.

Commonwealth Telephone Company and 360 Communications d/b/a Alltel, by its counsel, filed on December 18, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Commonwealth Telephone Company and 360 Communications d/b/a Alltel Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-381. Filed for public inspection March 5, 1999, 9:00 a.m.]

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### Telecommunications

**A-310545. North Pittsburgh Telephone Company and NEXTEL.** Joint Petition of North Pittsburgh Telephone Company and NEXTEL for approval of a Landline/CMRS Transport and Termination Agreement under section 252(e) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and NEXTEL, by its counsel, filed on December 23, 1998, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and NEXTEL Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-382. Filed for public inspection March 5, 1999, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9828.1, Repairs to Down River Outshore Corner at Pier 82 South until 2 p.m. on Thursday, March 25, 1999. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available March 9, 1999. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held March 18, 1999, 11 a.m. at Jackson St. and Columbus Blvd, Philadelphia, PA 19148.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 99-383. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #9901.4, Revisions to Interior Lighting, Building #7, Packer Avenue Marine Terminal, until 2 p.m. on Thursday, March 25, 1999. The bid documents can be obtained from the Procurement Administrator, PRPA, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available March 9, 1999. The cost of the bid document is \$35.00 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

Mandatory prebid job site meeting will be held Thursday, March 18, 1999, 10 a.m. at the job site, Delaware Ave. and South Gate at Pumphouse #1, Philadelphia, PA 19148.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 99-384. Filed for public inspection March 5, 1999, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Bids

The Turnpike Commission is currently soliciting competitive bids for Facilities Capital Replacement Upgrades and Repair Services in District 1 of the Turnpike. District 1 extends from Milepost 1.00 to 100.00, Milepost B27 to B45.00 and Milepost G0.00 to G13.00 in Lawrence, Beaver, Butler, Allegheny and Westmoreland Counties in Pennsylvania.

Services under consideration are:

- Electrical—Bid Opening March 25, 1999, at 11 a.m.
- General—Bid Opening March 25, 1999, at 11:30 a.m.
- Mechanical—Bid Opening March 25, 1999, at 1 p.m.
- Plumbing—Bid Opening March 25, 1999, at 1:30 p.m.
- Roofing—Bid Opening March 25, 1999, at 2 p.m.

Sealed proposals will be received by the Purchasing Manager not later than the times indicated above. Bid proposal Forms and Conditions may be obtained, free of

charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-385. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Request for Bids

The Turnpike Commission is currently soliciting competitive bids for Facilities Capital Replacement Upgrades and Repair Services in District 2 of the Turnpike. District 2 extends from Milepost 100.00 to 202.00 in Somerset, Bedford, Fulton, Huntingdon and Franklin Counties in Pennsylvania.

Services under consideration are:

- Electrical—Bid Opening March 30, 1999, at 11 a.m.
- General—Bid Opening March 30, 1999, at 11:30 a.m.
- Mechanical—Bid Opening March 30, 1999, at 1 p.m.
- Plumbing—Bid Opening March 30, 1999, at 1:30 p.m.
- Roofing—Bid Opening March 30, 1999, at 2 p.m.

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

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-386. Filed for public inspection March 5, 1999, 9:00 a.m.]

### Request for Bids

The Turnpike Commission is currently soliciting competitive bids for Facilities Capital Replacement Upgrades and Repair Services in District 3 of the Turnpike. District 3 extends from Milepost 202.00 to 300.00 in Cumberland, York, Dauphin, Lancaster and Berks Counties in Pennsylvania.

Services under consideration are:

- Electrical—Bid Opening March 31, 1999, at 11 a.m.
- General—Bid Opening March 31, 1999, at 11:30 a.m.
- Mechanical—Bid Opening March 31, 1999, at 1 p.m.
- Plumbing—Bid Opening March 31, 1999, at 1:30 p.m.
- Roofing—Bid Opening March 31, 1999, at 2 p.m.

Sealed proposals will be received by the Purchasing Manager not later than the times indicated above. Bid



proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Department, (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-387. Filed for public inspection March 5, 1999, 9:00 a.m.]

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### Request for Bids

The Turnpike Commission is currently soliciting competitive bids for Facilities Capital Replacement Upgrades and Repair Services in District 5 of the Turnpike. District 5 extends from Milepost A15.00 to A111.00 on Turnpike Northeast Extension, Interstate 476 in Bucks, Lehigh, Carbon, Luzerne and Lackawanna Counties in Pennsylvania.

Services under consideration are:

- Electrical—Bid Opening April 1, 1999, at 11 a.m.
- General—Bid Opening April 1, 1999, at 11:30 a.m.
- Mechanical—Bid Opening April 1, 1999, at 1 p.m.
- Plumbing—Bid Opening April 1, 1999, at 1:30 p.m.
- Roofing—Bid Opening April 1, 1999, at 2 p.m.

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

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-388. Filed for public inspection March 5, 1999, 9:00 a.m.]

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### Request for Bids

The Turnpike Commission is requesting sealed bids for:

1) **Luminaires, Holophane, Module 600.**

*Bid Opening:* March 22, 1999, at 11 a.m.

2) **One Aerial Lift Truck**

*Bid Opening:* March 23, 1999, at 11 a.m.

3) **Three Dual Rear Wheel Utility Body Trucks, One-Ton**

*Bid Opening:* March 23, 1999, at 11:30 a.m.

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

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-389. Filed for public inspection March 5, 1999, 9:00 a.m.]

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### 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 for the following contract:

**Contract No. 99-004-RU64**—Bituminous overlay of Donegal Interchange Ramps at M. P. 90.69 on the PA Turnpike System in Westmoreland County, PA

*Bid Opening Date*—April 7, 1999, 11 a.m.

*Bid Surety*—5%

Plans, specifications and contract documents will be available and open to public inspection on February 25, 1999, at the Administration Building. Copies may be purchased upon payment of \$25 per set by check or P. O. Money Order (No Cash) to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurers 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.

Direct any questions for this project to James R. Feguer, at (717) 939-9551, Ext. 5772.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 99-390. Filed for public inspection March 5, 1999, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact: Vendor Services Section 717-787-2199 or 717-787-4705)

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.  
 Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division 787-0000

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!**

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

**Commodities**

**1549128** Communication equipment—3,000 Node Quadritek QIP 5.0 or latest version (must be compatible with AIX 4.3.X); 1 year annual maintenance fee of license at enterprise pricing (18% of enterprise pricing); 2-day installation including travel expenses incurred by vendor; 1-day training including travel expenses incurred by vendor.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**8249760** Construction, mining, excavating and highway maintenance equipment—11 each latest model patching machine, railor mounted, fieldmix.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1445228** Materials handling equipment—1 each electric articulating boom manlift Reference Genie Model Z30/20, Skyjack Model SKJB33m JLG 35E or approved equal.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**7297200** Motor vehicles, trailers and cycles—1 each 1999 model executive extended minivan, passenger type.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1501218** Plumbing, heating and sanitation equipment—1 project base bid one. Provide all equipment and materials for completion of work on boilers 1, 2, 3 and 4; 1 project base bid two. Provide all equipment and materials except delete boiler 1; 1 project base bid 3. Provide all equipment and materials except delete boiler 1 and 2; 1 project base bid 4. Provide all equipment and materials except delete boiler 1, 2 and 3; 1 square yard add on for the replacement of high density mineral wool insulation directly beneath the existing boiler casing.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, Allentown, Lehigh County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**1492118** Textiles—100,000 yards broadcloth, poly/cotton blend, color snow white, Pantone Color No. 11-0602PT.

**Department:** Correctional Industries  
**Location:** Huntingdon, Huntingdon County, PA  
**Duration:** FY 98—99  
**Contact:** Vendor Services, fax request to (717) 787-0725 or call (717) 787-2199

**22299** Plumbing, heating and sanitation equipment—7 stainless steel 30" x 30" x 82" cabinets configured for existing shower stalls.

**Department:** Corrections  
**Location:** Greensburg, Westmoreland County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Greensburg, Jack Loughry, (724) 853-3502

**98-CI012** Office supplies, machines and equipment—Sunraise Floor Model HP/12 thermography system.

**Department:** Corrections  
**Location:** Frackville, Schuylkill County, PA  
**Duration:** FY 98—99  
**Contact:** State Correctional Institution Frackville, MaryAnn Ulrich, (717) 731-7134

**6230** Nonmetallic fabricated materials—PVC seamless ribbed pipe and fittings.

**Department:** Fish and Boat Commission  
**Location:** Loganton, Clinton County, PA  
**Duration:** FY 98—99  
**Contact:** Fish and Boat Commission, Kathi Tibbott, (814) 359-5130

**23-2172299** Furniture—Indiana University of PA will be releasing bids in March 1999 for 57 demountable bunk beds sets for McCarthy Hall, main campus, Indiana, PA 15705. Requests for a bid package should be made in writing, referencing No. ADV3 and directed to Patty Bash, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705; The University encourages responses from small, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University, Indiana, Indiana County, PA  
**Duration:** FY 98—99  
**Contact:** Indiana University, Patty Bash, (724) 357-3077; fax (724) 357-2670

# SERVICES

## Audio/Video—04

**2742** Radio maintenance and transfer of radio equipment in compliance with the latest FCC regulations. Bid specifications available from agency purchasing office.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2002  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**98-551** The contractor shall provide service to maintain the radio system at the State Correctional Institution at Camp Hill. Service to include repairs to all Motorola radio equipment and to do preventative service to the system.

**Department:** Corrections  
**Location:** State Correctional Institution at Camp Hill, P. O. Box 8837, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Delores Stephens, (717) 975-5200

**CRE-0252** The contractor shall provide repair services to NEC NEAX 2400 telephone system, to include all moves, changes, adds and deletes to existing system, providing all parts, supplies, labor for repairs to system. Contractor must be a certified NEC service center and provide proof at institution's request. Bid on file in agency's purchasing department.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001  
**Duration:** July 1, 1999—June 30, 2002 (3 years)  
**Contact:** Barbara A. Lloyd, Purchasing Agent, (814) 886-8181

**SP 2598004** The PA Board of Probation and Parole is soliciting bids for cellular telephone equipment and service for the Philadelphia area. These bids will be requesting lease of digital cellular telephones which also have a direct connect/two-way radio function, and service for the period of May 1, 1999 through June 30, 2000.

**Department:** Board of Probation and Parole  
**Location:** Philadelphia Area, PA  
**Duration:** May 1, 1999 to June 30, 1999  
**Contact:** Michelle Carl, (717) 787-8879

**SP 2598005** The PA Board of Probation and Parole is soliciting bids for cellular telephone equipment and service for the Allentown, Altoona, Butler, Erie, Harrisburg, Pittsburgh, Scranton, Williamsport areas and surrounding counties. These bids will be requesting lease of digital cellular telephones which will function in analog areas and service for the period of May 5, 1999 through June 30, 2000.

**Department:** Board of Probation and Parole  
**Location:** Allentown, Altoona, Butler, Erie, Harrisburg, Pittsburgh, Scranton, Williamsport areas and surrounding counties  
**Duration:** May 1, 1999 to June 30, 2000  
**Contact:** Michelle Carl, (717) 787-8879

## Construction—09

**80872004** Road widening and paving. Site visit required.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin June 1, 1999—June 30, 1999  
**Contact:** Pamela Bauman, (570) 271-4578

**CL-505** Asphalt repair. Clarion University is soliciting bids for an open-ended asphalt repair contract. Work will include the removal and replacement of existing and installation of new asphalt paving and curbs at various areas on the Clarion and Venango campuses as designated by the university. The contract will be issued for a 1 year period with the option to renew each year for up to four renewals (5 years total). Work will be scheduled by individual work order with no guaranteed dollar amounts per year. A prebid conference will be held on March 18, 1999 at 10 a.m. in McEntire Maintenance Building. Bids are due: 1:30 p.m., March 30, 1999. Prevailing wage rates apply to this work. \$15 nonrefundable deposit required for package by check to Clarion University.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion and Venango Counties, PA  
**Duration:** As above  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**DGS 163-25** Project title: Renovation of Marina. Brief description: Renovation of four piers, water line and electric service, two comfort facility buildings plus incidental construction. Install new deck boards on two piers and new water line and electric service on one pier. Estimated range: Over \$500,000. General, plumbing and electrical construction. Plans deposit: \$80 per set. Payable to: Urban Engineers of Erie, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Urban Engineers of Erie, Inc., 502 West 7th Street, Erie, PA 16502, (814) 453-5702. Bid date: Wednesday, March 31, 1999 at 11 a.m. A prebid conference has been scheduled for Monday, March 15, 1999, at 10 a.m. at Presque Isle State Park in the Administration Building, Erie, PA. Contact: Tim Polaski, (814) 453-5702. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** Presque Isle State Park, Erie, Erie County, PA  
**Duration:** 140 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-436** Project title: Upgrade HVAC System. Brief description: Upgrade the office HVAC system, office ceiling, lighting and electrical panels to handle HVAC changes and remove asbestos. Estimated range: \$100,000 to \$500,000. Mechanical, electrical and asbestos abatement construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 24, 1999, at 2 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, McConnellsburg, Fulton County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-471** Project title: New Fuel Facility. Brief description: Removal of existing fuel and heating oil underground storage tanks. Install new underground storage tanks, fuel facility island and canopy and domestic water supply line. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 31, 1999 at 2 p.m. A prebid conference has been scheduled for Thursday, March 18, 1999 at 10 a.m. at PennDOT Maintenance Building, County Office, Harrisburg, PA. Contact: Larry Woods, (717) 787-0466. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Harrisburg, Dauphin County, PA  
**Duration:** 115 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 251-538** Project title: New Fuel Facility. Brief description: Removal of fuel, waste oil, heating oil, underground storage tanks and fuel facility. Install new underground storage tanks and aboveground storage tanks. Construct new fuel facility island and canopy. Estimated range: \$100,000 to \$500,000. Electrical and UST/AST construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 31, 1999 at 1 p.m. A prebid conference has been scheduled for Tuesday, March 16, 1999 at 10 a.m., at PennDOT Maintenance Building, Laporte, Sullivan County, PA. Contact: Larry Woods, (717) 787-0466. Contractors who have secured contract documents are invited and urged to attend this prebid conference.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Laporte, Sullivan County, PA  
**Duration:** 115 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 502-74** Project title: Renovate Shower and Toilet Areas—Gateway Building. Brief description: Renovations to shower and toilet areas. Estimated range: Under \$100,000. General and plumbing construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 17, 1999 at 1 p.m.

**Department:** General Services  
**Location:** Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 502-75** Project title: Install New Roof—Gateway Building. Brief description: Remove existing built up roofing system and install new foam stone roof system. Rake and recaulk coping stone joint. Estimated range: Under \$100,000. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 17, 1999 at 1 p.m.

**Department:** General Services  
**Location:** Clarks Summit State Hospital, Clarks Summit, Lackawanna County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 509-103** Project title: Replace Underground Feeders No. 1 and No. 4. Brief description: Remove 15 KV lead covered cables and install new 5 KV EPR 2/0 cables in existing underground duct bank including splices and terminations. Estimated range: \$100,000 to \$500,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 24, 1999, at 1 p.m.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 220 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 948-330** Project title: Security System Renovations. Brief description: Work consists of new gates, CCTV and security booth intrusion detection. Estimated range: \$100,000 to \$500,000. Electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5 per set or provide your express mail account number to the office listed. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, March 24, 1999, at 2 p.m.

**Department:** General Services  
**Location:** Governor's Residence, Harrisburg, Dauphin County, PA  
**Duration:** Proposed date of completion, August 26, 1999  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-112-539** Demolition of existing selected items and renovating the existing comfort station to meet ADA Accessibility Requirements (concrete, electrical, plumbing, carpentry, masonry, painting and installing toilet/bath accessories). Project is at Kettle Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Leidy Township, Clinton County, PA  
**Duration:** 60 days  
**Contact:** Construction Management Section, (717) 787-5055

**Contract No. FDC-305-394** Erosion and sedimentation control, maintenance and protection of traffic, trenchless pipe replacement (5,500 l. f.); open trench pipe replacement (32 l. f.); manhole replacement (146 v. f.); resetting frames and covers (22 each); seeding and mulching; repave roads and parking lots (45 s. y.). Project is to rehabilitate sewage collection system at Cowans Gap State Park.

**Department:** Conservation and Natural Resources  
**Location:** Todd Township, Fulton County, PA  
**Duration:** 120 days  
**Contact:** Construction Management Section, (717) 787-5055

**IN-775** Installation of campus entrance signs. Installation of campus entrance signs consisting of removing existing ground, and the like, to furnish and install new concrete, brick, stone, concrete masonry units, shrubs, trees, light fixtures, conduit, wiring, panelboards, meters, and the like. Notice to contractors may be requested from IUP. Phone: (724) 357-2289. Fax: (724) 357-6480. Internet: <http://www.iup.edu/engcons>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**C 62:1-103.1** Glade Run slope stabilization involves approximately 100 c. y. common excavation, 630 s. y. erosion control mattress, 135 c. y. unclassified fill, 30 c. y. compacted backfill and 1 acre seeding.

**Department:** Environmental Protection  
**Location:** City of Warren, Glade Township, Warren County, PA  
**Duration:** 60 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**S 65:49-102.1** Fourmile Run bank stabilization involves work consisting of installation of 265 s. y. riprap, 250 c. y. of excavation, 200 c. y. unclassified fill and seeding.

**Department:** Environmental Protection  
**Location:** Ligonier Township, Westmoreland County, PA  
**Duration:** 90 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**SP-38-6300-8-009** Construct a foundation for a comfort station at the Burnt House picnic area.

**Department:** Conservation and Natural Resources  
**Location:** State Parks Region No. 3, Blue Knob State Park, 124 Park Road, Imbler, PA 16655-9207  
**Duration:** Completion time—45 days after Notice to Proceed  
**Contact:** James L. Ross, (814) 733-9123

**SP 80781006** Contractor to provide the service of asphalt sealing. Sealing work to be done with BCR-2000. Detailed specifications may be obtained by calling the Purchasing Department at Wernersville State Hospital.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565  
**Duration:** Anticipated start date: May 1, 1999  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4129

**SP 80781007** Asphalt paving—contractor to provide all labor, materials and equipment necessary to reconstruct and overlay three areas on the hospital grounds. Complete details and specifications available upon request.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565-0300  
**Duration:** Anticipated start date: May 1, 1999  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4129

## Court Reporting—10

**9999 3000 000** Court Reporting Services, one court stenographer to take minutes of meetings or testimony, and provide verbatim transcriptions of the same within 2 weeks of meetings or hearings. Approximately 4,000 pages, 25 appearances.

**Department:** Corrections  
**Location:** Camp Hill, PA Area  
**Duration:** 12 months  
**Contact:** Beth Procopio, (717) 975-4960

**SP3590004758** Provide stenographic and transcription services for Statewide hearings and depositions on an as-needed basis.

**Department:** Environmental Protection  
**Location:** Statewide  
**Duration:** July 1, 1999 to June 30, 2000 with options to renew  
**Contact:** Ally Hubler, (717) 787-2471

## Engineering Services—14

**08430AG2302** To provide final design services on S.R. 0322-C08, Center Street Extension, S.R. 0322-A03, Phillipsburg Bridge over Meshannon Creek and S.R. 0322-C09, 15th Street Connector in Centre County.

**Department:** Transportation  
**Location:** Engineering District 2-0  
**Duration:** Fifteen (15) calendar months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**08430AG2303** To provide preliminary engineering, environmental studies, final design, shop drawing review and construction consultation services on S. R. 0083, Section 025, I-83 from exit 4 to exit 6 and on Business Route 83 (S. R. 3026) from exit 5 to York City Line, in York County.

**Department:** Transportation  
**Location:** Engineering District 8-0  
**Duration:** Forty-eight (48) calendar months  
**Contact:** Consultant Agreement Division, (717) 783-9309

### Environmental Maintenance Services—15

**OSM 19,54(4037)101.1** Backfilling strip pits, Ashland West, involves clearing and grubbing, backfilling, grading an estimated 2,305,000 c. y., 65.6 acres of seeding, 8,985 c. y. of drainage excavation and 7,150 s. y. rock lining. One hundred percent (100%) of this project is financed by the Federal government. Federal funds available for this program total \$11.5 million for Pennsylvania's 1999 AML Grant.

**Department:** Environmental Protection  
**Location:** Conyngham Township and Ashland Borough, Columbia and Schuylkill Counties, PA  
**Duration:** 690 days after Notice to Proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

### Financial and Insurance Consulting—17

**RFP 01-99** Consultants to provide technical and financial assistance to the Commonwealth for grant and loan assisted projects throughout Pennsylvania in the Redevelopment Assistance Capital Program and the PENNVEST Program. For RACP, includes approval assistance for grant applications by review of financial, design and construction plans; and monitoring during construction to ensure program and financial compliance. For PENNVEST, includes one-time review of construction project controls in the early stages of construction to monitor cost, schedule, quality and compliance. Services predominantly to be assigned on RACP projects. May include other unforeseen work related to the other programs or projects administered by the Office of the Budget.

**Department:** Office of the Budget  
**Location:** PP&R Comptroller, Statewide—Specific sites chosen by agency  
**Duration:** June 1, 1999 to May 30, 2002  
**Contact:** James E. Barbush, (717) 787-8865

### Firefighting Services—18

**34000** The contractor shall furnish all labor, equipment, materials, supplies, repair parts and replacement components necessary to maintain fire extinguishers, equipment and related apparatus as needed and requested by the State Correctional Institution at Greensburg.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Wendy Maceyko, (724) 837-4397, Ext. 254

### Food—19

**FS-0001** Dairy products—Oleo margarine, cottage cheese, American cheese, Swiss cheese, ice cream sandwiches, ice cream bars, ice cream party slices, popsicles, yogurt, 2% milk, skim milk and like items. Quarterly bids and orders. Monthly and/or weekly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**FS-0002** Eggs, shell—Grade A, medium, Class 1, fresh. Quarterly bids and orders. Weekly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**FS-0003** Fresh fruits and vegetables—bananas, oranges, grapefruit, cantaloupes, watermelon, apples, pears, strawberries, lettuce, celery, cabbage, onions, carrots, potatoes, peppers, cucumbers, tomatoes, tangerines, tofu and like items. Monthly bids and orders. Weekly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**FS-0004** Miscellaneous frozen foods—pizza, veal patties, chicken patties, French fries, broccoli cuts, brussel sprouts, cauliflower, frozen eggs, waffles and like items. Quarterly bids and orders. Monthly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**FS-0005** Poultry, meat and meat products—chicken fryers, fresh turkey, turkey roast, large bologna, Lebanon bologna, salami, Pullman canned ham, beef franks, turkey franks, beef liver, turkey ham, Polish sausage, fresh pork sausage, pork chops, beef sandwich steaks, Rib-B-Q beef, diced chicken, diced turkey and like items. Quarterly bids and orders. Monthly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

**FS-0006** Seafood—clams, breaded and unbreaded haddock and crab cakes or like items. Quarterly bids and orders. Monthly deliveries.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Route 26, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, Ext. 206

### Hazardous Material Services—21

**81489** Hazardous waste removal and disposal. Contractor to provide testing, proper packaging and/or over packing as necessary, pickup, transportation and disposal of hazardous waste at Warren State Hospital as set forth in complete specifications that can be obtained by contacting the hospital. Award to be made on a 3-year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** Anticipated July 01, 1999—June 30, 2002  
**Contact:** JD Sample, (814) 726-4448

## HVAC—22

**74000** The contractor shall provide all labor, equipment, materials, repair parts and replacement components necessary to maintain, adjust, calibrate, repair and/or replace components of refrigeration and room air conditioning units as needed and requested by the State Correctional Institution at Greensburg.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Wendy Maceyko, (724) 837-4397, Ext. 254

**08809901** To provide maintenance and repair of components of plumbing, water, sewage and heating systems at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657.

**Department:** Public Welfare  
**Location:** Loysville Complex for YFC No. 3, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** Anticipated start date of July 1, 1999 to June 30, 2000  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**11099010** Maintenance of the heating systems at the following sites in Engineering District 11-0: Allegheny County—Aspinwall, Christy Park, Lovedale and Oakdale; The Fort Pitt Garage and office; Beaver County—Rochester; Lawrence County—New Castle. Specifications will be provided with bid package. Contractors should visit sites to determine type and equipment and hours required for maintenance. Contracts will be awarded by Maintenance District; it is not necessary to bid each District.

**Department:** Transportation  
**Location:** Engineering District 11-0, Maintenance District 11-1 and Maintenance District 11-2/11-4  
**Duration:** July 01, 1999 through June 30, 2002—3 years  
**Contact:** Tony Golembiewski, (412) 429-4955

**11099011** Journeyman electrician and electrician's helper are needed to perform electrical repairs and modifications to existing facilities (maintenance sheds in Allegheny County) and the District Office in Bridgeville.

**Department:** Transportation  
**Location:** Engineering District 11-0, Maintenance District 11-1 and Maintenance District 11-2  
**Duration:** July 01, 1999 through June 30, 2002—3 years  
**Contact:** Tony Golembiewski, (412) 429-4955

**11099012** This work consists of electrical services on an as needed basis at a pair of all weather safety rest areas on I-79, 2 miles south of Bridgeville in South Fayette Township, Allegheny County. Work includes servicing, maintaining, repairing, upgrading and replacing electrical items within the rest areas.

**Department:** Transportation  
**Location:** Engineering District 11-0, Sites located on I-79, Allegheny County, 2 miles south of Bridgeville exit  
**Duration:** Two year contract with one 2-year renewal  
**Contact:** Joe DiPietro, (412) 429-4954

**IN-778.2** HVAC System Upgrade Keith Hall. Work included under this project consists of HVAC system upgrade. Keith Hall consisting of removing existing steam piping, pumps, tanks, and the like, to furnish and install new pump traps, concrete pads, steam piping, valves, and the like. Notice to contractors may be requested from IUP. Phone: (724) 357-2289. Fax: (724) 357-6480. Internet: <http://www.iup.edu/engcons>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

## Janitorial Services—23

**003570** Provide janitorial service for the Wyoming County Maintenance Building 025-5762 in compliance with D.O.T. specifications.

**Department:** Transportation  
**Location:** 1 Franklin Avenue, Tunkhannock, PA 18657  
**Duration:** August 1, 1999 to July 31, 2003; 4-year contract  
**Contact:** Diane Salsman, (570) 836-3141

## Medical Services—29

**390** Oxygen Concentrators and Humidifier Bottles: Furnish 1 to 15 oxygen concentrators and humidifier bottles with servicing, preventive maintenance and emergency intervention as required. Onsite visits as required dependent upon acuity and needs. Removal of units when not required.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** Anticipated start date May 1, 1999 w/two 1-year extensions  
**Contact:** Byron Leftwich, Purchasing Agent, (814) 432-0397

**5227** Contractor/physician to furnish the professional services of a dentist approximately 20 hours per week. Contractor/physician must possess a nonrestricted license to practice medicine in the Commonwealth of Pennsylvania in the medical specialty of dentistry.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111  
**Duration:** July 1, 1999—June 30, 2003  
**Contact:** Linda J. Zoskey, Purchasing Agent, (724) 459-4547

**45695** Art therapist will provide therapeutic activities for inmates in the special needs unit for mentally ill offenders. It will be conducted in both individual and group settings. Fifteen (15) hours of service will be provided per week for 50 weeks per year. Interested vendors can call Robert Kaminski at (412) 761-1955, Ext. 431 for additional information.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Ronald J. Dudek, Purchasing Agent, (412) 761-1955, Ext. 212

**26000** The contractor shall furnish all labor, equipment, materials, supplies and physical facilities necessary to provide off-site dental laboratory services to adult males incarcerated at the State Correctional Institution at Greensburg. Services shall be provided as needed and requested by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Wendy Maceyko, (724) 837-4397, Ext. 254

**45696** Music therapist will provide therapeutic activities for inmates in the special needs unit for mentally ill offenders. It will be conducted in both individual and group settings. Fifteen (15) hours of service will be provided per week for 50 weeks per year. Interested vendors can call Robert Kaminski (412) 761-1955 for additional information.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Ronald J. Dudek, Purchasing Agent, (412) 761-1955, Ext. 212

**182056** Dental Lab Services (crowns and bridges). Contractor to provide dental laboratory and crown and bridge services (new dentures, relining, repairs, partials and repair of partials) for patients of Warren State Hospital as set forth in complete specifications that can be obtained by contacting the hospital. Award to be made on a 3-year aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Drive, North Warren, Warren County, PA 16365-5099  
**Duration:** Anticipated July 01, 1999—June 30, 2002  
**Contact:** JD Sample, (814) 726-4448

**08819902** To supply dental services to the youths at North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.

**Department:** Public Welfare  
**Location:** Loysville Complex for NCSTU, North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821  
**Duration:** Anticipated start date of July 1, 1999 to June 30, 2000  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**90882009** Urologist to render medical outpatient services to Center's residents referred to his/her office by the Center's physicians. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent listed to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated July 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882010** Plastic surgeon to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882011** Breast care services required to render medical outpatient services to Center's residents referred to his/her office by the Center's physicians. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90883012** Dermatologist to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882014** Otolaryngologist to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882015** Endocrinologist to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882016** General and orthopedic care services required to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated July 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882017** Pulmonary care services required to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**90882018** Hematology/oncology care services required to render medical outpatient services to Center's residents referred to his/her office by the Center's physician. South Mountain Restoration Center is a skilled nursing facility and subject to the Prospective Payment System (PPS) and consolidated billing as implemented by the Balanced Budget Act of 1997. Services will be rendered in accordance with all conditions stated in Attachment I, and payment will be in compliance with billing instructions contained in Attachment II. Call the Purchasing Agent to request a copy of the Attachments.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** Anticipated May 1, 1999 through June 30, 2003  
**Contact:** Joseph F. Merlina, Purchasing Agent, (717) 749-4030

**RFP 34-98** Psychiatric and psychological services for delinquents with coexisting disorders for the New Castle Youth Development Center.

**Department:** Public Welfare  
**Location:** New Castle Youth Development Center, Lawrence County, PA  
**Duration:** Estimated July 01, 1999 to June 30, 2000 with four 1-year renewals  
**Contact:** Kathy A. King-McCarthy, (717) 705-3878

**SP3590004759** Provide mobile unit or fixed site to provide physicals to Department employees in various locations of Pennsylvania.

**Department:** Environmental Protection  
**Location:** Statewide  
**Duration:** July 1, 1999—June 30, 2000 with options to renew  
**Contact:** Ally Hubler, (717) 787-2471

**SP 91224001** Contractor to provide monthly drug price changes for drug products on the DPW Drug Reference File. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Office of Medical Assistance, Room 215, Cherry Wood Building No. 33, Harrisburg State Hospital, Harrisburg, PA 17105-2675  
**Duration:** July 01, 1999 through June 30, 2004  
**Contact:** Ed Blandy, Purchasing Agent, (717) 772-4883

## Photography Services—32

**SP3590004629** Provide film processing/developing services for the Department of Environmental Protection, McMurray District Office.

**Department:** Environmental Protection  
**Location:** McMurray, PA  
**Duration:** July 1, 1999 through June 30, 2000, with option to renew  
**Contact:** Ally Hubler, (717) 787-2471

## Property Maintenance—33

**120R-023** Roadside mowing of all Department maintained roads in Washington County, plus the mowing of Turnpike Toll Road 43. All mowing will be performed according to contract specifications. This will be a 1-year contract with an option for five 2-year renewal periods.

**Department:** Transportation  
**Location:** Washington County, PA  
**Duration:** 1 year plus renewal option  
**Contact:** Michael D. Maurer, (724) 439-7374

**0620-196** Mowing of grass in the medians and along the sides of the following limited access highways in Chester County: Route 30, Route 1, Route 202, Route 100 and Route 3.

**Department:** Transportation  
**Location:** PennDOT, 200 Radnor-Chester Road, St. Davids, PA 19087-5178  
**Duration:** April 15, 1999 to November 1, 1999  
**Contact:** Charles Stone, (610) 964-6520

**0620-197** Mowing of grass along certain sections of State highways in the northern one fourth of Chester County.

**Department:** Transportation  
**Location:** PennDOT, 200 Radnor-Chester Road, St. Davids, PA 19087-5178  
**Duration:** April 15, 1999 to November 1, 2001  
**Contact:** Charles Stone, (610) 964-6520

**0640-199** Mowing of grass along certain sections of State highways in the northwest one fourth of Montgomery County.

**Department:** Transportation  
**Location:** PennDOT, 200 Radnor-Chester Road, St. Davids, PA 19087-5178  
**Duration:** April 15, 1999 to November 1, 2001  
**Contact:** Charles Stone, (610) 964-6520

**Project No. FDC-109-540** Construct an addition to the existing washhouse for ADA Accessibility (work includes carpentry, masonry, concrete, roofing, mechanical, plumbing and electrical). Project is at Hills Creek State Park.

**Department:** Conservation and Natural Resources  
**Location:** Charleston Township, Tioga County, PA  
**Duration:** 90 days  
**Contact:** Construction Management Section, (717) 787-5055



**FDC-311-524** Renovations to existing camp store for ADA Accessibility (excavation, backfill, concrete, carpentry, painting and electrical work); construct sidewalk and curbing (concrete) and pave parking lot with bituminous material. All work is at Prince Gallitzin State Park.

**Department:** Conservation and Natural Resources  
**Location:** White Township, Cambria County, PA  
**Duration:** 60 days  
**Contact:** Construction Management Section, (717) 787-5055

**IN-786.1** Floor Tile Replacement Gordon, Langham and Wahr Halls. Furniture removal, storage and reinstallation after the installation of vinyl tile. Three dorms are involved. Notice to contractors may be requested from IUP. Phone: (724) 357-2289. Fax: (724) 357-6480. Internet: <http://www.iup.edu/engcons>.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (724) 357-4851

**KU 99-23** Kutztown University is seeking qualified general contractors for the interior painting of Lehigh Hall at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from: Barbara Barish, Kutztown University, Office of Planning and Construction, P. O. Box 730, Kutztown, PA 19530, (610) 683-4602. Bid packages are available March 8, 1999, through prebid. A prebid meeting has been scheduled for Thursday, March 18, 1999, at 10 a.m. in the Office of Planning and Construction. Bids are to be received on April 1, 1999, no later than 2 p.m. in the Office of Planning and Construction. Bids will be opened on April 1, 1999, at 2 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 39 days after Notice to Proceed  
**Contact:** Barbara Barish, (610) 683-4602

**KU 99-24** Kutztown University is seeking qualified general contractors for the interior painting of Deatrick Hall at Kutztown University. Bid packages are available for a nonrefundable fee of \$15 from: Barbara Barish, Kutztown University, Office of Planning and Construction, P. O. Box 730, Kutztown, PA 19530, (610) 683-4602. Bid packages are available March 8, 1999 through prebid. A prebid meeting has been scheduled for Thursday, March 18, 1999, at 10 a.m. in the Office of Planning and Construction. Bids are to be received on April 1, 1999, no later than 2 p.m. in the Office of Planning and Construction. Bids will be opened on April 1, 1999, at 2 p.m. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA 19530  
**Duration:** 39 days after Notice to Proceed  
**Contact:** Barbara Barish, (610) 683-4602

## Sanitation—36

**99-02** Shippensburg University is seeking vendors interested in submitting proposals for collection, removal and disposal of waste and recyclable material generated within Shippensburg University. Compliance with all PADEP, PennDOT, EPA and other Federal, State and local regulations. Bidding documents may be obtained by contacting Deborah K. Martin at (717) 532-1121 or faxing a request to (717) 530-4004. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, Shippensburg Township, Cumberland County, PA  
**Duration:** July 1, 1999 through June 30, 2000  
**Contact:** Deborah K. Martin, Contract Administrator, (717) 532-1121

**08819901** To perform environmental sanitation service in Jackson and Reed Buildings located at the North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821.

**Department:** Public Welfare  
**Location:** Loysville Complex for NCSTU, North Central Secure Treatment Unit, 210 Clinic Road, Danville, PA 17821  
**Duration:** Anticipated start date of July 1, 1999 to June 30, 2000  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**08809902** To remove approximately 300 pounds of garbage and 1,000 pounds of trash from institution grounds two times each week. Institution located at Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657.

**Department:** Public Welfare  
**Location:** Loysville Complex for YFC No. 3, Youth Forestry Camp No. 3, R. D. 1, Box 175, James Creek, PA 16657  
**Duration:** Anticipated start date of July 1, 1999 to June 30, 2000  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**08819903** To remove all garbage and trash from agency grounds and buildings at the Loysville Youth Development Center, Loysville Youth Development Center School and the Loysville Secure Treatment Unit all located at R. D. 2, Box 365B, Loysville, PA 17047.

**Department:** Public Welfare  
**Location:** Loysville Complex, Loysville Complex for LYDC, LYDC School and LSTU, R. D. 2, Box 365B, Loysville, PA 17047  
**Duration:** Anticipated start date of July 1, 1999 to June 30, 2000  
**Contact:** Mary Lou Auman, Purchasing Agent, (717) 789-5508

**11099009** Refuse and trash removal from various locations throughout Engineering District 11-0 including sites in Allegheny County. Contractors must meet all Commonwealth requirements for trash and refuse removal. Contractors are not required to bid on all containers and sites. Items will be awarded separately.

**Department:** Transportation  
**Location:** Engineering District 11-0, Maintenance District 11-1  
**Duration:** July 01, 1999 through June 30, 2002—3 years  
**Contact:** Tony Golembiewski, (412) 429-4955

**SP134399002** Sanitation removal following established procedures as mandated by the Department of Environmental Protection. Daily pick-up—dumpster style bins to be supplied by vendor. Please fax requests to: Becky Clapper, Purchasing Agent, (814) 696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 @ Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** July 01, 1999 through June 30, 2002  
**Contact:** Becky Clapper, Purchasing Agent, (814) 696-5210

**SP 22980011** Sewage treatment plant operation at the North East Marina located in North East, PA, including a certified operator performing the operation, maintenance, collection of water samples, analysis of samples and filing EPA, DEP and Erie County Health Department reports to keep the plant in compliance with current DEP regulations and requirements.

**Department:** Fish and Boat Commission  
**Location:** North East, Erie County, PA  
**Duration:** July 1, 1999 to June 30, 2001  
**Contact:** Dick Mulfinger, (814) 359-5157

## Security Services—37

**23-2172299** Indiana University of Pennsylvania (IUP) will be releasing bids in March 1999, for upgrades and expansion for card access/security systems for 21 buildings on the main campus, Indiana, PA 15705. Requests for a bid package should be made in writing, referencing No. ADV2, and directed to Patty Bash, Purchasing Agent, IUP, 650 South 13th Street, Indiana, PA 15705; fax (724) 357-2670; phone (724) 357-3077. The University encourages responses from small, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** Indeterminate 1998—99  
**Contact:** Patty Bash, Purchasing Services, (724) 357-3077

**5340-1000-000** Provide and install alarm on existing doors to alert staff of breach of security. Provide and install system to log time/date of pin number entry on existing "Door Guard" system as manufactured by International Electronics, Inc.

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** Indeterminate 1998—99  
**Contact:** Linda Malinak, (717) 975-4931

**00676-000-98-FSR-PRR-2** Renovate Existing Fire and Security System in Taylorsville Area. Renovate and replace existing fire and security panels and equipment, with products as manufactured by Ademco, and including limited wiring and devices at the McConkey Ferry Inn, Mahlon Taylor House, Hibbs House and the Frye House. A mandatory prebid meeting and sign in will be held on March 22, 1999, at 10:30 a.m. at the Washington Crossing Historic Park, Visitor Center, for all firms interested in submitting bids for the project. No bids will be accepted by any contractors who do not make the mandatory prebid. For directions, contact the site at (215) 493-4076. All interested bidders should submit a \$25 check (nonrefundable) made payable to PHMC at the mandatory prebid meeting. No bids will be accepted by any contractors who do not make the mandatory prebid. Bids are due on Monday, April 12, 1999, at 10 a.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Washington Crossing Historic Park, P. O. Box 103, Washington Crossing, PA 18977  
**Duration:** April 1, 1999 to October 31, 1999  
**Contact:** Judi Yingling, (717) 772-2401

**Vehicle, Heavy Equipment—38**

**014-042** Vendor to convert existing hydraulic drive system (Brevini) on 1989 Etnyre chipspreeder to Poclair hydraulic drive, install case drain flushing kit and manual park brake release system. Equipment may be viewed on Department premises prior to submitting bid at 215 North Maple Street, Mercer, PA. Conversion to be completed within 60 days after receipt of successful bid award.

**Department:** Transportation  
**Location:** North and Maple Streets, Mercer, PA 16137  
**Duration:** Within 60 days after receipt of award  
**Contact:** Harold Miller, (724) 662-5351

**SP-260010** Provide all labor, materials, supervision, tools and equipment necessary to perform preventive maintenance inspections and repairs when requested by the PLCB on power conveyors in various PA Wine & Spirits Shoppes.

**Department:** Liquor Control Board  
**Location:** Philadelphia, Chester, Montgomery, Delaware and Bucks Counties, PA  
**Duration:** 5 years commencing upon notification of award  
**Contact:** Debra Brinser, (717) 772-2043

**Miscellaneous—39**

**0127** Fiber and cable installation. Contractor shall be responsible for furnishing and installing all equipment and material necessary to complete installation of fiber to desk and state-of-art inside structured cable plant in L. P. Hill Library, Harris-Turner and Vaux Hall. A prebid meeting, mandatory, is scheduled for 10 a.m., March 5, 1999. Fax your request for quote to the attention of Antonia Williams at (610) 399-2128.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319  
**Duration:** 120 days  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**7100** Pickup and delivery and developing of 16MM x 40M and 16MM x 66M roll microfilm. Perform quality control measures and some duplicating of microfilm in conformance with the American National Standards Institute and Association for Information and Image Management Standards and Practices.

**Department:** Transportation  
**Location:** Bureau of Motor Vehicles, 1101 South Front Street, 2nd Floor, ROC, Harrisburg, PA  
**Duration:** Indeterminate 1998—99  
**Contact:** William Woodward, (717) 783-8329

**0800** Line painting, 24-hour mobilization/traffic control, installation of traffic lines and thermoplastics. Contact David L. Fromm for bid packages.

**Department:** Transportation  
**Location:** Counties of Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry  
**Duration:** 3 years—July 1999 through June 2002  
**Contact:** Traffic Line Painting, (717) 787-3146

**93600** The contractor shall provide all labor, equipment, materials, repair parts and replacement components necessary to maintain steam line pipes and associated apparatus on the premises of the State Correctional Institution at Greensburg. The steam plant which generates the Institution's steam utility is not owned or operated by the Commonwealth and will not be considered part of this contract.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1999 to June 30, 2002  
**Contact:** Wendy Maceyko, (724) 837-4397, Ext. 254

**541003** The University has recurring needs for welding services requiring ASME certified welders. The actual amount of service required in a 1-year period is not known at this time. However, it is estimated that approximately 1,100 hours of welding services are required in an average year. Note: Most services will be required during normal weekday shifts. Occasionally, services will be required after hours and on weekends. Limitation: No individual work order shall exceed \$25,000. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, East Stroudsburg, PA 18301  
**Duration:** July 1, 1999—June 30, 2000  
**Contact:** William Roth, (717) 424-3203

**A-10** The Pennsylvania Higher Education Assistance Agency (PHEAA) seeks Pennsylvania, West Virginia and Delaware-based ad agencies capable of providing a Default Prevention marketing campaign. The campaign's target audience will be student loan borrowers who are in school or the 6-month grace period after graduation (prior to the first repayment due date). Interested vendors may be placed on the RFP mailing list by contacting the Purchasing Office at (717) 720-2702 by 3 p.m. Friday, March 12, 1999. Please specify your interest in the "Default Prevention Marketing Campaign."

**Department:** PA Higher Education Assistance Agency  
**Location:** 1200 North Seventh Street, Harrisburg, PA 17102-1444  
**Duration:** Indeterminate 1998—99  
**Contact:** Donna Orris, (717) 720-2702

**SP 90781006** Interpreter Services—Contractor to provide interpreter/translation services for several languages. Detailed specifications may be obtained by contacting the Purchasing Office at Wernersville State Hospital.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422, Wernersville, Berks County, PA 19565  
**Duration:** Anticipated start date: July 1, 1999 (3 years)  
**Contact:** Nancy Deininger, Purchasing Agent, (610) 670-4129

**PSERS-ADMIN** The Public School Employees' Retirement System is soliciting bids for a Third Party Administrator for enrollment, eligibility and customer service of the PSERS Health Options Program. Preproposal conference will be held 9 a.m., March 17 at PSERS, 5 North 5th Street, Harrisburg, PA. Vendors may request a copy of complete bid package by e-mail at sneadrc@psers.state.pa.us or calling (717) 720-4607. Please include name, address and phone number.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North Fifth Street, Harrisburg, PA 17101  
**Duration:** Indeterminate 1998—99  
**Contact:** Rebecca A. Snead, (717) 720-4607

**015** Convention 99. The Department of General Services will hold a purchasing convention in the Pittsburgh, PA area in the fall of 1999. Check <http://www.dgs.state.pa.us/interest.htm> for details and updates, as they are available.

**Department:** General Services  
**Location:** Pittsburgh, PA  
**Duration:** Indefinite  
**Contact:** Vendor Services Section, (717) 787-2199 or (717) 783-2903

[Pa.B. Doc. No. 99-391. Filed for public inspection March 5, 1999, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

## STATE CONTRACTS INFORMATION

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
5810-03	02/18/99	Amdahl Corp.	10,000.00
5810-03	02/18/99	AV Networks, Inc.	10,000.00
5810-03	02/18/99	Cognos Corp.	5,000.00
5810-03	02/18/99	Computer Document Mgt. Sys- tems, Inc.	20,000.00
5810-03	02/18/99	Computer In- tegration Group	120,000.00
5810-03	02/18/99	Core Technol- ogy Corp.	5,000.00
5810-03	02/18/99	Daly Comput- ers, Inc.	10,000.00
5810-03	02/18/99	DLT Solutions, Inc.	100,000.00
5810-03	02/18/99	Doxsys, Inc.	5,000.00
5810-03	02/18/99	ESRI Systems Research	5,000.00
5810-03	02/18/99	Filenet Corp.	5,000.00
5810-03	02/18/99	Government Electronics	20,000.00
5810-03	02/18/99	Information Builders	5,000.00
5810-03	02/18/99	Intellimark PA	15,000.00
5810-03	02/18/99	Intergraph Corp.	5,000.00
5810-03	02/18/99	Ismart LLC	5,000.00
5810-03	02/18/99	Macroland	100,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
5810-03	02/18/99	Microage of Exton	5,000.00
5810-03	02/18/99	Network Asso- ciates, Inc.	5,000.00
5810-03	02/18/99	Onix Network- ing Corp.	15,000.00
5810-03	02/18/99	PC Network	5,000.00
5810-03	02/18/99	Pearl Soft- ware, Inc.	5,000.00
5810-03	02/18/99	Perfect Order Mfg., Inc.	25,000.00
5810-03	02/18/99	Sun Microsystems	5,000.00
5810-03	02/18/99	Treev, Inc.	5,000.00
5810-03	02/18/99	Unisys Corp.	105,000.00
5810-03	02/18/99	Universal Sys- tems Inc.	5,000.00
6760-03	02/18/99	Iris Ltd., Inc.	100,000.00
1395118-01	02/23/99	Ion Track In- struments, Inc.	185,700.00
1427118-01	02/23/99	Cleyn & Tinker Int.	43,850.00
8084950-01	02/23/99	Arbil Indus- tries	19,600.00
8084950-02	02/23/99	Lamco Safety Products, Inc.	51,615.00
8112930-01	02/23/99	Continental Salt, Inc.	97,500.00

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 99-392. Filed for public inspection March 5, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 129 AND 139]

### Surface Coating Processes (RBI # 4)

The Environmental Quality Board (Board) proposes to amend Chapters 121, 129 and 139 (relating to general provisions; standards for sources; and sampling testing) to read as set forth in Annex A.

The proposed rulemaking provides procedures for determining compliance with volatile organic compound (VOC) emission limits for the surface coating processes in § 129.52 (relating to surface coating processes). These proposed amendments include an averaging approach for evaluating VOC emissions from diptanks; an exemption for small quantities of coatings; and revision of the existing Table I to express VOC emission standards in surface coating processes in volume-solids-based and weight-solids-based emission limits. The proposed amendments also establish presumptive reasonably available control technology (RACT) requirements for wood furniture manufacturing operations in §§ 129.101—129.107. The presumptive RACT requirements, based on the EPA's Control Techniques Guidelines (CTG), apply Statewide to wood furniture manufacturing facilities with actual or potential emissions of 25 tons per year or more of VOCs.

This proposal was adopted by the Board at its meeting of September 15, 1998.

#### A. *Effective Date*

These proposed amendments will be effective immediately upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information, contact Terry Black, Chief, Regulation and Policy Development Section, Division of Compliance and Enforcement, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-1663; or Joyce E. Epps, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available through the Department of Environmental Protection (Department) Web site (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 5(a)(1) of the Air Pollution Control Act (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

#### D. *Background and Purpose*

These proposed amendments include regulatory changes which implement the Bureau of Air Quality's Regulatory Basics Initiative (RBI) mandated under the "Directive on Review of Existing Regulations and Techni-

cal Guidance" issued by Secretary Seif on August 4, 1995, and Executive Order 1996-1 (Regulatory Review and Promulgation). The RBI changes for the surface coating provisions in § 129.52 (relating to surface coating processes) are the fourth in a series of amendments to the air resources regulations. The proposed revisions to § 129.52 delete existing language to adjust coatings to a standard solvent density of 7.36 pounds per gallon and to a solids basis. The proposed amendments calculate and express VOC emission standards in volume-solids-based and weight-solids-based emission limits and add criteria to allow for emission averaging of VOCs from diptanks on a 30-day rolling average basis. An exemption for small quantities of coatings used for touch-up and repair is also included in this proposal.

These proposed amendments establish presumptive RACT requirements for certain wood furniture manufacturing operations. Section 183(a) of the Clean Air Act requires the United States Environmental Protection Agency (EPA) to issue CTG for 11 categories of stationary sources of volatile organic compounds (VOCs). On May 20, 1996, the EPA published a CTG document for control of VOCs from wood furniture manufacturing operations including wood furniture finishing, cleaning and washoff (61 FR 25223, May 20, 1996). The wood furniture manufacturing operations CTG establish a "presumptive norm" RACT for the control of affected stationary sources. The standards apply Statewide to wood furniture manufacturing facilities located in the ozone transport region or marginal, moderate, serious and severe ozone nonattainment areas that emit or have the potential to emit 25 tons per year or more of VOCs. The CTG and a model rule for wood furniture manufacturing operations were developed by the EPA after reaching consensus among representatives from the environmental community, the wood furniture industry and State permitting agencies.

On September 27, 1996, the EPA published an addendum to the CTG which specified dates for the adoption and implementation of the standards. The notice required states that had not adopted an EPA-approvable RACT rule for wood furniture manufacturing facilities to submit a RACT rule to the EPA on or before May 20, 1997, as a revision to the State Implementation Plan (SIP). State rules should require affected sources to install and operate required control devices and implement procedures to demonstrate compliance no later than May 20, 1998 (61 FR 50823, September 27, 1996). In keeping with the RBI, the required wood furniture manufacturing provisions shall be no more stringent than the Federal CTG.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) during the development of the proposed rulemaking. On January 16, 1998, and May 29, 1998, the AQTAC recommended that the proposed rulemaking be submitted to the Board for consideration. Following promulgation of the proposed amendments to Chapters 121, 129 and 139 the provisions will be submitted to the EPA as a SIP revision.

#### E. *Summary of Regulatory Requirements*

This proposed rulemaking implements the fourth series of changes under the Department's RBI for air resources regulations and establishes criteria to implement the presumptive RACT requirements for wood furniture manufacturing operations. The presumptive RACT requirements are governed by limitations on VOC emissions

and the implementation of work practice standards. A summary of the proposed rulemaking follows:

*Chapter 121. General Provisions*

The proposed amendments to § 121.1 (relating to definitions) include the following definitions which are based on 40 CFR Part 63, Subpart JJ (relating to National Emission Standards for Wood Furniture Manufacturing Operations) and the CTG document for the control of VOCs from wood furniture manufacturing operations: "alternative method," "as applied," "as supplied," "basecoat," "CPDS—certified product data sheet," "coating," "coating solids (or solids)," "compliant coating," "continuous coater," "conventional air spray," "enamel," "equivalent method," "MSDS—material safety data sheet," "nonpermanent final finish," "normally closed container," "operating parameter value," "pollution prevention," "sealer," "stain," "strippable spray booth coating," "substrate," "thinner," "touch-up and repair," "washoff operations," "waterborne coating," "wood furniture," "wood furniture component" and "wood furniture manufacturing operations."

This proposed rulemaking deletes the following terms from § 121.1: "semitransparent spray stains," "semitransparent wiping and glazing stains" and "wood cabinet and furniture finishing."

These proposed amendments also include revisions to the following existing definitions:

"Miscellaneous metal parts and products"—The proposed revisions delete the phrase "but not limited to" and expand the *Standard Industrial Classification Codes* from 3300 through 3900 to 3999.

"Process"—The proposed amendments to the term "process" correct a grammatical error and include "operations" necessary for the completion of a transformation to produce a physical or chemical change in the definition.

"Surface coating process"—The proposed changes to the definition specify that the surface coating process is the application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process.

"Topcoat"—The proposal deletes the existing definition of "topcoat" and defines the term "topcoat" as the last film-building coating applied to a substrate in a surface coating process. The term does not include nonpermanent final finishes.

"VOC—Volatile Organic Compound"—The proposed amendment to the VOC definition adds 40 CFR 51.100, the Federal citation for VOCs determined by the EPA Administrator to have negligible photochemical reactivity.

"Washcoat"—The proposed revisions delete "low solids" and include a solids content by weight of 12.0% or less in accordance with the "washcoat" definition in the CTG and model rule for wood furniture manufacturing operations.

*Chapter 129. Sources of VOCs*

*§ 129.52. Surface coating processes.*

The proposed amendments include the following revisions to this section:

§ 129.52(b)(1)—The proposed amendments delete the existing regulatory language requiring adjustment to a standard solvent density and a solids basis. This adjustment is incorporated into revisions to Table I (relating to allowable content of VOCs in surface coatings by process).

§ 129.52(b)(1)(i)—This proposed change adds an equation for calculating the VOC content on the basis of

weight of VOC per volume of coating solids to be used in evaluating compliance for Table I categories 1 through 10. This clarification is in response to the RBI report on Regulations Which Lack Clarity. The existing equation in § 129.52(b)(2) is not expressed in a format to allow for easy calculation of compliance.

§ 129.52(b)(1)(ii)—This proposed amendment adds the equation for calculating the VOC content of a dip coating on a 30-day rolling average basis. The methodology for calculating the VOC content includes the gallons of make-up solvent added to the coating in the dip tank over any consecutive 30-day period to replace evaporated solvent. The specific viscosity of the coating being applied would be maintained in accordance with the guidance published in EPA-340/1-86-016, *A Guide for Surface Coating Calculations*.

§ 129.52(b)(1)(iii)—This proposed amendment adds a simple equation for calculating the VOC content on the basis of weight of VOC per weight of coating solids. This methodology is used to evaluate compliance with Table I, category 11, and with Table IV in the proposed §§ 129.101—129.107.

§ 129.52(b)(1)(iv)—This proposed amendment adds the equation for calculating the VOC content of dip coating during a wood furniture manufacturing on a 30-day rolling average basis. This method of calculating the VOC content includes the gallons of make-up solvent added to the coating in the dip tank over any consecutive 30-day period to replace evaporated solvent and therefore maintain a specific viscosity of the coating being applied, according to guidance published in *A Guide for Surface Coating Calculations* (EPA-340/1-86-016). The proposed revision also specifies that sampling and testing is done in accordance with the methods in Chapter 139 to reference the various methods, particularly for volume solids analysis, developed by the American Society for Testing and Materials (ASTM) which will be included in revisions to the Source Testing Manual.

§ 129.52(b)(2)—The existing equation for calculating the percentage of emission reductions needed to comply if using control equipment is deleted. A new equation is proposed for calculating the overall efficiency of the control system based on the new units of measurement in Table I (weight of VOC per volume of solids and weight of VOC per weight of solids).

§ 129.52(c)—This proposed amendment deletes the existing list of required records and adds recordkeeping requirements that are appropriate to the required analytical methods used to evaluate compliance as specified in the Source Testing Manual. This proposed change also emphasizes the need for facilities to keep records of volume solids content.

§ 129.52(g)—Moves the existing requirement for maintaining records for 2 years from the existing § 129.52(c) to a separate subsection to emphasize and add clarity to the amendments.

§ 129.52(h)—This proposed amendment adds an exemption from VOC emission limitations for small quantities of coatings used for determination of product quality and commercial acceptance, touch-up and repair and other small quantity coatings. Subsection (h) requires the owner or operator to submit a written request to the Department to exempt quantities of coating which do not exceed 50 gallons a year for a single coating and a total of 200 gallons each year for all coatings combined for the facility. The Department's written approval must be obtained prior to use of the exempted coatings.

*Wood Furniture Manufacturing Operations**§ 129.101. General provisions and applicability.*

The proposed requirements in § 129.101 (relating to general provisions and applicability) provide that the provisions in §§ 129.101—129.107 apply to each wood furniture manufacturing facility located in a county included in the northeast ozone transport region or in a county designated as severe, serious, moderate or marginal ozone nonattainment and which emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations. These requirements are in addition to the wood cabinet and furniture finishing provisions in § 129.52. The most stringent VOC emission limitation will apply to a wood furniture manufacturing operation that meets the threshold limits for both § 129.52 and §§ 129.101—129.107.

Subsection (b) requires the owners or operators of existing wood furniture manufacturing operations to also comply with the requirements in § 129.52. If the actual emissions or potential to emit (PTE) for VOCs is 25 tons per year or greater, the owner or operator of the wood furniture manufacturing facility must comply with the requirements of §§ 129.101—129.107 within 1 year from the effective date of the final rulemaking. The compliance deadline does not apply to facilities that have obtained EPA-approved SIP revisions for RACT prior to the adoption of §§ 129.101—129.107 as a final-form regulation. Major VOC-emitting wood furniture manufacturing operations will no longer be subject to the RACT requirements in §§ 129.91—129.95 (relating to stationary sources of NO<sub>x</sub> and VOCs) because the EPA has issued a CTG for the control of VOC emissions from wood furniture manufacturing operations (61 FR 25223, May 20, 1996).

Subsection (c) provides a compliance deadline for the owner or operator of an existing wood furniture manufacturing facility which increases its actual emissions or its potential to emit to 25 tons per year or more of VOCs from wood furniture manufacturing operations after the effective date of this proposal. Within 1 year after increasing actual VOC emissions or the potential to emit to 25 tons per year or more, the owner or operator of the affected facility must comply with §§ 129.101—129.107. The newly proposed presumptive RACT requirements for wood manufacturing operations would not apply to facilities with EPA-approved SIP revisions for RACT prior to the adoption of this proposal.

The general provisions also exempt from the VOC emission limits in § 129.102, Table IV, a small quantity of coatings used exclusively for determination of product quality and commercial acceptance, touch-up and repair and other small quantity coatings provided use of the coatings is approved in writing by the Department prior to use. Subsection (f) requires the owner or operator to submit a written request to the Department to exempt quantities of coating which do not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility. The Department's written approval must be obtained prior to use of the exempted coatings.

*§ 129.102. Emission standards.*

This section lists in Table IV (relating to emission limits of VOC for wood furniture manufacturing sealers, topcoats and strippable spray booth coating, as applied) the emission limits of VOCs for wood furniture manufacturing sealers, topcoats and strippable spray booth coatings that are actually used for coating the substrate. Facility owners or operators are authorized to demon-

strate compliance with the emission standards by using either of the following or a combination of the methods including the use of sealers, topcoats and strippable spray booth coatings with a VOC content equal to or less than the standard specified in Table IV; an emissions averaging approach which meets the requirements in § 129.107; a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats and 1.9 lb VOC/lb solids for sealers, as applied. The proposed emission limit for high solids topcoats is 1.8 lb VOC/lb solids, as applied and 1.9 lb VOC/lb solids, as applied for high solids sealers. An allowable emissions limit equal to 2.3 lb VOC/lb solids, as applied, is proposed for the use of acid-cured alkyd amino vinyl sealers. When using acid-cured alkyd amino conversion varnish topcoats, the VOC emissions limit is 2.0 lb VOC/lb solids, as applied. These proposed emission limits for sealers and topcoats are equivalent to coatings with a solids content of approximately 32 to 35% by weight.

*§ 129.103. Work practice standards.*

This section establishes work practice standards to reduce VOC emissions from wood furniture manufacturing operations. The proposed work practice standards include the development of a work practice implementation plan which includes an operator training program, leak inspection and maintenance plan, and a cleaning and washoff solvent accounting system. Subsection (a) requires the owner or operator of a facility subject to §§ 129.101—129.107 to develop and maintain a work practice implementation plan no later than 60 days after the compliance date. The work practice implementation plan must include an operator training program, leak inspection and maintenance plan, a cleaning and washoff solvent accounting system, spray booth cleaning requirements, storage requirements and application equipment requirements. The owner or operator of the wood furniture manufacturing facility must comply with each provision of the work practice implementation plan. If the Department determines that the work practice implementation plan does not adequately address the criteria specified in §§ 129.103(b)—(j), the owner or operator must revise the plan.

Subsection (b) describes the elements of the operator training program. A copy of the required operator training program must be maintained with the work practice implementation plan. All new and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations or implementation of the requirements in §§ 129.101—129.107 must complete the operator training program. The proposal requires any new personnel hired after date of publication of the final rulemaking to be trained upon hiring. The operator training program must be completed within 6 months of the date of publication of the final rule by employees hired before the effective date of the rule.

Subsection (c) specifies the requirements for the proposed leak inspection and maintenance plan. The plan must address the required monthly visual inspections of equipment used to transfer or apply coatings or solvents and procedures for documenting the date and results of each inspection and any repairs that were made. The plan must also include procedures to address the detection and repair of leaks. At a minimum, an attempt to repair the leaks must begin no later than 5 working days after the leak is detected. Final repairs to the system must be made within 15 working days, unless new equipment is being installed to repair the system. When installing new equipment, repairs must be completed no later than 3 months from the date a leak is detected.

Subsection (d) describes the requirements pertaining to the cleaning and washoff solvent accounting system. A solvent accounting form must be developed for recording the following:

(1) The quantity and type of solvent used each month for washoff and cleaning.

(2) The number of pieces washed off and the reason for the washoff.

(3) The net quantity of spent solvent generated from each activity. The net quantity of spent solvent is equivalent to the total amount of solvent that is generated from the activity minus any solvent that is reused onsite for operations other than cleaning or washoff and any solvent that was sent offsite for disposal.

Subsection (e) specifies the work practices for spray booth cleaning. Unless a spray booth is being refurbished, the use of a strippable spray booth material with a VOC content no greater than 8.0% by weight of VOC is required for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters. If the spray booth is being refurbished, no more than 1 gallon of solvent may be used to prepare the booth prior to applying the booth coating.

Proposed § 129.103 also includes work practice standards for the storage of equipment, line cleaning, spray gun cleaning and washoff operations. Subsection (g) describes the work practice standards for application equipment and limits the use of conventional air spray guns. The use of conventional air spray guns is prohibited unless the air spray guns are used in accordance with the procedures in § 129.103(g)(1)—(6). Conventional air spray guns may be used to automatically apply coatings that have a VOC content less than or equal to 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied. The use of air spray guns for touch-up and repair coatings is allowed if the coatings are applied after completion of the wood furniture manufacturing operation. The coatings must also be applied after the stain and before any other type of coating is applied and the coatings are applied from a container that has a volume of no more than 2.0 gallons. The proposed amendments also prohibit the use of conventional air spray guns if the cumulative total coating is more than 5.0% of the total gallons of coating used during a semiannual reporting period.

*§ 129.104. Compliance procedures and monitoring requirements.*

This section describes compliance procedures and monitoring requirements used to demonstrate compliance with the proposed presumptive RACT requirements for wood furniture manufacturing operations. The owner or operator of a facility subject to the emission standards of § 129.102 must demonstrate compliance through the use of compliant coatings, use of add-on control devices, an emissions averaging approach or a combination of the compliance methods. When a combination of compliance options are selected, the owner or operator must demonstrate compliance with each applicable compliance technique. When compliant coatings are being used, the owner or operator must maintain certified product data sheets for each coating. If a solvent or other VOC is added to the coating before application, the facility must account for the dilution and maintain documentation showing the VOC content of the coating as applied, in lb VOC/lb solids.

*Initial Compliance*

Subsection (b) describes the requirements for initial compliance. The owners or operators of a facility demon-

strating compliance through the use of compliant coatings must submit an initial compliance status report in accordance with § 129.106(b). In accordance with subsection (b)(1), the initial compliance report must indicate that compliant sealers, topcoats and strippable spray booth coatings are being used by the facility.

Subsection (b)(2) explains the initial compliance requirements for facilities using a continuous coater to apply sealers, topcoats, or both. To demonstrate initial compliance, the owners or operators are required to submit an initial compliance status report which specifies that compliant sealers, topcoats or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used. The report must also specify that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, are being used and the viscosity of the coating in the reservoir is being monitored. The data provided must show a correlation between the viscosity and the VOC content of the coating in the reservoir.

Subsection (b)(3) requires users of control systems to include the operating parameter values to be monitored for the capture device and the results of the initial performance testing in the initial compliance report. The procedures and test methods must meet the requirements specified in Chapter 139 (relating to sampling and testing).

*Continuous compliance demonstrations.*

The owners or operators of wood furniture manufacturing operations subject to the requirements of this proposal must submit a compliance certification with the semiannual report required under § 129.106(c). Facilities using compliant coatings to demonstrate compliance are required to maintain records that prove that the coatings are compliant. The compliance certification must also state that compliant sealers, topcoats, or both, and strippable spray booth coatings have been used each day in the semiannual reporting period.

Section 129.104(c)(2) explains the continuous compliance requirements for facilities using continuous coaters to apply sealers or topcoats. The compliance certification submitted to the Department must include a statement that compliant sealers, topcoats, or both, have been used each day in the semiannual reporting period. If the facility has not been in compliance continually, the certification must specify the days of noncompliance and the reasons for noncompliance.

Subsection (c)(3) specifies the requirement for facilities which demonstrate compliance by using a control system. Owners or operators of affected sources are required to install, calibrate, maintain and operate monitoring equipment that has been approved, in writing, by the Department. If the facility is using a control system that is not described in § 129.104, approval by the Department must be obtained prior to using the control system. The request for approval of the control system includes the following: a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard.

The compliance certification for the control system must specify that the control system has not been operated at a daily average value greater than or less than (as appropriate) the operating parameter value for each day in the semiannual reporting period. If the control system exceeds the operating parameter values,



the certification must identify the days of noncompliance and the reasons for noncompliance.

Each owner or operator of a facility subject to the work practice standards of § 129.103 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification which states that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.

Subsection (d) requires compliance certifications to be signed by a responsible official of the company. In addition to the certification requirements of this section, the responsible official must state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

*§ 129.105. Recordkeeping requirements.*

This section establishes recordkeeping requirements for wood furniture manufacturing operations. The owners or operators of affected facilities must keep records adequate to demonstrate compliance with §§ 129.101–129.107. The records shall be maintained for at least 5 years. This section also includes specific recordkeeping requirements for facilities using compliant coatings, continuous coaters and control systems. The recordkeeping requirements include the following:

(1) A certified product data sheet for each coating and strippable spray booth coating.

(2) Records of the VOC content as applied, lb VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating and copies of data sheets documenting how the as-applied values were determined. Facilities applying sealers, topcoats, or both, using continuous coaters must also keep records of solvent and coating additions to the continuous coater reservoir and viscosity measurements.

Subsection (d) prescribes additional recordkeeping requirements for control systems which include copies of the calculations to support the equivalency of using a control system and records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

Subsection (e) specifies that copies of the work practice implementation plan and all records associated with meeting the requirements of that plan must be maintained onsite. The records kept for the work practice implementation plan must satisfy the recordkeeping requirements for applicable provisions of the work practice implementation plan including the operator training program, the leak inspection and maintenance plan, cleaning and washoff solvent accounting system and restrictions on the use of conventional air spray guns.

*§ 129.106. Reporting requirements.*

This section establishes reporting requirements for wood furniture manufacturing operations subject to §§ 129.101–129.107. The owner or operator of a facility using a control system must submit an initial notification to the Department that meets the requirements of 40 CFR 63.9(b) (relating to notification regulations). This submittal notifies the Department that VOC emissions

from the facility meet or exceed the applicability threshold for the presumptive RACT requirements for wood furniture manufacturing operations.

Subsection (b) requires owners or operators of affected facilities to submit an initial compliance report to the Department no later than 60 days after the compliance date. The report must include the items required by § 129.104(b).

Subsection (c) requires the submittal of semiannual reports certifying compliance for the previous 6 months of wood furniture manufacturing operations. The first report should be submitted to the Department within 30-calendar days after the end of the first 6-month period following the compliance date. Subsequent reports must be submitted within 30-calendar days after the end of each 6-month period following the first report.

*§ 129.107. Special provisions for facilities using an emissions averaging approach.*

This section allows the owners or operators of manufacturing operations to comply with the VOC emission limitations by averaging emissions across wood furniture finishing lines. The wood furniture manufacturing operation may use stains, basecoats, washcoats, sealers and topcoats in an emissions averaging program which meets the equivalency requirements in § 129.51(a). The facility may use other coatings for its emissions averaging program if the averaging approach meets the equivalency requirements. The averaging program submitted to the Department for approval prior to use must include a summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures. The program summary will also include an explanation of how averaging can be used to meet the emission limitations and a description of the types of coatings that will be included in the facility's emissions averaging program. An additional 10% reduction in emissions is required under subsection (b) for affected facilities using an emissions averaging approach.

Subsection (e) specifies that the baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of the effective date of this proposal. The baseline emission rate for the facility cannot be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.

Subsection (f) provides that the quantification procedures used in the emissions averaging program must demonstrate that the facility's actual emissions are less than the allowable emissions.

Subsection (g) requires that the written summary of the emissions averaging program submitted to the Department include monitoring, recordkeeping and reporting procedures that will allow Department inspectors and owners or operators of facilities using an averaging approach to determine the facility's compliance status on a daily basis. The monitoring, recordkeeping and reporting procedures must also include methods for determining required data when monitoring, recordkeeping and reporting violations result in missing, inadequate or erroneous monitoring and recordkeeping.

*Chapter 139. Sampling and Testing*  
*Subchapter A. Sampling and Testing*  
*Methods and Procedures*

*§ 139.4. References.*

The proposed revisions to this section reflect name changes for the Department and the Bureau of Air Quality.

*§ 139.14. Emissions of VOCs.*

The proposed amendments to this section require that the test methods and procedures for the content of total volatiles, solids, exempt solvents and water and the coating density be equivalent to those listed in § 139.4(1) and (5).

*F. Benefits and Costs*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed amendments.

*Benefits*

Compliance with the proposed amendments will reduce VOC emissions to the atmosphere. Implementation of the proposed work practice standards will reduce emissions from cleaning operations. The restrictions on the use of conventional air spray guns will result in less overspraying and will therefore reduce the amount of solid waste generated from overspraying. Emission reductions resulting from this proposal are also expected to reduce worker exposure to VOC emissions and other pollutants.

*Compliance Costs*

The proposed amendments will affect approximately 450 surface coating facilities, including 80 wood furniture manufacturing facilities, which are currently subject to recordkeeping and reporting requirements. Approximately 20 of the major wood furniture manufacturing operations that would be subject to this proposal have submitted case-by-case RACT determinations to the EPA for approval as SIP revisions. The EPA has indicated that case-by-case RACT determinations for wood furniture manufacturing operations must, at a minimum, meet the requirements of the CTG for wood furniture manufacturing operations to be approvable as a SIP revision. Consequently, these provisions should be approved by the EPA as a SIP revision prior to the adoption of this proposal as a final rulemaking.

The proposed amendments to § 129.52 will result in estimated savings of \$5,625,000 for approximately 450 affected facilities. These cost savings are based on a reduction of .25 FTE per facility per year in recordkeeping and reporting efforts, at an average salary of \$50,000 for a total of \$5,625,000 for the current fiscal year.

*Compliance Assistance Plan*

Compliance assistance will be provided to affected facilities that are engaged in surface coating processes or the manufacture of wood furniture or wood furniture components. The Department will utilize the Pennsylvania Small Business Assistance Program and its ongoing regional compliance assistance program to assist small businesses in understanding and complying with the proposed regulations in Chapter 129.

*Pollution Prevention*

The proposed work practice standards for the wood furniture manufacturing industry will reduce VOC emissions from affected sources. The proposed restrictions on the use of conventional air spray guns will reduce the amount of VOCs emitted and the amount of solid waste

generated from wood finishing operations. In addition, the implementation of operator training programs will also reduce emissions and prevent pollution from wood finishing, clean-up and washoff operations.

*Paperwork Requirements*

These proposed amendments contain recordkeeping and reporting provisions needed to demonstrate compliance with the requirements of the proposed surface coating and wood furniture manufacturing requirements. The owner or operator of an affected facility which complies with the wood furniture manufacturing provisions in §§ 129.101—129.107 must prepare and maintain a work practice implementation plan including work practices for operator training, leak inspection and maintenance planning and cleaning and washoff solvent accounting. The owners or operators of affected facilities must also prepare and maintain records of work practice plan activities, use of compliant coatings or an alternative methodology. The facilities must also validate and verify information used to demonstrate compliance and prepare and maintain compliance certification records. However, the paperwork requirements will vary for facilities using compliant coatings, add-on air pollution control equipment or an emissions averaging approach to demonstrate compliance with the presumptive RACT requirements.

Any wood furniture manufacturing facility complying with the case-by-case RACT determinations or the National Emission Standards for Hazardous Air Pollutants (NESHAP) will have the same work practice standards and application equipment requirements. The Board expects that the majority of the remaining 60 wood furniture manufacturing facilities will be subject to the NESHAP for wood furniture manufacturing operations in 40 CFR Part 63 Subpart JJ (relating to National emission standards for wood furniture manufacturing operations). These facilities will already have developed and implemented the paperwork requirements associated with the work practice standards such as operator training, inspection and maintenance planning, cleaning and washoff solvent accounting prior to the effective date of the final rulemaking.

*G. Sunset Review*

This proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 1999, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulations.

I. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17105-8477). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by May 10, 1999. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by May 10, 1999. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the Board by May 10, 1999.

J. *Public Hearings*

The Board will hold four public hearings for the purpose of accepting comments on this proposal. The hearings will be held at 10 a.m. as follows:

- April 6, 1999 Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA
- April 7, 1999 Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna River Conference Room  
909 Elmerton Avenue  
Harrisburg, PA
- April 8, 1999 Department of Environmental Protection  
Southeast Regional Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA
- April 9, 1999 Department of Environmental Protection  
Northcentral Regional Office  
208 W. Third Street  
Williamsport, PA

The Department is specifically requesting comments on the following issues:

- (1) Whether the Department should require the owners or operators of wood furniture manufacturing facilities with actual emissions or a potential to emit 25 tons per year or more of VOC emissions to comply with both the surface coating requirements in § 129.52 and the proposed presumptive RACT requirements in §§ 129.101—129.107.
- (2) Whether the Department should adopt the reporting requirements in 40 CFR 63.7—63.10. These general reporting provisions specify time frames for reporting performance test results, monitoring parameter values and excess performance test results. The EPA's model rule for wood furniture manufacturing operations provides the general MACT reporting requirements as an optional State presumptive RACT program component.

Persons wishing to present testimony at a hearing are requested to contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on its behalf at each hearing.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate should contact Kate Coleman at (717) 787-4526, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-339. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Alternative method**—A method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the satisfaction of the Administrator of the EPA to, in specific cases, produce results adequate for a determination of compliance.

\* \* \* \* \*

**As applied**—The VOC and solids content of a coating that is actually used to coat the substrate. The term includes the contribution of materials used for in-house dilution of the coating.

**As supplied**—The VOC and solids content of a coating as sold and delivered to the end user.

\* \* \* \* \*

**Basecoat**—A coat of colored material, usually opaque, that is ordinarily applied before graining inks, glazing coats or other opaque coatings and is usually covered with an application of topcoat for protection.

\* \* \* \* \*

**CPDS**—*Certified Product Data Sheet*—For purposes of wood furniture manufacturing operations, documentation furnished by a coating supplier or an outside laboratory for a coating, strippable spray booth coating or solvent that provides:

(i) The hazardous air pollutant (HAP) content by percent weight calculated from data measured using the EPA Reference Method 311 or an equivalent or alternative method.

(ii) The VOC content as pounds of VOC per pound of coating solids calculated from data measured using the EPA Reference Method 24 or an equivalent or alternative method. Batch formulation data may be used if it is demonstrated to the satisfaction of the Administrator that the coating does not release additional VOC as reaction byproducts during the cure (that is, all of the VOC is solvent). The VOC content stated should represent the maximum VOC emission potential of the coating, strippable spray booth coating or solvent.

\* \* \* \* \*

**Coating**—For purposes of wood furniture manufacturing operations, a protective, decorative or functional material applied in a thin layer to a surface. The term includes paints, topcoats, clear coats, varnishes, sealers, stains, washcoats, basecoats, inks and temporary protective coatings.

**Coating solids or solids**—The part of the coating which remains after the coating is dried or cured. Solids content is determined using data from the EPA Reference Method 24 or an alternative method.

\* \* \* \* \*

**Compliant coating**—A coating that meets the applicable emission limits specified in Chapter 129 (relating to standards for sources).

\* \* \* \* \*

**Continuous coater**—A surface coating process that continuously applies coatings onto parts moving along a conveyor. Coatings that are not transferred to the part are recycled to a reservoir. Several types of application methods can be used with a continuous coater including spraying, curtain coating, roll coating, dip coating and flow coating.

\* \* \* \* \*

**Conventional air spray**—A spray coating application method in which the coating is atomized by mixing it with compressed air and applied at an air pressure greater than 10 pounds per square inch (gauge) at the point of atomization. The term does not include:

- (i) Airless and air assisted airless spray technologies.
- (ii) Electrostatic spray technology.

\* \* \* \* \*

**Enamel**—A coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer or previously applied enamel coat. The term includes a coating that may be applied as a topcoat over the enamel.

**Equivalent method**—A method of sampling and analyzing for an air pollutant that has been demonstrated to the satisfaction of the Administrator of the EPA to have a consistent and quantitatively known relationship to the reference method under specific conditions.

\* \* \* \* \*

**MSDS—Material Safety Data Sheet**—The documentation required for hazardous chemicals by the

Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR Part 1910) (relating to occupational safety and health standards) for a solvent, cleaning material, coating or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations and handling procedures.

\* \* \* \* \*

**Miscellaneous metal parts and products**—Items made of ferrous or nonferrous metals, including [ , but not limited to, ] large farm machinery, small farm machinery, small appliances, commercial and industrial machinery, fabricated metal products [ , ] and items listed under the *Standard Industrial Classification* [ **Code** ] **Codes** 3300 through [ **3900** ] **3999**. The term does not include cans, coils, automobiles, light-duty trucks, metal furniture, magnet wire, large appliances, fully assembled exteriors of airplanes and automobile refinishing and customized top coating of automobiles and trucks, if production since January 1, 1987, has not exceeded 34 vehicles per day.

\* \* \* \* \*

**Nonpermanent final finish**—A material such as a wax, polish, nonoxidizing oil or similar substance that must be periodically reapplied to a substrate over its lifetime to maintain or restore the material's effect.

\* \* \* \* \*

**Normally closed container**—A container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

\* \* \* \* \*

**Operating parameter value**—A minimum or maximum value established for a control system or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has complied with an applicable emission limit.

\* \* \* \* \*

**Pollution prevention**—Source reduction and other practices that reduce or eliminate the creation of pollutants through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, increases in the efficiency of machinery and recycling within a process. The term does not include out-of-process recycling, treatment and safe disposal.

\* \* \* \* \*

**Process**—A method, reaction or operation in which materials are handled or whereby materials undergo physical change—that is, the size, shape, appearance, temperature, state or other physical property of the material is altered—or chemical change—that is, a substance with different chemical composition or properties [ **are** ] is formed or created. The term includes all of the equipment, **operations** and facilities necessary for the completion of the transformation of the materials to

produce a physical or chemical change. There may be several processes in series or in parallel necessary to the manufacture of a product.

\* \* \* \* \*

**Sealer**—A coating used to seal the pores of a wood substrate before additional coatings are applied.

\* \* \* \* \*

[ **Semitransparent spray stains**—Colored liquids and toners applied to wood to change or to enhance the surface without concealing the surface, including, but not limited to, toners and nongrain-raising stains.

**Semitransparent wiping and glazing stains**—Colored liquids applied to wood to enhance the grain character and to partially fill the porous surface of the wood. ]

\* \* \* \* \*

**Stain**—For purposes of wood furniture manufacturing operations, a color coat having a solids content by weight of no more than 8.0% that is applied in single or multiple coats directly to the substrate. The term includes nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains and toners.

\* \* \* \* \*

**Strippable spray booth coating**—

(i) A coating that:

(A) Is applied to a spray booth wall to provide a protective film to receive overspray during a surface coating process including wood furniture manufacturing operations.

(B) Is subsequently peeled off and disposed.

(C) By meeting the conditions of clauses (A) and (B), reduces or eliminates the need to use solvents to clean spray booth walls.

**Substrate**—The surface onto which a coating is applied or into which a coating is impregnated.

\* \* \* \* \*

**Surface coating process**—The application and solidification of a coating onto or into a substrate as the substrate proceeds through the equipment and activities of the manufacturing process.

\* \* \* \* \*

**Thinner**—A volatile liquid that is used to dilute coatings (to reduce viscosity, color strength or solids content or to modify drying conditions). The term includes diluent, makeup solvent or reducer.

\* \* \* \* \*

**Topcoat**—[ A clear liquid which provides the final protective and aesthetic properties to wood finishes ] The last film-building coating that is applied to wood furniture or a wood furniture component substrate in a surface coating process. The term does not include nonpermanent final finishes.

\* \* \* \* \*

**Touch-up and repair**—The application of coatings to cover minor finishing imperfections.

\* \* \* \* \*

**VOC—Volatile Organic Compound**—An organic compound which participates in atmospheric photochemical reactions; that is, an organic compound other than those which the Administrator of the EPA designates in 40 CFR 51.100 (relating to definitions) as having negligible photochemical reactivity.

\* \* \* \* \*

[ **Wash coat** ] **Washcoat**—[ **Low solids, clear** ] Clear liquids having a solids content by weight of 12% or less, applied over [ **semitransparent** ] stains and toners to protect the color coats and to set the fibers for subsequent sanding or to separate spray stains from wiping stains to enhance color depth.

**Washoff operations**—Operations in which solvent is used to remove coating from a substrate.

\* \* \* \* \*

**Waterborne coating**—A coating that contains more than 5% water by weight in its volatile fraction.

\* \* \* \* \*

**Wood [ cabinet and furniture finishing ] furniture**—[ The application of liquids to products ] A product made of wood, a wood product such as rattan or wicker or an engineered wood product such as particle-board that is manufactured under the following[ : ] *Standard Industrial Classification Codes*: 2434 (Wood kitchen cabinets), 2511 (Wood household furniture, except upholstered), 2512 (Wood household furniture, upholstered), 2517 (Wood television, radio, phonograph, and sewing machine cabinets), **2519 (Household furniture, not elsewhere classified)**, 2521 (Wood office furniture), 2531 (Public building and related furniture) [ and ], **2541 (Wood office and store fixtures, partitions, shelving, and lockers)**, 2599 (Furniture and fixtures, not elsewhere classified) or 5712 (furniture stores).

**Wood furniture component**—A part that is used in the manufacture of wood furniture. The term includes drawer sides, cabinet doors, seat cushions and laminated tops.

**Wood furniture manufacturing operations**—The coating, cleaning and washoff operations associated with the production of wood furniture or wood furniture components.

\* \* \* \* \*

CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.52. Surface coating processes.

(a) This section applies to [ all ] a surface coating [ processes ] process category, regardless of the size of the facility, which [ emit ] emits or [ have ] has emitted VOCs into the outdoor atmosphere in quantities greater than 3 pounds (1.4 kilograms) per hour, 15 pounds (7 kilograms) per day or 2.7 tons (2,455 kilograms) [ tons ] per year during any calendar year since January 1, 1987.

(b) A person may not cause or permit the emission into the outdoor atmosphere of VOCs from a surface coating process category listed in Table I, unless one of the following limitations is met:

(1) The [ weight of VOCs per gallon of coating (minus water) ] VOC content of each coating as applied is equal to or less than the [ level ] standard

specified in Table I [ after adjustment to a standard solvent density of 7.36 pounds per gallon and to a solids basis ].

(i) The VOC content expressed in units of weight of VOC per volume of coating solids shall be calculated as follows:

$$\text{VOC} = (W_o)(D_c)/V_n$$

Where:

VOC = VOC content in lb VOC/gal of coating solids

$W_o$  = Weight percent of VOC ( $W_v - W_w - W_{ex}$ )

$W_v$  = Weight percent of total volatiles (100% - weight percent solids)

$W_w$  = Weight percent of water

$W_{ex}$  = Weight percent of exempt solvent(s)

$D_c$  = Density of coating, lb/gal., at 25°C

$V_n$  = Volume percent of solids of the liquid coating

(ii) The VOC content of a dip coating, expressed in units of weight of VOC per volume of coating solids shall be determined on a 30-day rolling average basis using the following equation:

$$\text{VOC}_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oJ} \times D_{dJ} \times Q_J)}{\sum_i (V_{ni} \times Q_i)}$$

Where:

$\text{VOC}_A$  = VOC content in lb VOC/gal of coating solids for a given dip coating on a 30 day rolling average basis

$W_{oi}$  = Percent VOC by weight of each coating (i) added to the dip tank, expressed as a decimal fraction (that is 55% = 0.55)

$D_{ci}$  = Density of each coating (i) added to the dip tank, in pounds per gallon

$Q_i$  = Quantity of each coating (i) added to the dip tank, in gallons

$V_{ni}$  = Percent solids by volume of each coating (i) added to the dip tank, expressed as a decimal fraction

$W_{oJ}$  = Percent VOC by weight of each diluent (J) added to the dip tank, expressed as a decimal fraction

$D_{dJ}$  = Density of each diluent (J) added to the dip tank, in pounds per gallon

$Q_J$  = Quantity of each diluent (J) added to the dip tank, in gallons

(iii) The VOC content expressed in units of weight of VOC per weight of coating solids shall be calculated as follows:

$$\text{VOC}_B = (W_o)/(W_n)$$

Where:

$\text{VOC}_B$  = VOC content in lb VOC/lb of coating solids

$W_o$  = Weight percent of VOC ( $W_v - W_w - W_{ex}$ )

$W_v$  = Weight percent of total volatiles (100% - weight percent solids)

$W_w$  = Weight percent of water

$W_{ex}$  = Weight percent of exempt solvents

$W_n$  = Weight percent of solids of the liquid coating

(iv) The VOC content of a wood furniture dip coating, expressed in units of weight of VOC per weight of coating solids, shall be determined on a 30-day rolling average basis using the following equation:

$$\text{VOC}_C = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oJ} \times D_{dJ} \times Q_J)}{\sum_i (W_{ni} \times D_{ci} \times Q_i)}$$

Where:

$\text{VOC}_C$  = VOC content in lb VOC/lb of coating solids for a given wood furniture dip coating on a 30-day rolling average basis

$W_{oi}$  = Percent VOC by weight, expressed as a decimal fraction (that is, 55% = 0.55), of each coating (i) added to the dip tank

$D_{ci}$  = Density of each coating (i) added to the dip tank, in pounds per gallon

$Q_i$  = Quantity of each coating (i) added to the dip tank, in gallons

$W_{ni}$  = Percent solids by weight of each coating (i) added to the dip tank, expressed as a decimal fraction

$W_{oJ}$  = Percent VOC by weight of each diluent (J) added to the dip tank, expressed as a decimal fraction

$D_{dJ}$  = Density of each diluent (J) added to the dip tank, in pounds per gallon

$Q_J$  = Quantity of each diluent (J) added to the dip tank, in gallons

(v) Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method which is acceptable under § 129.51(a) (relating to general). [ by a specific percentage if the percentage is determined as follows:

$$\% \text{ reduction} = 100 \left\{ 1 - \frac{Y \left\{ 1 - \frac{X}{Z_1} \right\}}{X \left\{ 1 - \frac{Y}{Z_2} \right\}} \right\}$$

where X = pounds of VOC per gallon of coating (minus water) for present coating

Y = pounds of VOC per gallon of coating (minus water) found in Table I

$Z_1$  = density of VOC in pounds per gallon for present coating

$Z_2$  = standard solvent density (7.36 pounds per gallon) ]

The overall efficiency of a control system, as determined by the test methods and procedures specified in Chapter 139, shall be no less than the equivalent overall efficiency calculated by the following equation:

$$O = (1 - E/V) \times 100$$

**Where:**

**V = The VOC content of the coating as applied, in lb VOC/gal of coating solids or lb VOC/lb of coating solids.**

**E = Table I limit in lb VOC/gal of coating solids or lb VOC/lb of coating solids.**

**O = Overall control efficiency.**

(c) A facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain daily records of the [gallons of coating used, the coating density before and after addition of diluents, the gallons of diluents used and the density of the diluents, the gallons of water contained in the coating and the weight percent of the organic volatiles in the coating. The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.] following:

(1) The following parameters for each coating, thinner and other component as supplied:

(i) The coating, thinner or component name and identification number.

(ii) The gallons used.

(iii) The mix ratio.

(iv) The density or specific gravity.

(v) The weight percent of total volatiles, water, solids and exempt solvents.

(vi) The volume percent of solids.

(2) The VOC content of each coating, thinner and other component as supplied.

(3) The VOC content of each coating as applied.

\* \* \* \* \*

(g) The records shall be maintained for 2 years and shall be submitted to the Department on a schedule reasonably prescribed by the Department.

(h) The VOC standards in Table I do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair and other small quantity coatings if the coating meets the following criteria:

(1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

TABLE I

Allowable Content of VOCs in Surface Coatings by Process Category

Allowable VOC content

Weight of VOC per Volume of Coating [ (minus water) ] Solids

(Editor's Note: The following Table I replaces the existing Table I which appears at 25 Pa. Code pages 129-14 and 129-15, serial pages (199518) and (248195) and is printed in regular type to improve readability.)

Surface Coating Process Category	lbs VOC per gal coating solids	kg VOC per liter coating solids
1. Can coating		
(a) sheet basecoat	4.62	0.55
(b) can exterior	4.62	0.55
(c) interior body spray	10.05	1.20
(d) two piece can end exterior	10.05	1.20
(e) side-seam spray	21.92	2.63
(f) end sealing compound	7.32	0.88
2. Coil coating	4.02	0.48
3. Fabric coating	4.84	0.58
4. Vinyl coating	7.69	0.92
5. Paper coating	4.84	0.58
6. Automobile and light duty truck coating		
(a) prime coat	2.60	0.31
(b) top coat	4.62	0.55
(c) repair	14.14	1.69
7. Metal furniture coating	5.06	0.61
8. Magnet wire coating	2.16	0.26
9. Large appliance coating	4.62	0.55
Categories 1 through 9 were adopted on April 17, 1979		
10. Miscellaneous metal parts & products		
(a) top coats for locomotives and heavy-duty trucks	6.67	0.80
(b) hopper car and tank car interiors	6.67	0.80
(c) pail and drum interiors	10.34	1.24
(d) clear coatings	10.34	1.24
(e) air-dried coatings	6.67	0.80
(f) extreme performance coatings	6.67	0.80
(g) all other coatings	5.06	0.61
Category 10 was adopted on April 21, 1981		

Surface Coating Process Category	lbs VOC per gal coating solids	kg VOC per liter coating solids
<b>WEIGHT OF VOC PER WEIGHT OF COATING SOLIDS</b>		
	lbs VOC per lb coating solids	kg VOC per kg coating solids
11. Wood cabinet and furniture finishing		
(a) clear topcoat	3.0	3.0
(b) washcoat	14.3	14.3
(c) final repair coat	3.3	3.3
(d) opaque ground coats and enamels	2.2	2.2
(e) all other coatings	14.3	14.3
(f) clear sealers	3.9	3.9

Category 11 was adopted on May 7, 1988

*(Editor's Note: The following sections are new and have been printed in regular type to enhance readability.)*

**WOOD FURNITURE MANUFACTURING OPERATIONS**

**§ 129.101. General provisions and applicability.**

(a) Beginning on \_\_\_\_\_ *(Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking)*, this section and §§ 129.102—129.107 (relating to wood furniture manufacturing operations) apply to each wood furniture manufacturing facility located in a county included in the northeast ozone transport region or in a county designated as severe, serious, moderate or marginal ozone nonattainment that emits or has the potential to emit 25 tons or more per year of VOCs from wood furniture manufacturing operations.

(b) In addition to the requirements in § 129.52 (relating to surface coating processes), the owner or operator of an existing wood furniture manufacturing facility subject to subsection (a) shall comply this section and §§ 129.102—129.107 by \_\_\_\_\_ *(Editor's Note: The blank refers to a date 1 year from the effective date of adoption of this proposal)*, except for those facilities which have RACT determinations approved by the EPA as revisions to the SIP prior to \_\_\_\_\_. *(Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.)*

(c) In addition to the requirements in § 129.52 (relating to surface coating processes), the owner or operator of an existing wood furniture manufacturing facility that emits or increases its potential to emit to 25 tons per year or more of VOCs from wood furniture manufacturing operations shall comply with this section and §§ 129.102—129.107 within 1 year after becoming subject to subsection (a), except for those facilities which have RACT determinations approved by EPA revisions to the SIP prior to \_\_\_\_\_. *(Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.)*

(d) At a minimum, a new source installed at an existing facility that is subject to the requirements of subsection (a) shall comply with the emission standards of § 129.102 (relating to emission standards) upon installation of the new source.

(e) When subject to § 129.52 and this section and §§ 129.102—129.107, the more stringent limitation applies to the wood furniture manufacturing operation.

(f) The VOC standards in § 129.102 Table IV do not apply to a coating used exclusively for determining product quality and commercial acceptance, touch-up and repair and other small quantity coatings when one of the following applies:

(1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

**§ 129.102. Emission standards.**

An owner or operator of a facility subject to this section, §§ 129.101 and 129.103—129.107 shall limit VOC emissions from wood furniture manufacturing operations by using one of the following methods:

(1) Using sealers, topcoats and strippable spray booth coatings with a VOC content equal to or less than the standard specified in Table IV:

TABLE IV Emission Limits of VOC for Wood Furniture Manufacturing Sealers, Topcoats and Strippable Spray Booth Coatings as Applied, in Pounds of VOC per Pound of Coating Solids (kg VOC/kg of Coating solids), by Category	
(1) Waterborne Topcoats	0.8
(2) High Solids Coating Systems	
Sealer	1.9
Topcoat	1.8
(3) Acid-cured alkyd amino vinyl systems	
(i) Acid-cured alkyd amino vinyl sealer	2.3
Acid-cured alkyd amino conversion var- nish topcoat	2.0
(ii) Other Sealer	1.9
Acid-cured alkyd amino conversion var- nish topcoat	2.0
(iii) Acid-cured alkyd amino vinyl sealer	2.3
Other Topcoat	1.8
(4) Waterborne spray strippable booth coating	0.8

(2) Using an emissions averaging program which meets the requirements in § 129.107 (relating to special provisions for facilities using an emissions averaging approach).

(3) Using a control system that will achieve a reduction in emissions equivalent to 0.8 lb VOC/lb solids for topcoats and 1.9 lbs VOC/lb solids for sealers.

(4) Using a combination of the methods specified in paragraphs (1)—(3).

**§ 129.103. Work practice standards.**

(a) *Work practice implementation plan.* By \_\_\_\_\_ *(Editor's Note: The blank refers to a date 60 days after the effective date of adoption of this proposed rule-*



making), an owner or operator of a facility subject to the requirements in this section, §§ 129.101, 129.102 and 129.104—129.107 shall:

(1) Prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and addresses the provisions in subsections (b)—(j). The owner or operator of the facility shall comply with the provisions of the work practice implementation plan.

(2) Make available the written work practice implementation plan for inspection by the Department upon request. If the Department determines that the work practice implementation plan does not adequately address the criteria specified in subsections (b)—(j), the Department may require that the facility owner or operator modify the plan.

(b) *Operator training program.* New and existing personnel, including contract personnel, who are involved in coating, cleaning or washoff operations or implementation of the requirements of this section, §§ 129.101, 129.102 and 129.104—129.107 shall complete an operator training program.

(1) New personnel hired after \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking) shall be trained upon hiring.

(2) Existing personnel hired before \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking) shall be trained by \_\_\_\_\_. (*Editor's Note:* The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.)

(3) Personnel shall be given refresher training annually.

(4) A copy of the written operator training program shall be maintained with the work practice implementation plan. The operator training program shall include the following:

(i) A list of all current personnel by name and job description that are required to be trained.

(ii) An outline of the subjects to be covered in the initial and annual refresher training sessions for each position or group of personnel.

(iii) Lesson plans for courses to be given at the initial and annual refresher training sessions that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize coating usage and overspray and appropriate management of cleanup wastes.

(iv) A description of the methods to be used at the completion of the initial or annual refresher training sessions to demonstrate and document successful completion.

(v) A record of the date each employe is trained.

(c) *Leak inspection and maintenance plan.* An owner or operator of a facility shall prepare and maintain with the work practice implementation plan a written leak inspection and maintenance plan which shall include the following:

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings or solvents.

(2) An inspection schedule.

(3) The methods for documenting the date and results of each inspection and any repairs that were made.

(4) The time frame between identifying a leak and making the repair, which shall adhere to the following schedule:

(i) A first attempt at repairs, including tightening of packing glands, shall be made within 5 working days after the leak is detected.

(ii) Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within 3 months.

(d) *Cleaning and washoff solvent accounting system.* A solvent accounting form shall be developed to record the following:

(1) The quantity and type of solvent used each month for washoff and cleaning.

(2) The number of pieces washed off and the reason for the washoff.

(3) The net quantity of spent solvent generated from each activity. The net quantity of spent solvent is equivalent to the total amount of solvent that is generated from the activity minus any solvent that is reused onsite for operations other than cleaning or washoff and any solvent that was sent offsite for disposal.

(e) *Spray booth cleaning.* An owner or operator of a facility may not use compounds containing more than 8.0% by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, the facility shall use no more than 1.0 gallon of solvent to prepare the booth prior to applying the booth coating.

(f) *Storage requirements.* An owner or operator of a facility shall use normally closed containers for storing coating, cleaning and washoff materials.

(g) *Application equipment requirements.* An owner or operator of a facility may not use conventional air spray guns to apply coatings except under any of the following circumstances:

(1) To apply coatings that have a VOC content no greater than 1.0 lb VOC/lb solids (1.0 kg VOC/kg solids), as applied.

(2) For touch-up and repair coatings under one of the following circumstances:

(i) The coatings are applied after completion of the wood furniture manufacturing operation.

(ii) The coatings are applied after the stain and before any other type of coating is applied, and the coatings are applied from a container that has a volume of no more than 2.0 gallons.

(3) The spray is automated, that is, the spray gun is aimed and triggered automatically, not manually.

(4) The emissions from the surface coating process are directed to a VOC control system.

(5) The conventional air spray gun is used to apply coatings and the cumulative total usage of those coatings is no more than 5.0% of the total gallons of coating used during each semiannual reporting period.

(6) The conventional air spray gun is used to apply stain on a part for which it is technically or economically infeasible to use any other spray application technology. To support the facility's claim of technical or economic infeasibility, a videotape, a technical report or other documentation shall be submitted to the Department showing either independently or in combination, the following:

(i) The production speed is too high or the part shape is too complex for one operator to coat the part, and the application station is not large enough to accommodate an additional operator.

(ii) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(h) *Line cleaning.* The solvent used for line cleaning shall be pumped or drained into a normally closed container.

(i) *Spray gun cleaning.* The solvent used to clean spray guns shall be collected into a normally closed container.

(j) *Washoff operations.* The emissions from washoff operations shall be controlled by the following:

(1) Using normally closed tanks for washoff.

(2) Minimizing dripping by tilting or rotating the part to drain as much solvent as possible.

**§ 129.104. Compliance procedures and monitoring requirements.**

(a) An owner or operator of a facility subject to the emission standards in § 129.102 (relating to emission standards) shall demonstrate compliance with those provisions by using one or more of the following methods:

(1) To support that each sealer, topcoat and strippable spray booth coating meets the requirements of § 129.102(1):

(i) Maintain certified product data sheets for each of these coatings.

(ii) Maintain documentation showing the VOC content of the coating as applied, in lbs VOC/lb solids, if solvent or other VOC is added to the coating before application.

(iii) Perform sampling and testing in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) To comply through the use of a control system as described in § 129.102(4):

(i) Calculate the required overall control efficiency needed to demonstrate compliance using the following equation:

$$O = (1 - E/C) \times 100$$

Where:

C = the VOC content of a coating as applied, lbs VOC/lb solids

E = the emission limit achieved by the affected emission point(s), lbs VOC/lb solids

O = the overall control efficiency of the control system, expressed as a percentage

(ii) Document that the value of C in the equation in subparagraph (i) is obtained from the VOC and solids content of the as-applied coating.

(iii) Determine the overall control efficiency of the control system using the procedures and test methods specified in Chapter 139 and demonstrate that the value of O calculated by the following equation is equal to or

greater than the value of O calculated by the equation in subparagraph (i):

$$O = (F \times N) (100)$$

Where:

F = the control device efficiency, expressed as a fraction

N = the capture device efficiency, expressed as a fraction

(b) *Initial compliance.*

(1) *Compliant coatings.* An owner or operator of a facility subject to § 129.102(1) that is complying through the procedures in subsection (a)(1) shall submit an initial compliance status report as required by § 129.106(b) (relating to reporting requirements), stating that compliant sealers, topcoats and strippable spray booth coatings are being used by the facility.

(2) *Continuous coaters.* An owner or operator of a facility subject to § 129.102(1) that is complying through the procedures in subsection (a)(1) and is applying sealers, topcoats, or both, using continuous coaters shall demonstrate initial compliance by either:

(i) Submitting an initial compliance status report as required by § 129.106(b) stating that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir and as calculated from records, are being used.

(ii) Submitting an initial compliance status report as required by § 129.106(b) stating that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, are being used and the viscosity of the coating in the reservoir is being monitored. The facility shall also provide data that demonstrates the correlation between the viscosity and the VOC content of the coating in the reservoir.

(3) *Control systems.* An owner or operator of a facility using a control system to comply with this section, §§ 129.101—129.103 and 129.105—129.107 shall demonstrate initial compliance by submitting a report to the Department that:

(i) Identifies the operating parameter value to be monitored for the capture device and discusses why the parameter is appropriate for demonstrating ongoing compliance.

(ii) Includes the results of the initial performance testing using the procedures and test methods specified in Chapter 139.

(iii) Includes calculations of the overall control efficiency (O) using the equation in subsection (a)(2)(iii).

(iv) Defines those operating conditions of the control system critical to determining compliance and establishing operating parameter values that will ensure compliance with the standard.

(A) For compliance with a thermal incinerator, minimum combustion temperature shall be the operating parameter value.

(B) For compliance with another control system, the operating parameter value shall be established using the procedures identified in subsection (c)(3)(iii).

(v) An owner or operator of a facility complying with this paragraph shall calculate the site-specific operating parameter value as the arithmetic average of the maximum or minimum operating parameter values, as appropriate, that demonstrate compliance with the standards, using the procedures specified in Chapter 139.

(4) *Work practice implementation plan.* An owner or operator of a facility subject to the work practice standards of § 129.103 (relating to work practice standards) shall submit an initial compliance status report as required by § 129.106(b), stating that the work practice implementation plan has been developed and procedures have been established for implementing the provisions of the plan.

(c) *Continuous compliance demonstrations.* An owner or operator of a facility subject to the requirements of this section, §§ 129.101—129.103 and 129.105—129.107 shall submit, in writing, to the Department a compliance certification with the semiannual report required by § 129.106(c).

(1) *Compliant coatings.* An owner or operator of a facility subject to § 129.102 that is complying through the procedures specified in subsection (a)(1) shall demonstrate continuous compliance by the following:

- (i) Using compliant coatings.
- (ii) Maintaining records that demonstrate the coatings are compliant.
- (iii) Submitting a compliance certification which states that compliant sealers, topcoats, or both, and strippable spray booth coatings have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(2) *Continuous coaters.* An owner or operator of a facility subject to § 129.102 that is complying through the procedures specified in subsection (a)(1) and is applying sealers, topcoats, or both, using continuous coaters shall demonstrate continuous compliance by either:

(i) Using compliant coatings as determined by the VOC content of the coating in the reservoir and as calculated from records, and submitting a compliance certification which states that compliant sealers, topcoats, or both, have been used each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(ii) Using compliant coatings, as determined by the VOC content of the coating in the reservoir, maintaining a viscosity of the coating in the reservoir that is no less than the viscosity of the initial coating by monitoring the viscosity with a viscosity meter or by testing the viscosity of the initial coating and retesting the viscosity of the coating in the reservoir each time solvent is added, maintaining records of solvent additions and submitting a compliance certification which states that compliant sealers, topcoats, or both, as determined by the VOC content of the coating in the reservoir, have been used each day in the semiannual reporting period. Additionally, the certification shall state that the viscosity of the coating in the reservoir has not been less than the viscosity of the initial coating, that is, the coating that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(3) *Control systems.* An owner or operator of a facility subject to § 129.102 that is complying through the use of a control system shall demonstrate continuous compliance by the following:

- (i) Installing, calibrating, maintaining and operating monitoring equipment approved, in writing, by the Department.
- (ii) Using a device to monitor the site-specific operating parameter value established in accordance with subsection (b)(3)(i).

(iii) Where a thermal incinerator is used, a temperature monitoring device equipped with a continuous recorder is required and shall be installed in the firebox or in the ductwork immediately downstream of the firebox at a location before any substantial heat exchange occurs.

(iv) An owner or operator using a control system not listed in this section shall submit, in writing, to the Department a description of the system, test data verifying the performance of the system, the appropriate operating parameter values that will be monitored and the monitoring device that will be used to demonstrate continuous compliance with the standard and receive, in writing, the Department's approval prior to use.

(v) An owner or operator of a facility may not operate the control system at a daily average value greater than or less than (as appropriate) the operating parameter value. The daily average value shall be calculated as the average of all values for a monitored parameter recorded during the operating day.

(vi) Submitting a compliance certification which states that the control system has not been operated at a daily average value greater than or less than (as appropriate) the operating parameter value for each day in the semiannual reporting period or should otherwise identify the days of noncompliance and the reasons for noncompliance.

(4) *Work practice implementation plan.* An owner or operator of a facility subject to the work practice standards of § 129.103 shall demonstrate continuous compliance by following the work practice implementation plan and submitting a compliance certification which states that the work practice implementation plan is being followed, or should otherwise identify the periods of noncompliance with the work practice standards and the reasons for noncompliance.

(d) *Compliance certification requirements.* The compliance certification shall be signed by a responsible official of the company that owns or operates the facility. In addition to the certification requirements of this section, the certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

#### § 129.105. Recordkeeping requirements.

(a) *Requirement.* The owner or operator of a wood furniture manufacturing operation shall keep records to demonstrate compliance with this section, §§ 129.101, 129.104, 129.106 and 129.107. The records shall be maintained for at least 5 years.

(b) *Compliant coatings.* The following records shall be maintained to demonstrate compliance with § 129.102 (relating to emission standards).

(1) A certified product data sheet for each coating and strippable spray booth coating subject to the emission limits of § 129.102.

(2) The VOC content as applied, lbs VOC/lb solids (kg VOC/kg solids), of each coating and strippable spray booth coating subject to the emission limits of § 129.102, and copies of data sheets documenting how the as-applied values were determined.

(c) *Continuous coaters.* The owner or operator of a facility subject to the emission limits of § 129.102 that is complying through the procedures specified in § 129.104(a)(1) (relating to compliance procedures and monitoring requirements) and is applying sealers, top-

coats, or both, using continuous coaters shall maintain the records required by subsection (a) and records of the following:

(1) Solvent and coating additions to the continuous coater reservoir.

(2) Viscosity measurements.

(d) *Control systems.* The owner or operator of a facility complying through the procedures specified in § 129.104(a)(2) by using a control system shall maintain the following records:

(1) Copies of the calculations to support the equivalency of using a control system, as well as the data that are necessary to support the calculation of C and E in § 129.104(a)(2)(i) and O in § 129.104(a)(2)(iii).

(2) Records of the daily average value of each continuously monitored parameter for each operating day. If all recorded values for a monitored parameter are within the range established during the initial performance test, the owner or operator may record that all values were within the range rather than calculating and recording an average for that day.

(e) *Work practice implementation plan.* The owner or operator of a facility subject to the work practice standards of § 129.103 (relating to work practice standards) shall maintain onsite copies of the work practice implementation plan and all records associated with fulfilling the requirements of that plan, including:

(1) Records demonstrating that the operator training program is in place.

(2) Records maintained in accordance with the leak inspection and maintenance plan.

(3) Records associated with the cleaning and washoff solvent accounting system.

(4) Records associated with the limitation on the use of conventional air spray guns showing total coating usage and the percentage of coatings applied with conventional air spray guns for each semiannual reporting period.

(5) Records showing the VOC content of compounds used for cleaning booth components, except for solvent used to clean conveyors, continuous coaters and their enclosures or metal filters.

(6) Copies of logs and other documentation developed to demonstrate that the other provisions of the work practice implementation plan are followed.

(f) In addition to the recordkeeping requirements of subsection (a), the owner or operator of a facility that complies with § 129.103 or 129.104(a)(1) shall maintain a copy of the compliance certifications submitted in accordance with § 129.106(c) (relating to reporting requirements) for each semiannual period following the compliance date.

(g) The owner or operator of a facility shall maintain a copy of the other information submitted with the initial status report required by § 129.106(b) and the semiannual reports required by § 129.106(c).

#### § 129.106. Reporting requirements.

(a) *Initial notification.* The owner or operator of a facility subject to this requirement shall submit to the Department an initial notification which meets the requirements of 40 CFR 63.9(b) (relating to notification requirements).

(b) *Initial compliance report date.* The initial compliance report shall be submitted to the Department within

60 days after the compliance date specified in § 129.101(b) and (c) (relating to general provisions and applicability). The report shall include the items required by § 129.104(b) (relating to compliance procedures and monitoring requirements).

(c) *Semiannual compliance report dates.* When demonstrating compliance in accordance with § 129.104(a)(1) or (2), a semiannual report covering the previous 6 months of wood furniture manufacturing operations shall be submitted to the Department according to the following schedule:

(1) The first report shall be submitted within 30 calendar days after the end of the first 6-month period following the compliance date specified in § 129.101(b) and (c).

(2) Subsequent reports shall be submitted within 30 calendar days after the end of each 6-month period following the first report.

(3) Each semiannual report shall include the information required by § 129.104(c) and (d), a statement of whether the facility was in compliance or noncompliance and, if the facility was in noncompliance, the measures taken to bring the facility into compliance.

#### § 129.107. Special provisions for facilities using an emissions averaging approach.

(a) *Emissions averaging approach.* An owner or operator of a facility subject to the emission limitations in § 129.102 (relating to emission standards) may use an emissions averaging approach which meets the equivalency requirements in § 129.51(a) (relating to general) to achieve compliance with § 129.52 (relating to surface coating processes) or this section and §§ 129.101—129.106.

(b) *Additional requirement.* When complying with the requirements of § 129.52 or this section and §§ 129.101—129.106 through emissions averaging, an additional 10% reduction in emissions shall be achieved when compared to a facility using a compliant coatings approach to meet the requirements of this section and §§ 129.101—129.106.

(c) *Program goals and rationale.* When using an emissions averaging program, the following shall be submitted to the Department in writing:

(1) A summary of the reasons why the facility would like to comply with the emission limitations through an equivalency determination using emissions averaging procedures.

(2) A summary of how averaging can be used to meet the emission limitations.

(d) *Program scope.* A description of the types of coatings that will be included in the facility's emissions averaging program shall also be submitted to the Department in writing.

(1) Stains, basecoats, washcoats, sealers and topcoats may all be used in the emissions averaging program.

(2) The facility may choose other coatings for its emissions averaging program, provided the program meets the equivalency requirements in § 129.51(a).

(3) Coatings that are applied using continuous coaters may only be used in an emissions averaging program if the facility can determine the amount of coating used each day.

(4) A daily averaging period shall be used, except under the following conditions:

(i) A longer averaging period may be used if the owner or operator of the facility demonstrates in writing to the satisfaction of the Department that the emissions do not fluctuate significantly on a day-to-day basis.

(ii) The owner or operator of the facility requests in writing and the Department approves in writing the longer averaging period.

(e) *Program baseline.* The baseline for each coating included in the emissions averaging program shall be the lower of the actual or allowable emission rate as of \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.). The facility baseline emission rate may not be higher than what was presumed in the 1990 emissions inventory for the facility unless the Department has accounted for the increase in emissions as growth.

(f) *Quantification procedures.* The emissions averaging program shall specify methods and procedures for quantifying emissions. Quantification procedures for VOC content are included in Chapter 139 (relating to sampling and testing). The quantification procedures shall also include methods to determine the usage of each coating and shall be accurate enough to ensure that the facility's actual emissions are less than the allowable emissions.

(g) *Monitoring, recordkeeping and reporting.* A written summary of the monitoring, recordkeeping and reporting procedures that will be used to demonstrate compliance on a daily basis, when using an emissions averaging approach, shall be submitted to the Department.

(1) The monitoring, recordkeeping and reporting procedures shall be structured so that inspectors and facility owners or operators can determine a facility's compliance status for any day.

(2) The monitoring, recordkeeping and reporting procedures shall include methods for determining required

data when monitoring, recordkeeping and reporting violations result in missing, inadequate or erroneous monitoring and recordkeeping.

**CHAPTER 139. SAMPLING AND TESTING**

**Subchapter A. SAMPLING AND TESTING  
METHODS AND PROCEDURES**

**GENERAL**

**§ 139.4. References.**

The references referred to in this chapter are as follows:

\* \* \* \* \*

(5) Source Testing Manual, Commonwealth of Pennsylvania, Department of Environmental [ **Resources** ] **Protection**, Bureau of Air Quality [ **Control** ], Post Office Box 8468, Harrisburg, Pennsylvania 17105-8468, including future revisions as noted in § 139.5(b) (relating to revisions to the source testing manual and continuous source monitoring manual).

\* \* \* \* \*

**STATIONARY SOURCES**

**§ 139.14. Emissions of VOCs.**

(a) The following are applicable to tests for determining volatile organic content:

(1) Test methods and procedures for the [ **volatile organic content,** ] **total volatiles content, solids content, exempt solvent content,** water content and density of surface coatings shall be equivalent to those specified in § 139.4(1) and (5) (relating to references).

\* \* \* \* \*

[Pa.B. Doc. No. 99-393. Filed for public inspection March 5, 1999, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 123 AND 145]

### Interstate Ozone Transport Reduction

The Environmental Quality Board (Board) proposes amendments to Chapter 123 (relating to standards for contaminants) and proposes to adopt a new Chapter 145 (relating to interstate ozone transport reduction) to read as set forth in Annex A.

The proposed amendments establish a program to limit the emission of nitrogen oxides (NO<sub>x</sub>) from fossil fired combustion units with rated heat input capacity of 250 MMBtu per hour or more and electric generating facilities of 15 megawatts or greater. This program which is scheduled to begin in 2003 would replace the existing NO<sub>x</sub> allowance requirements contained in Chapter 123. The proposed amendments also establish emission limitations for NO<sub>x</sub> emissions from stationary reciprocating internal combustion engines and cement manufacturing operations.

This proposal was adopted by the Board at its meeting of February 16, 1999.

#### A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. *Contact Persons*

For further information contact J. Wick Havens, Chief, Division of Air Resources Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4310 or M. Dukes Pepper, Jr., Assistant Director, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464 (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). The proposed regulations are available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This proposed action is being taken under the authority of section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

#### D. *Background*

In the 1990 amendments to the Federal Clean Air Act (CAA), Congress recognized that ground level ozone (smog) is a regional problem not confined to state boundaries. Section 184 of the Clean Air Act (42 U.S.C.A. § 7511c), establishes the Northeast Ozone Transport Commission (OTC) to assist in developing recommendations for the control of interstate air pollution.

Ozone is not directly emitted by pollution sources, but is created as a result of the chemical reaction of NO<sub>x</sub> and volatile organic compounds (VOCs), in the presence of light and heat, to form ozone in the air masses traveling over long distances. Exposure to ozone causes decreased

lung capacity, particularly in children and elderly individuals. Decreased lung capacity from ozone exposure can frequently last several hours after the initial exposure. All states in the OTC, except for Vermont, have, since 1990, experienced levels of ozone during the months of May through September in excess of the National Ambient Air Quality Standard (NAAQS).

To address the ozone problem, section 182 of the Federal Clean Air Act (42 U.S.C.A. § 7511a) requires that, for areas which exceed the NAAQS for ozone, states must develop and implement reasonably available control technologies (RACT) for existing major stationary sources emitting NO<sub>x</sub> and VOCs. Because the Commonwealth is included in the OTC, these RACT requirements are applicable throughout the State. The Commonwealth adopted regulations implementing the RACT requirements at 24 Pa.B. 459 (January 15, 1994). Implementation of RACT reductions was not sufficient to allow the Commonwealth and other OTC states to achieve the ozone NAAQS.

Because NO<sub>x</sub> from large fossil fired combustion units is a major contributor to regional ozone pollution, the OTC member states, including the Commonwealth, proposed development of a regional approach to address NO<sub>x</sub> emissions. This regional approach resulted in a model rule applicable to "NO<sub>x</sub> affected sources." NO<sub>x</sub> affected sources are fossil-fired combustion units with a rated capacity of 250 MMBtus per hour or more and electric generating units of 15 megawatts or greater. This regional approach was adopted by the Commonwealth at 27 Pa.B. 5683 (November 1, 1997). These NO<sub>x</sub> allowance requirements in §§ 123.101—123.120, establish an OTC region-wide market based "cap and trade" program. The "cap and trade" program sets a regulatory limit on mass emissions from the NO<sub>x</sub> affected sources, allocates allowances (the limited authorization to emit 1 ton of NO<sub>x</sub> from May 1 through September 30) to the sources authorizing emissions up to the regulatory limit, and permits trading of allowances to effect cost efficient compliance with the cap. This program is designed to effectuate least cost NO<sub>x</sub> emission reductions for the years 1999 through 2002.

As additional air quality modeling and analysis was developed, it became apparent that reductions of NO<sub>x</sub> emissions in the OTC states alone would not result in attainment of the NAAQS along the eastern seaboard (including the Philadelphia Ozone Nonattainment Area). In 1995, the Ozone Transport Assessment Group (OTAG) was formed by the Environmental Council of States and EPA. OTAG's express goal was to "identify and recommend a strategy to reduce transported ozone and its precursors which, in combination with other measures, will enable attainment and maintenance of the National Ambient Ozone Standard in the OTAG region." OTAG was composed of the 37 eastern most states and included participation by the Environmental Protection Agency (EPA), industry and environmental groups. OTAG undertook a comprehensive modeling effort to evaluate the impact on ozone formation and transport resulting from imposition of various emission reduction strategies. The modeling demonstrated that large fossil-fired combustion units in 22 of the 37 states significantly contributed to ozone nonattainment and will prevent attainment and maintenance of the ozone NAAQS.

As a result of both the OTAG analysis and independent analysis conducted by the Commonwealth and other

northeastern states, on August 14, 1997, Governor Ridge filed a Petition with EPA Administrator Browner for abatement of excess emissions under section 126(b) of the Clean Air Act (42 U.S.C.A. § 7426(b)). Pennsylvania's Petition requested a finding that large fossil fired combustion units and electric generating units in midwestern and southern states significantly contributed to nonattainment of the ozone NAAQS in this Commonwealth. The Commonwealth requested that the Administrator of the EPA establish emission limitations for these large NO<sub>x</sub> emitters. Specifically, the Commonwealth petitioned the Administrator to establish a cap and trade compliance system to provide for the most cost effective emission reductions. Seven other northeastern states filed similar petitions with the EPA. Final action on the petitions is planned for April of 1999.

Because the EPA's analysis demonstrates that 22 states and the District of Columbia significantly contributed to nonattainment of the ozone NAAQS in other states, the EPA is requiring those 22 states and the District of Columbia to modify their State Implementation Plans (SIPs) to prevent this significant contribution. This "SIP call" establishes a state NO<sub>x</sub> budget and requires states to develop mechanisms to ensure that the budget is achieved beginning in 2003. One of the mechanisms proposed by the EPA to meet the budget is the cap and trade program for large fossil fired combustion boilers and electric generating units greater than 25 megawatts. The EPA has developed a model cap and trade rule similar to the OTC model rule. The EPA's proposal would extend the market for developing least cost controls to the 22 states and District of Columbia. States are required, by EPA's final SIP call rule, to establish NO<sub>x</sub> emission programs on or before September 30, 1999. If states fail to establish SIP based programs, EPA will impose a Federal Implementation Plan (FIP) under section 110 of the Clean Air Act (42 U.S.C.A. § 7410).

The Commonwealth's proposed regulations in Chapter 145 are designed to meet the requirements of the NO<sub>x</sub> SIP call. The Commonwealth used the EPA's model cap and trade program rule found in 40 CFR Part 96, and their proposed rule for regulating stationary reciprocating internal combustion engines and cement manufacturing proposed in 63 FR 56394, as the basis for proposed Chapter 145.

The proposed amendments also represent the Commonwealth's continuing commitment to do its fair share in reducing ozone transport both within this Commonwealth and throughout the northeast.

#### E. Summary of the Regulatory Revisions

The proposed new Chapter 145 Interstate Ozone Transport Reduction contains three subchapters. Subchapter A (relating to NO<sub>x</sub> budget trading program) establishes the NO<sub>x</sub> budget trading program for fossil fired combustion boilers with a maximum design heat input greater than or equal to 250 million MMBtu per hour and electric utility generators with a rated capacity greater than or equal to 15 megawatts. Subchapter B (relating to emissions of NO<sub>x</sub> from stationary reciprocating internal combustion engines) establishes requirements for emissions of NO<sub>x</sub> from stationary reciprocating internal combustion engines. Subchapter C (relating to emissions of NO<sub>x</sub> from cement manufacturing) establishes requirements for emissions of NO<sub>x</sub> from cement manufacturing. Finally, the proposal modifies § 123.115 (relating to initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations) and adds § 123.121 (relating to NO<sub>x</sub> allowance program transition) to eliminate the existing NO<sub>x</sub> allowance requirements in 2003.

Subchapter A establishes definitions for the following terms: "account certificate of representation," "account number," "acid rain emissions limitation," "Administrator," "allocate or allocation," "automated data acquisition and handling system (DAHS)," "boiler," "CAA," "combined cycle system," "combustion turbine," "commence commercial operation," "commence operation," "common stack," "compliance certification," "compliance account," "continuous emission monitoring system (CEMS)," "control period," "emissions," "Energy Information Administration," "excess emissions," "fossil fuel," "fossil fuel-fired," "general account," "generator," "heat input," "life-of-the-unit, firm power contractual arrangement," "maximum design heat input," "maximum potential hourly heat input," "maximum potential NO<sub>x</sub> emission rate," "maximum rated hourly heat input," "monitoring system," "most stringent State or Federal NO<sub>x</sub> emissions limitation," "nameplate capacity," "Nontitle V permit," "NO<sub>x</sub> allowance," "NO<sub>x</sub> allowance deduction or deduct NO<sub>x</sub> allowances," "NO<sub>x</sub> allowances held or hold NO<sub>x</sub> allowances," "NO<sub>x</sub> allowance tracking system," "NO<sub>x</sub> allowance tracking system account," "NO<sub>x</sub> allowance transfer deadline," "NO<sub>x</sub> authorized account representative," "NO<sub>x</sub> budget administrator," "NO<sub>x</sub> Budget emissions limitation," "NO<sub>x</sub> budget opt-in permit," "NO<sub>x</sub> budget opt-in source," "NO<sub>x</sub> budget permit," "NO<sub>x</sub> budget source," "NO<sub>x</sub> budget trading program," "NO<sub>x</sub> budget unit," "operating," "operator," "opt-in," "overdraft account," "owner," "receive or receipt of," "recording, record or recorded," "reference method," "serial number," "source," "state trading program budget," "submit or serve," "Title V operating permit," "Title V operating permit regulations," "ton or tonnage," "unit," "unit load," "unit operating day," "unit operating hour or hour of unit operation" and "utilization." These defined terms are used in the substantive provisions of Subchapter A.

Subchapter A implements the EPA NO<sub>x</sub> SIP call using the framework from the EPA's model rule developed and promulgated at 40 CFR Part 96. The Pennsylvania cap and trade rule identifies the facilities subject to regulation in § 145.4 (relating to applicability) and describes the process for NO<sub>x</sub> allowance allocation for the May 1 through September 30 control periods in § 145.42 (relating to NO<sub>x</sub> allowance allocations). The section also describes the accounting process for deposit, use and transfer of allowances between NO<sub>x</sub> budget sources in §§ 145.50—145.62. This includes the compliance requirements in § 145.54 (relating to compliance). The section also establishes a process for sources not otherwise covered to "opt in" to the provisions of the rule. The opt-in process is described in §§ 145.80—145.88.

Monitoring recordkeeping and reporting requirements for sources covered by the rule are contained in §§ 145.70—145.76. In general, the monitoring requirements are consistent with the provisions for the existing NO<sub>x</sub> budget rule and the EPA acid rain requirements at 40 CFR Part 75 (relating to continuous emission monitoring). Chapter 145, like the existing NO<sub>x</sub> cap and trade program in Chapter 123, will be implemented through the Department's permitting program. The permit requirements are contained in §§ 145.20—145.25. In general, the Department plans to integrate this trading rule into its existing permitting program.

Emission reduction credit provisions consistent with the existing requirements in Chapters 123 and 127 are proposed in § 145.90 (relating to emission reduction credit provisions).

These proposed amendments differ from the existing NO<sub>x</sub> allowance requirements in Chapter 123 and the EPA

model rule in a number of ways. First, this rule requires emission reductions greater than the reductions required by Chapter 123. Second, under the existing program in Chapter 123, individual NO<sub>x</sub> affected sources are listed in Appendix E along with the number NO<sub>x</sub> allowances available. Chapter 145, on the other hand, establishes a formula for calculation of NO<sub>x</sub> allowances in § 145.42. This formula is based on an emission limitation expressed as an emission rate times the heat input or usage of the NO<sub>x</sub> budget unit. The heat input number is derived from actual data submitted by the NO<sub>x</sub> budget source.

The proposed Federal rule is also different than the proposed Chapter 145 program and the existing NO<sub>x</sub> allowance requirements. The Federal rule is applicable only to generating units of 25 megawatts or greater. Proposed Chapter 145, consistent with the existing program in Chapter 123, includes electric generating units of 15 megawatts or greater. The proposed Chapter 145 does not contain the exemption included in the Federal rule allowing certain facilities to limit emissions to avoid being subject to the cap and trade program. Finally, in § 145.42(b), proposed Chapter 145 establishes an emission rate for allowance calculation at the level contained in the EPA model program. However, Chapter 145 would reduce this emission rate if the source has a low emission rate established in a permit. These provisions provide additional assurance that the Commonwealth will meet the NO<sub>x</sub> budget contained in the Section 110 SIP call. These provisions also provide additional protection as the Commonwealth moves toward developing requirements to meet the new 8-hour ozone standard.

Subchapter B contains definitions for the following terms: "diesel engine," "dual fuel engine," "emergency standby engine," "engine rating," "higher heating value (HHV)," "lean burn engine," "maintenance operation," "output," "peak load," "permitted capacity factor," "rich-burn engine," "stationary internal combustion engine," "stoichiometric air/fuel ratio" and "unit." These terms are used in the substantive provisions of Subchapter B.

Section 145.103 (relating to standard requirements) establishes emission rates for four categories of stationary reciprocating internal combustion engines. This subchapter also establishes compliance reporting, monitoring and recordkeeping requirements in §§ 145.104 and 145.105 (relating to compliance determination; and reporting, monitoring and recordkeeping).

Subchapter C contains definitions of the following terms: "clinker," "long dry kiln," "long wet kiln," "Portland cement," "Portland cement kiln," "precalciner kiln" and "preheater kiln." These terms are used in the substantive provisions of this subchapter.

Section 145.143 (relating to standard requirements) establishes emission limitations for four types of cement kilns. Section 145.144 (relating to reporting, monitoring and recordkeeping) establishes reporting, monitoring and recordkeeping requirements for these units.

#### F. *Benefits, Cost and Compliance*

##### *Benefits*

Executive Order 1996-1 requires a cost benefit analysis of the amendments. Overall, the citizens of this Commonwealth will benefit from the proposal because the regulations will provide appropriate protection of air quality both in this Commonwealth and the entire eastern United States. In addition to reducing ozone pollution, this program will assist the Commonwealth in meeting

its requirements for reasonable further progress and attainment under the Clean Air Act (42 U.S.C.A. §§ 7401-7642).

##### *Compliance Cost*

Compliance costs for sources covered by the trading program are expected to be less than 1/2 of 1% of revenues for the utility sector. These costs are expected to be in the range of \$53 million per year. The analysis of the emission levels of cement plants in this Commonwealth indicates that these facilities should be able to meet the new limitations through fine tuning of existing control devices at little additional costs. For internal combustion engines, it is estimated that these sources will incur control costs between \$500 and \$2,000 per ton which the EPA has determined to be highly cost effective for this source category. Some of these sources have no controls presently; others have controls which may allow them to meet the proposed emission limitations.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the regulated community and the public with understanding these new regulatory requirements.

##### *Paperwork Requirements*

These regulatory changes will have little additional paperwork impact on the regulated entities. This proposed rulemaking simply extends and builds upon the existing NO<sub>x</sub> allowance requirements contained in Chapter 123.

#### G. *Sunset Review*

This proposed rulemaking will be reviewed in accordance with the Sunset Review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 17, 1999, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Department, the Governor and the General Assembly to review these objections before final publication of the regulation.

#### I. *Public Comments and EQB Hearings*

The Board will hold three public hearings for the purpose of accepting comments on the proposed amendments. The hearings will be held at 2 p.m. as follows:

April 6, 1999 Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA



April 7, 1999 Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna River Conference Room  
909 Elmerton Avenue  
Harrisburg, PA

April 8, 1999 Department of Environmental Protection  
Southeast Regional Office  
Suite 6010, Lee Park  
555 North Lane  
Conshohocken, PA

Persons wishing to present testimony at the hearings must contact Kate Coleman at the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness and three written copies of the oral testimony is requested to be submitted at the hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodations in order to participate should contact Kate Coleman at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-4984 (TDD Users) or (800) 654-5988 (Voice Users) to discuss how the Department may accommodate their needs.

*Written Comments*

In lieu of or in addition to presenting oral testimony at the hearings, interested persons may submit written comments, suggestions or objections regarding the proposed amendments to the EQB, 15th Floor, Rachel Carson State Office Building, P. O. Box 8477, Harrisburg, PA 17105-8477. Comments received by facsimile will not be accepted. Comments must be received by May 10, 1999. In additions to written comments, interested persons may also submit a summary of their comments to the Board. This summary may not exceed one page in length and must be received by May 10, 1999. This summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulations will be considered.

The Board is specifically requesting comments in four areas:

1. The EPA's emission budget calculation and model trading rule allow NO<sub>x</sub> allowances banked under the NO<sub>x</sub> Allowance Requirements in § 123.110(a)(3) to be transitioned for use as banked allowances under this proposed rule. This is one of the authorized uses of the supplemental compliance pool established by the EPA rule. The amount of the bank is established in § 145.55(c)(10). Under § 145.55(c)(9), these banked allowances can only be used in 2003—2004. The Board is requesting comment on whether to allow the use of banked allowances from the existing program, as authorized by the EPA rule, or whether to use the supplemental compliance pool for other purposes. In addition, the Board requests comment on how to determine the number of banked allowances, that is, should the bank only include allowances created in this Commonwealth, should the bank authorize the use of allowances created in other states and sold to companies located in this Commonwealth or should some other more appropriate process be used.

2. Sections 145.42(b)(1) and (c)(1) use the lower of the EPA model rule emission limitation or any more restric-

tive allowance emission rate to be used to calculate allowances provided to each NO<sub>x</sub> budget unit. This provision is more restrictive than the EPA model rule and results in less allowances being provided to units that meet lower emission limits than provided by the EPA budget calculations. This primarily affects newer units and those recently modified (including repowered sources) that have very low allowance emission levels established. The AQTAC had concerns about this approach. The Board is specifically requesting comments on whether to use the approach contained in the proposed rulemaking, the approach included in the EPA model rule or some other alternative approach.

3. The proposed rulemaking includes electric generating units of 15 MW or greater in the NO<sub>x</sub> trading program. This is the cutoff established by the NO<sub>x</sub> Allowance Requirements in §§ 123.101—123.120. The EPA budget calculations and model rule includes only electric generating units of 25 MW or greater as part of the trading program. The Board is requesting input on what level of electric generation is appropriate for regulation under the Pennsylvania rule.

4. Both the EPA model rule and the proposed rulemaking incorporate the trading program into the Department's existing permit program contained in Chapter 127. The Board seeks input on integrating the trading program into the existing plan approval and operating permit program so as to create as few additional administrative requirements as possible.

*Electronic Comments*

Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us. A subject heading of the proposal and return name and address must be included in each transmission. Comments submitted electronically must also be received by the EQB by May 10, 1999.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-345. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 123. STANDARDS FOR CONTAMINANTS**

**§ 123.115. Initial NO<sub>x</sub> allowance NO<sub>x</sub> allocations.**

(a) The sources contained in Appendix A are subject to the requirements of §§ 123.101—123.114, 123.116—123.120 and this section. These sources are allocated NO<sub>x</sub> allowances for the 1999—2002 NO<sub>x</sub> allowance control periods as listed in Appendix A. **[ Except as provided in § 123.120 (relating to audit), if no allocation is specified for NO<sub>x</sub> allowance control periods beyond 2002, the current allocations continue indefinitely. ]**

\* \* \* \* \*

**§ 123.121. NO<sub>x</sub> allowance program transition.**

**(a) NO<sub>x</sub> allocations for the NO<sub>x</sub> allowance control periods starting May 1, 2003, will be distributed in**

accordance with the requirements in Chapter 145 (relating to interstate pollution transport reduction).

(b) The emission limitations and monitoring requirements established in §§ 123.101–123.120 (relating to NO<sub>x</sub> allowance requirements) expire on December 31, 2002. If a source has failed to demonstrate compliance with § 123.111 (relating to failure to meet source compliance requirements), the provisions in § 145.54(d) (relating to compliance) shall be used to withhold NO<sub>x</sub> allowances in calendar year 2003 and beyond, if necessary. If no NO<sub>x</sub> allowances are provided to the source under § 145.42 (relating to NO<sub>x</sub> allowance allocations), the source will be obligated to acquire and retire a number of NO<sub>x</sub> allowances as specified in § 145.54.

(Editor's Note: Chapter 145 is new and has been printed in regular type to enhance readability.)

**CHAPTER 145. INTERSTATE POLLUTION TRANSPORT REDUCTION**

**Subchapter A. NO<sub>x</sub> BUDGET TRADING PROGRAM**

**GENERAL PROVISIONS**

- 145.1. Purpose.
- 145.2. Definitions.
- 145.3. Measurements, abbreviations and acronyms.
- 145.4. Applicability.
- 145.5. Retired unit exemption.
- 145.6. Standard requirements.
- 145.7. Computation of time.

**NO<sub>x</sub> ACCOUNT**

- 145.10. Authorization and responsibilities of the NO<sub>x</sub> authorized account representative.
- 145.11. Alternate NO<sub>x</sub> authorized account representative.
- 145.12. Changing the NO<sub>x</sub> authorized account representative and the alternate NO<sub>x</sub> authorized account representative; changes in the owners and operators.
- 145.13. Account certificate of representation.
- 145.14. Objectives concerning the NO<sub>x</sub> authorized account representative.

**PERMIT REQUIREMENTS**

- 145.20. General NO<sub>x</sub> budget trading program permit requirements.
- 145.21. NO<sub>x</sub> budget permit applications.
- 145.22. Information requirements for NO<sub>x</sub> budget permit applications.
- 145.23. NO<sub>x</sub> budget permit contents.
- 145.24. Effective date of initial NO<sub>x</sub> budget permit.
- 145.25. NO<sub>x</sub> budget permit revisions.

**COMPLIANCE CERTIFICATION**

- 145.30. Compliance certification report.
- 145.31. The Department's action on compliance certifications.

**NO<sub>x</sub> ALLOWANCE ALLOCATIONS**

- 145.40. State trading program budget.
- 145.41. Timing requirements for NO<sub>x</sub> allowance allocations.
- 145.42. NO<sub>x</sub> allowance allocations.

**ACCOUNTING PROCESS FOR DEPOSIT USE AND TRANSFER OF ALLOWANCES**

- 145.50. NO<sub>x</sub> Allowance Tracking System accounts.
- 145.51. Establishment of accounts.
- 145.52. NO<sub>x</sub> Allowance Tracking System responsibilities of NO<sub>x</sub> authorized account representative.
- 143.53. Recordation of NO<sub>x</sub> allowance allocations.
- 145.54. Compliance.
- 145.55. Banking.
- 145.56. Account error.
- 145.57. Closing of general accounts.

**NO<sub>x</sub> ALLOWANCE TRANSFERS**

- 145.60. Submission of NO<sub>x</sub> allowance transfers.
- 145.61. NO<sub>x</sub> transfer recordation.
- 145.62. Notification.

**RECORDKEEPING AND REPORTING REQUIREMENTS**

- 145.70. General monitoring requirements.
- 145.71. Initial certification and recertification procedures.
- 145.72. Out of control periods.

- 145.73. Notifications.
- 145.74. Recordkeeping and reporting.
- 145.75. Petitions.
- 145.76. Additional requirements to provide heat input data.

**OPT-IN PROCESS**

- 145.80. Applicability for opt-in sources.
- 145.81. Opt-in source general provisions.
- 145.82. NO<sub>x</sub> authorized account representative for opt-in sources.
- 145.83. Applying for an NO<sub>x</sub> budget opt-in permit.
- 145.84. Opt-in process.
- 145.85. NO<sub>x</sub> budget opt-in permit contents.
- 145.86. Opt-in source withdrawal from NO<sub>x</sub> budget trading program.
- 145.87. Opt-in source change in regulatory status.
- 145.88. NO<sub>x</sub> allowance allocations to opt-in units.

**EMISSION REDUCTION CREDIT PROVISIONS**

- 145.90. Emission reduction credit provisions.

**GENERAL PROVISIONS**

**§ 145.1. Purpose.**

This subchapter establishes general provisions and the applicability, permitting, allowance, excess emissions, monitoring and opt-in provisions for the NO<sub>x</sub> Budget Trading Program as a means of mitigating the interstate transport of ozone and nitrogen oxides, an ozone precursor.

**§ 145.2. Definitions.**

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

*Account certificate of representation*—The completed and signed submission certifying the designation of an NO<sub>x</sub> authorized account representative for an NO<sub>x</sub> Budget source or a group of identified NO<sub>x</sub> budget sources who is authorized to represent the owners and operators of the sources and of the NO<sub>x</sub> budget units at the sources with regard to matters under the NO<sub>x</sub> Budget Trading Program.

*Account number*—The identification number given by the Administrator to each NO<sub>x</sub> Allowance Tracking System account.

*Acid rain emissions limitation*—A limitation on emissions of sulfur dioxide or NO<sub>x</sub> under the Acid Rain Program under Title IV of the Clean Air Act (42 U.S.C.A. §§ 7651–7651o).

*Administrator*—The Administrator of the EPA or the Administrator's authorized representative.

*Allocate or allocation*—The determination by the Department of the number of NO<sub>x</sub> allowances to be initially credited to a NO<sub>x</sub> budget unit or an allocation set-aside.

*Boiler*—An enclosed fossil or other fuel-fired combustion device including process heaters used to produce heat and to transfer heat to recirculating water, steam or other medium.

*CEMS—Continuous emission monitoring system (CEMS)*—The equipment required under this subchapter and Chapter 139 (relating to sampling and testing) to sample, analyze, measure and provide, by readings taken at least once every 15 minutes of the measured parameters, a permanent record of NO<sub>x</sub> emissions, expressed in tons per hour for NO<sub>x</sub>. The following systems are component parts included, consistent with 40 CFR Part 75 (relating to continuous emission monitoring), in a continuous emission monitoring system:

- (i) Flow monitor.
- (ii) NO<sub>x</sub> pollutant concentration monitors.

(iii) Diluent gas monitor (O<sub>2</sub> or CO<sub>2</sub>) when the monitoring is required by this subchapter.

(iv) A continuous moisture monitor when the monitoring is required by this subchapter.

(v) A DAHS.

*Combined cycle system*—A system comprised of one or more combustion turbines, heat recovery steam generators and steam turbines configured to improve overall efficiency of electricity generation or steam production.

*Combustion turbine*—An enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

*Commence commercial operation*—With regard to a unit that serves a generator, to have begun to produce steam, gas or other heated medium used to generate electricity for sale or use, including test generation.

(i) Except as provided in § 145.5 (relating to retired unit exemption), for a unit that is a NO<sub>x</sub> budget unit under § 145.4 (relating to applicability) on the date the unit commences commercial operation, the date shall remain the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed or repowered.

(ii) Except as provided in § 145.5 or §§ 145.80—145.88 (relating to opt-in process), for a unit that is not a NO<sub>x</sub> budget unit under § 145.4 on the date the unit commences commercial operation, the date the unit becomes a NO<sub>x</sub> budget unit under § 145.4 is the unit's date of commencement of commercial operation.

*Commence operation*—To have begun any mechanical, chemical or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber.

(i) Except as provided in § 145.5, for a unit that is a NO<sub>x</sub> budget unit under § 145.4 on the date of commencement of operation, the date shall remain the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed or repowered.

(ii) Except as provided in § 145.5 or §§ 145.80—145.88, for a unit that is not a NO<sub>x</sub> budget unit under § 145.4 on the date of commencement of operation, the date the unit becomes a NO<sub>x</sub> budget unit under § 145.4 shall be the unit's date of commencement of operation.

*Common stack*—A single flue through which emissions from two or more units are exhausted.

*Compliance account*—A NO<sub>x</sub> Allowance Tracking System account for an NO<sub>x</sub> budget unit under this subchapter, in which the NO<sub>x</sub> allowance allocations for the unit are initially recorded and in which are held NO<sub>x</sub> allowances available for use by the unit for a control period for the purpose of meeting the unit's NO<sub>x</sub> budget emissions limitation.

*Compliance certification*—A submission to the Department and the Administrator that is required under this subchapter to report a NO<sub>x</sub> budget source's or a NO<sub>x</sub> budget unit's compliance or noncompliance with this subchapter and that is signed by the NO<sub>x</sub> authorized account representative in accordance with this subchapter.

*Control period*—The period beginning May 1 of a year and ending on September 30 of the same year, inclusive.

*DAHS—Automated data acquisition and handling system*—The component of the CEMS, or other emissions

monitoring system approved for use under this subchapter and Chapter 139, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by this subchapter.

*Emissions*—Air contaminants exhausted from a unit or source into the atmosphere in accordance with this subchapter.

*Energy Information Administration*—The Energy Information Administration of the United States Department of Energy.

*Excess emissions*—Any tonnage of NO<sub>x</sub> emitted by a NO<sub>x</sub> budget unit during a control period that exceeds the NO<sub>x</sub> budget emissions limitation for the unit.

*Fossil fuel-fired*—With regard to a unit, one of the following:

(i) The combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel actually combusted comprises more than 50% of the annual heat input on a Btu basis during any year starting in 1995 or, if a unit had no heat input starting in 1995, during the last year of operation of the unit prior to 1995.

(ii) The combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than 50% of the annual heat input on a Btu basis during any year; provided that the unit shall be "fossil fuel-fired" as of the date, during the year, on which the unit begins combusting fossil fuel.

*General account*—A NO<sub>x</sub> Allowance Tracking System account, established under this subchapter, that is not a compliance account or an overdraft account.

*Generator*—A device that produces electricity.

*Heat input*—The product (in mmBtu/time) of the gross calorific value of the fuel (in Btu/lb) and the fuel feed rate into a combustion device (in mass of fuel/time) as determined in accordance with this subchapter, and does not include the heat derived from preheated combustion air, recirculated flue gases or exhaust from other sources.

*Life-of-the-unit, firm power contractual arrangement*—A unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy from any specified unit and pays its proportional amount of the unit's total costs, pursuant to a contract for one of the following:

(i) The life of the unit.

(ii) A cumulative term of at least 30 years, including contracts that permit an election for early termination.

(iii) A period equal to or greater than 25 years or 70% of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

*Maximum design heat input*—The ability of a unit to combust a stated maximum amount of fuel per hour on a steady state basis, as determined by the physical design and physical characteristics of the unit.

*Maximum potential hourly heat input*—An hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input. If the unit intends to use 40 CFR Part 75 Appendix D (relating to optional

SO<sub>2</sub> emissions data protocol for gas) to report heat input, this value shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the unit intends to use a flow monitor and a diluent gas monitor, this value shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration (in % CO<sub>2</sub>) or the minimum oxygen concentration (in % O<sub>2</sub>).

*Maximum potential NO<sub>x</sub> emission rate*—The emission rate of NO<sub>x</sub> (in lb/mmBtu) calculated in accordance with 40 CFR Part 75 Appendix F, Section 3 (relating to procedure for NO<sub>x</sub> emission rate), using the maximum potential NO<sub>x</sub> concentration as defined in 40 CFR Part 75 Appendix A, Section 2 (relating to equipment specifications), and either the maximum O<sub>2</sub> concentration (in % O<sub>2</sub>) or the minimum concentration (in % CO<sub>2</sub>).

*Maximum rated hourly heat input*—A unit-specific maximum hourly heat input (mmBtu) which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input.

*Monitoring system*—A monitoring system that meets the requirements of this subchapter, including a CEMS, an excepted monitoring system or an alternative monitoring system.

*Most stringent State or Federal NO<sub>x</sub> emissions limitation*—With regard to a NO<sub>x</sub> budget opt-in source, the lowest NO<sub>x</sub> emissions limitation (in terms of lb/mmBtu) that is applicable to the unit under State or Federal law, regardless of the averaging period to which the emissions limitation applies.

*Nameplate capacity*—The maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the United States Department of Energy standards.

*Nontitle V permit*—A Federally enforceable permit issued by the Department under Chapter 127, Subchapters A, B and F (relating to general; plan approval requirements; and operating permit requirements).

*NO<sub>x</sub> allowance*—An authorization by the Department under the NO<sub>x</sub> Budget Trading Program to emit up to 1 ton of NO<sub>x</sub> during the control period of the specified year or of any year thereafter.

*NO<sub>x</sub> allowance deduction or deduct NO<sub>x</sub> allowances*—The permanent withdrawal of NO<sub>x</sub> allowances from a NO<sub>x</sub> Allowance Tracking System compliance account or overdraft account to account for the number of tons of NO<sub>x</sub> emissions from a NO<sub>x</sub> budget unit for a control period, determined in accordance with this subchapter, or for any other allowance surrender obligation under this subchapter.

*NO<sub>x</sub> allowances held or hold NO<sub>x</sub> allowances*—The NO<sub>x</sub> allowances recorded in accordance with or submitted for recordation this subchapter, in a NO<sub>x</sub> Allowance Tracking System account.

*NO<sub>x</sub> Allowance Tracking System*—The system for recording allocations, deductions and transfers of NO<sub>x</sub> allowances under the NO<sub>x</sub> Budget Trading Program.

*NO<sub>x</sub> Allowance Tracking System account*—An account in the NO<sub>x</sub> Allowance Tracking System for purposes of recording the allocation, holding, transferring or deducting of NO<sub>x</sub> allowances.

*NO<sub>x</sub> allowance transfer deadline*—Midnight of November 30 or, if November 30 is not a business day, midnight

of the first business day thereafter and is the deadline by which NO<sub>x</sub> allowances may be submitted for recordation in a NO<sub>x</sub> budget unit's compliance account, or the overdraft account of the source where the unit is located, in order to meet the unit's NO<sub>x</sub> budget emissions limitation for the control period immediately preceding the deadline.

*NO<sub>x</sub> authorized account representative*—For an NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit at the source, the natural person who is authorized by the owners and operators of the source and all NO<sub>x</sub> budget units at the source, in accordance with, to represent and legally bind each owner and operator in matters pertaining to the NO<sub>x</sub> Budget Trading Program or, for a general account, the natural person who is authorized, in accordance with this subchapter, to transfer or otherwise dispose of NO<sub>x</sub> allowances held in the general account.

*NO<sub>x</sub> budget emissions limitation*—For an NO<sub>x</sub> budget unit, the tonnage equivalent of the NO<sub>x</sub> allowances available for compliance deduction for the unit and for a control period under § 145.54(a) and (b) (relating to compliance), adjusted by any deductions of the NO<sub>x</sub> allowances to account for actual utilization under § 145.42(e) (relating to NO<sub>x</sub> allowance allocations) for the control period or to account for excess emissions for a prior control period under § 145.54(d) or to account for withdrawal from the NO<sub>x</sub> Budget Program, or for a change in regulatory status, for a NO<sub>x</sub> budget opt-in source under § 145.86 or § 145.87 (relating to opt-in source withdrawal from NO<sub>x</sub> budget trading program; and opt-in source change in regulatory status).

*NO<sub>x</sub> budget opt-in permit*—An NO<sub>x</sub> budget permit covering an NO<sub>x</sub> budget opt-in source.

*NO<sub>x</sub> budget opt-in source*—A unit that has been elected to become a NO<sub>x</sub> budget unit under the NO<sub>x</sub> Budget Trading Program and whose NO<sub>x</sub> budget opt-in permit has been issued and is in effect under this subchapter and Chapter 127 (relating to construction, modification, reactivation and operation of sources).

*NO<sub>x</sub> budget permit*—The legally binding and Federally enforceable written document, or portion of the document, issued by the Department, including any permit revisions, specifying the NO<sub>x</sub> Budget Trading Program requirements applicable to a NO<sub>x</sub> budget source, to each NO<sub>x</sub> budget unit at the NO<sub>x</sub> budget source, and to the owners and operators and the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit.

*NO<sub>x</sub> budget source*—A source that includes one or more NO<sub>x</sub> budget units.

*NO<sub>x</sub> Budget Trading Program*—A multi-state NO<sub>x</sub> air pollution control and emission reduction program established in accordance with this subchapter, as a means of mitigating the interstate transport of ozone and NO<sub>x</sub>, an ozone precursor.

*NO<sub>x</sub> budget unit*—A unit that is subject to the NO<sub>x</sub> Budget Trading Program emissions limitation under § 145.4 or § 145.80.

*Operating*—With regard to a unit under §§ 145.22(4)(ii) and 145.80 (relating to information requirements for NO<sub>x</sub> budget permit applications; and application for opt-in sources), having documented heat input for more than 876 hours in the 6 months immediately preceding the submission of an application for an initial NO<sub>x</sub> budget permit under § 145.83 (relating to applying for NO<sub>x</sub> budget opt-in permit).

*Operator*—A person who operates, controls or supervises an NO<sub>x</sub> budget unit, an NO<sub>x</sub> budget source or unit

for which an application for an NO<sub>x</sub> budget opt-in permit under § 145.84 is submitted and not denied or withdrawn and shall include, but not be limited to, a holding company, utility system or plant manager of such a unit or source.

*Opt-in*—To elect to become an NO<sub>x</sub> budget unit under the NO<sub>x</sub> Budget Trading Program through a final, effective NO<sub>x</sub> budget permit under this subchapter.

*Overdraft account*—The NO<sub>x</sub> Allowance Tracking System account established under this Subchapter for each NO<sub>x</sub> Budget source where there are two or more NO<sub>x</sub> budget units.

*Owner*—Any of the following persons:

(i) A holder of any portion of the legal or equitable title in a NO<sub>x</sub> budget unit or in a unit for which an application for a NO<sub>x</sub> budget opt-in permit under § 145.83 is submitted and not denied or withdrawn.

(ii) A holder of a leasehold interest in an NO<sub>x</sub> budget unit or in a unit for which an application for a NO<sub>x</sub> budget opt-in permit under § 145.83 is submitted and not denied or withdrawn.

(iii) A purchaser of power from an NO<sub>x</sub> budget unit or from a unit for which an application for a NO<sub>x</sub> budget opt-in permit under § 145.83 is submitted and not denied or withdrawn under a life-of-the-unit, firm power contractual arrangement. However, unless expressly provided for in a leasehold agreement, an owner may not include a passive lessor, or a person who has an equitable interest through the lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the NO<sub>x</sub> budget unit or the unit for which an application for a NO<sub>x</sub> budget opt-in permit under § 145.83 is submitted and not denied or withdrawn.

(iv) With respect to any general account, a person who has an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account and who is subject to the binding agreement for the NO<sub>x</sub> authorized account representative to represent that person's ownership interest with respect to NO<sub>x</sub> allowances.

*Receive or receipt of*—When referring to the Department, the Administrator or the NO<sub>x</sub> budget administrator to come into possession of a document, information or correspondence (whether sent in writing or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information or correspondence, by the Department or Administrator in the regular course of business.

*Recordation, record or recorded*—With regard to NO<sub>x</sub> allowances, the movement of NO<sub>x</sub> allowances from one NO<sub>x</sub> Allowance Tracking System account to another, for purposes of allocation, transfer or deduction.

*Reference method*—A direct test method of sampling and analyzing for an air pollutant as specified in 40 CFR Part 60, Appendix A (relating to specifications and test).

*Serial number*—When referring to NO<sub>x</sub> allowances, the unique identification number assigned to each NO<sub>x</sub> allowance, under § 145.53(c).

*Source*—Any governmental, institutional, commercial or industrial structure, installation, plant, building or facility that emits or has the potential to emit any regulated air pollutant under the Clean Air Act. For purposes of section 502(c) of the Clean Air Act (42 U.S.C.A. § 7661a(c)), a source, including a source with multiple units, shall be considered a single facility.

*State*—One of the 48 contiguous states and the District of Columbia that adopts an NO<sub>x</sub> Budget Trading Program under this subchapter. The term shall have its conventional meaning where the meaning is clear from the context.

*State trading program budget*—The total number of NO<sub>x</sub> tons apportioned to all NO<sub>x</sub> budget units in a given state, in accordance with the NO<sub>x</sub> Budget Trading Program, for use in a given control period.

*Submit or serve*—To send or transmit a document, information, or correspondence to the person by one of the following methods:

(i) In person.

(ii) By United States Postal Service.

(iii) By other means of dispatch or transmission and delivery. Compliance with any submission, service or mailing deadline shall be determined by the date of dispatch, transmission or mailing and not the date of receipt.

*Title V operating permit*—A permit issued under Chapter 127, Subchapter G (relating to Title V operating permits).

*Title V operating permit regulations*—The regulations that the Administrator has approved or issued as meeting the requirements of Title V of the Clean Air Act (42 U.S.C.A. §§ 7661–7661f) and 40 CFR Part 70 or 71 (relating to state operating permit programs; and federal operating permit programs).

*Ton or tonnage*—Any “short ton” (that is, 2,000 pounds). For the purpose of determining compliance with the NO<sub>x</sub> budget emissions limitation, total tons for a control period shall be calculated as the sum of all recorded hourly emissions (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with this subchapter, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal 1 ton and any fraction of a ton less than 0.50 ton deemed to equal zero tons.

*Unit*—A fossil fuel-fired stationary boiler, combustion turbine or combined cycle system.

*Unit load*—The total (that is, gross) output of a unit in any control period (or other specified time period) produced by combusting a given heat input of fuel, expressed in terms of one of the following:

(i) The total electrical generation (MWe) produced by the unit, including generation for use within the plant.

(ii) In the case of a unit that uses heat input for purposes other than electrical generation, the total steam pressure (psia) produced by the unit, including steam for use by the unit.

*Unit operating day*—A calendar day in which a unit combusts any fuel.

*Unit operating hour or hour of unit operation*—Any hour (or fraction of an hour) during which a unit combusts any fuel.

*Utilization*—The heat input (expressed in mmBtu/time) for a unit. The unit's total heat input for the control period in each year will be determined in accordance with 40 CFR Part 75 if the NO<sub>x</sub> Budget unit was otherwise subject to 40 CFR Part 75 for the year, or will be based on the best available data reported to the Department for the unit if the unit was not otherwise subject to the requirements of 40 CFR Part 75 for the year.

**§ 145.3. Measurements, abbreviations and acronyms.**

Measurements, abbreviations and acronyms used in this part are defined as follows:

*Btu*—British thermal unit.

*hr*—hour.

*Kwh*—kilowatt hour.

*lb*—pounds.

*mmBtu*—million Btu.

*MWe*—megawatt electrical.

*ton*—2,000 pounds.

*CO<sub>2</sub>*—carbon dioxide.

*NO<sub>x</sub>*—nitrogen oxides.

*O<sub>2</sub>*—oxygen.

**§ 145.4. Applicability.**

The following units shall be NO<sub>x</sub> budget units, and any source that includes one or more of the units shall be a NO<sub>x</sub> budget source, subject to the requirements of this subchapter:

(1) A unit that, any time on or after January 1, 1995, serves a generator with a nameplate capacity greater than or equal to 15 MWe.

(2) A unit that is not a unit under paragraph (1) and that has a maximum design heat input greater than or equal to 250 mmBtu/hr.

**§ 145.5. Retired unit exemption.**

(a) *Application.* This section applies to an NO<sub>x</sub> budget unit, other than a NO<sub>x</sub> budget opt-in source, that is permanently retired.

(b) *Requirements.*

(1) An NO<sub>x</sub> budget unit, other than an NO<sub>x</sub> budget opt-in source, that is permanently retired is exempt from the NO<sub>x</sub> Budget Trading Program, except for the provisions of this section, §§ 145.2, 145.3, 145.4, 145.6, 145.7 and §§ 145.40—145.62.

(2) The exemption under paragraph (1) shall become effective the day on which the unit is permanently retired. Within 30 days of permanent retirement, the NO<sub>x</sub> authorized account representative (authorized in accordance with this subchapter) shall submit a statement to the Department. A copy of the statement shall be submitted to the Administrator. The statement shall state (in a format prescribed by the Department) that the unit is permanently retired and will comply with subsection (c).

(3) After receipt of the notice under paragraph (2), the Department will amend any permit covering the source at which the unit is located to add the provisions and requirements of the exemption under paragraph (1) and subsection (c).

(c) *Special provisions.*

(1) A unit exempt under this section may not emit NO<sub>x</sub>, starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with §§ 145.40—145.42 (relating to NO<sub>x</sub> allowance allocations).

(2) A unit exempt under this section may not resume operation unless the NO<sub>x</sub> authorized account representative of the source submits a complete NO<sub>x</sub> budget permit application under § 145.22 (relating to information requirements for NO<sub>x</sub> budget permit applications) for the

unit at least 18 months prior to the date on which the unit is to first resume operation.

(3) The owners and operators and, to the extent applicable, the NO<sub>x</sub> authorized account representative of a unit exempt under this section shall comply with the requirements of the NO<sub>x</sub> Budget Trading Program concerning all periods for which the exemption is not in effect, even if the requirements arise, or must be complied with, after the exemption takes effect.

(4) A unit that is exempt under this section is not eligible to be a NO<sub>x</sub> budget opt-in source under §§ 145.80—145.88 (relating to opt-in process).

(5) For 5 years from the date the records are created, the owners and operators of a unit exempt under this section shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Department or the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(6) Loss of an exemption will be as follows:

(i) On the earlier of the following dates, a unit exempt under subsection (b) shall lose its exemption:

(A) The date on which the NO<sub>x</sub> authorized account representative submits a NO<sub>x</sub> budget permit application under paragraph (2).

(B) The date on which the NO<sub>x</sub> authorized account representative is required under paragraph (2) to submit a NO<sub>x</sub> budget permit application.

(ii) For the purpose of applying monitoring requirements under §§ 145.70—145.76 (relating to recordkeeping and reporting requirements), a unit that loses its exemption under this section shall be treated as a unit that commences operation or commercial operation on the first date on which the unit resumes operation.

**§ 145.6. Standard requirements.**

(a) *Permit requirements.*

(1) The NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall:

(i) Submit to the Department a complete NO<sub>x</sub> budget permit application under § 145.22 in accordance with the deadlines specified in § 145.21(b) (relating to NO<sub>x</sub> budget permit applications).

(ii) Submit supplemental information that the Department determines is necessary to review an NO<sub>x</sub> budget permit application and issue or deny an NO<sub>x</sub> budget permit.

(2) The owners and operators of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall have an NO<sub>x</sub> budget permit issued by the Department and operate the unit in compliance with the NO<sub>x</sub> budget permit.

(b) *Monitoring requirements.*

(1) The owners and operators and the NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall comply with the monitoring requirements of §§ 145.70—145.76 (relating to recordkeeping and recording requirements).

(2) The emissions measurements recorded and reported in accordance with §§ 145.70—145.76 shall be used to

determine compliance by the unit with the NO<sub>x</sub> budget emissions limitation under subsection (c).

(c) *NO<sub>x</sub> requirements.*

(1) The owners and operators of each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall hold NO<sub>x</sub> allowances available for compliance deductions under § 145.54 (relating to compliance), as of the NO<sub>x</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO<sub>x</sub> emissions for the control period from the unit, as determined in accordance with §§ 145.70—145.76, plus any amount necessary to account for actual utilization under § 145.42(e) (relating to NO<sub>x</sub> allowance allocation) for the control period.

(2) Each ton of NO<sub>x</sub> emitted in excess of the NO<sub>x</sub> budget emissions limitation shall constitute a separate violation of this subchapter and the act.

(3) An NO<sub>x</sub> budget unit shall be subject to the requirements under paragraph (1) starting on May 1, 2003, or the date on which the unit commences operation, whichever is later.

(4) NO<sub>x</sub> allowances shall be held in, deducted from, or transferred among NO<sub>x</sub> Allowance Tracking System accounts in accordance with §§ 145.40—145.62 and 145.80—145.88.

(5) An NO<sub>x</sub> allowance may not be deducted, to comply with paragraph (1), for a control period in a year prior to the year for which the NO<sub>x</sub> allowance was allocated.

(6) An NO<sub>x</sub> allowance allocated by the Department under the NO<sub>x</sub> Budget Trading Program is a limited authorization to emit 1 ton of NO<sub>x</sub> in accordance with the NO<sub>x</sub> Budget Trading Program. No provision of the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> budget permit application, the NO<sub>x</sub> budget permit or an exemption under § 145.5 (relating to retired unit exemption) and no provision of law limit the authority of the United States or the Department to terminate or limit the authorization.

(7) An NO<sub>x</sub> allowance allocated by the Department under the NO<sub>x</sub> Budget Trading Program does not constitute a property right.

(d) *Excess emissions.* The owners and operators of an NO<sub>x</sub> budget unit that has excess emissions in any control period shall do the following:

(1) Surrender the NO<sub>x</sub> allowances required for deduction under § 145.54(d)(1) (relating to compliance).

(2) Pay any fine, penalty or assessment or comply with any other remedy imposed under § 145.54(d)(3) or the act.

(e) *Recordkeeping and reporting requirements.*

(1) Unless otherwise provided, the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall keep on site at the source each of the following documents for 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Department or the Administrator.

(i) The account certificate of representation for the NO<sub>x</sub> authorized account representative for the source and each NO<sub>x</sub> budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with § 145.13 (relating to account certificate of representation). The certificate and documents shall be retained on site at the

source beyond the 5-year period until the documents are superseded because of the submission of a new account certificate of representation changing the NO<sub>x</sub> authorized account representative.

(ii) The emissions monitoring information, in accordance with §§ 145.70—145.76 to the extent that §§ 145.70—145.76 provides for a 3-year period for recordkeeping, the 3-year period applies.

(iii) Copies of all reports, compliance certifications and other submissions and all records made or required under the NO<sub>x</sub> Budget Trading Program.

(iv) Copies of the documents used to complete a NO<sub>x</sub> budget permit application and any other submission under the NO<sub>x</sub> Budget Trading Program or to demonstrate compliance with the requirements of the NO<sub>x</sub> Budget Trading Program.

(2) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source shall submit the reports and compliance certifications required under the NO<sub>x</sub> Budget Trading Program, including those under §§ 145.30 and 145.31 and 145.70—145.88.

(f) *Liability.*

(1) A permit revision may not excuse any violation of the requirements of the NO<sub>x</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.

(2) Each NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit shall meet the requirements of the NO<sub>x</sub> Budget Trading Program.

(3) Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> budget source (including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source) shall also apply to the owners and operators of the source and of the NO<sub>x</sub> budget units at the source.

(4) Any provision of the NO<sub>x</sub> Budget Trading Program that applies to a NO<sub>x</sub> budget unit (including a provision applicable to the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit) shall also apply to the owners and operators of the unit.

(g) *Effect on other authorities.* No provision of the NO<sub>x</sub> Budget Trading Program, a NO<sub>x</sub> budget permit application, a NO<sub>x</sub> budget permit, or an exemption under § 145.5 shall be construed as exempting or excluding the owners and operators and the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget source or NO<sub>x</sub> budget unit from compliance with any other provision of the regulations promulgated under the CAA or the act.

**§ 145.7. Computation of time.**

(a) Unless otherwise stated, any time period scheduled, under the NO<sub>x</sub> Budget Trading Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the NO<sub>x</sub> Budget Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the NO<sub>x</sub> Budget Trading Program, falls on a weekend or a State or Federal holiday, the time period shall be extended to the next business day.

**NO<sub>x</sub> ACCOUNT****§ 145.10. Authorization and responsibilities of the NO<sub>x</sub> authorized account representative.**

(a) Except as provided under § 145.11 (relating to alternate NO<sub>x</sub> authorized account representative), each NO<sub>x</sub> budget source, including all NO<sub>x</sub> budget units at the source, shall have one and only one NO<sub>x</sub> authorized account representative, with regard to all matters under the NO<sub>x</sub> Budget Trading Program concerning the source or any NO<sub>x</sub> budget unit at the source.

(b) The NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget source shall be selected by an agreement binding on the owners and operators of the source and all NO<sub>x</sub> budget units at the source.

(c) Upon receipt by the Department and the NO<sub>x</sub> Budget Administrator of a complete account certificate of representation under § 145.13 (relating to account certificate of representation), the NO<sub>x</sub> authorized account representative of the source shall represent and, by his representations, actions, inactions or submissions, legally bind each owner and operator of the NO<sub>x</sub> budget source represented and each NO<sub>x</sub> budget unit at the source in all matters pertaining to the NO<sub>x</sub> Budget Trading Program, notwithstanding any agreement between the NO<sub>x</sub> authorized account representative and the owners and operators. The owners and operators shall be bound by any decision or order issued to the NO<sub>x</sub> authorized account representative by the Department, the Administrator or a court regarding the source or unit.

(d) A NO<sub>x</sub> budget permit will not be issued, and an NO<sub>x</sub> Allowance Tracking System account will not be established for a NO<sub>x</sub> budget unit at a source, until the Department and the NO<sub>x</sub> Budget Administrator have received a complete account certificate of representation under § 145.13 for an NO<sub>x</sub> authorized account representative of the source and the NO<sub>x</sub> budget units at the source.

(e) Document submission requirements are as follows:

(1) Each submission under the NO<sub>x</sub> Budget Trading Program shall be submitted, signed and certified by the NO<sub>x</sub> authorized account representative for each NO<sub>x</sub> budget source on behalf of which the submission is made. Each submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NO<sub>x</sub> budget sources or NO<sub>x</sub> budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(2) The Department and NO<sub>x</sub> Budget Administrator will accept or act on a submission made on behalf of owner or operators of an NO<sub>x</sub> budget source or an NO<sub>x</sub> budget unit only if the submission has been made, signed and certified in accordance with paragraph (1).

**§ 145.11. Alternate NO<sub>x</sub> authorized account representative.**

(a) An account certificate of representation may designate only one alternate NO<sub>x</sub> authorized account repre-

sentative who may act on behalf of the NO<sub>x</sub> authorized account representative. The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized account representative to act in lieu of the NO<sub>x</sub> authorized account representative.

(b) Upon receipt by the Department and NO<sub>x</sub> Budget Administrator of a complete account certificate of representation under § 145.13 (relating to account certificate of representation), any representation, action, inaction or submission by the alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction or submission by the NO<sub>x</sub> authorized account representative.

(c) Except in this section and §§ 145.10(a), 145.12, 145.13 and 145.51, whenever the term "NO<sub>x</sub> authorized account representative" is used in this part, the term shall include the alternate NO<sub>x</sub> authorized account representative.

**§ 145.12. Changing the NO<sub>x</sub> authorized account representative and the alternate NO<sub>x</sub> authorized account representative; changes in the owners and operators.**

(a) *Changing the NO<sub>x</sub> authorized account representative.* The NO<sub>x</sub> authorized account representative may be changed at any time upon receipt by the Department and the NO<sub>x</sub> Budget Administrator of a superseding complete account certificate of representation under § 145.13 (relating to account certificate of representation). Notwithstanding a change, the representations, actions, inactions and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the Department and the NO<sub>x</sub> Budget Administrator receives the superseding account certificate of representation shall be binding on the new NO<sub>x</sub> authorized account representative and the owners and operators of the NO<sub>x</sub> budget source and the NO<sub>x</sub> budget units at the source.

(b) *Changing the alternate NO<sub>x</sub> authorized account representative.* The alternate NO<sub>x</sub> authorized account representative may be changed at any time upon receipt by the Department and the NO<sub>x</sub> Budget Administrator of a superseding complete account certificate of representation under § 145.13. Notwithstanding a change, the representations, actions, inactions and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the Department and the NO<sub>x</sub> Budget Administrator receives the superseding account certificate of representation shall be binding on the new alternate NO<sub>x</sub> authorized account representative and the owners and operators of the NO<sub>x</sub> budget source and the NO<sub>x</sub> budget units at the source.

(c) *Changes in the owners and operators.*

(1) If a new owner or operator of an NO<sub>x</sub> budget source or an NO<sub>x</sub> budget unit is not included in the list of owners and operators submitted in the account certificate of representation, the new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions and inactions of the Department or the NO<sub>x</sub> Budget Administrator, as if the new owner or operator were included in the list.

(2) Within 30 days following any change in the owners and operators of an NO<sub>x</sub> budget source or a NO<sub>x</sub> budget unit, including the addition of a new owner or operator,



the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

**§ 145.13. Account certificate of representation.**

(a) A complete account certificate of representation for an NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative shall include the following elements in a format prescribed by the NO<sub>x</sub> Budget Administrator:

(1) Identification of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source for which the account certificate of representation is submitted.

(2) The name, address, e-mail address (if any), telephone number and facsimile transmission number (if any) of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative.

(3) A list of the owners and operators of the NO<sub>x</sub> budget source and of each NO<sub>x</sub> budget unit at the source.

(4) The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative: "I certify that I was selected as the NO<sub>x</sub> authorized account representative or alternate NO<sub>x</sub> authorized account representative, as applicable, by an agreement binding on the owners and operators of the NO<sub>x</sub> budget source and each NO<sub>x</sub> budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> Budget Trading Program on behalf of the owners and operators of the NO<sub>x</sub> budget source and of each NO<sub>x</sub> budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Department, the Administrator or a court regarding the source or unit."

(5) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

(b) Unless otherwise required by the Department or the Administrator, documents of agreement referred to in the account certificate of representation may not be submitted to the Department or Administrator. The Department and Administrator are not under any obligation to review or evaluate the sufficiency of these documents, if submitted.

**§ 145.14. Objections concerning the NO<sub>x</sub> authorized account representative.**

(a) Once a complete account certificate of representation under § 145.13 (relating to account certificate of representation) has been submitted and received, the Department and the NO<sub>x</sub> Budget Administrator will rely on the account certificate of representation unless a superseding complete account certificate of representation under § 145.13 is received by the Department and the NO<sub>x</sub> Budget Administrator.

(b) Except as provided in § 145.12(a) or (b) (relating to changing the NO<sub>x</sub> authorized account representative and the alternate NO<sub>x</sub> authorized account representative; changes in the owners and operators), an objection or other communication submitted to the Department or Administrator concerning the authorization, or any representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative will not affect any representation, action, inaction or submission of the NO<sub>x</sub>

authorized account representative or the finality of a decision or order by the Department or Administrator under the NO<sub>x</sub> Budget Trading Program.

(c) The Department and the Administrator will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction or submission of an NO<sub>x</sub> authorized account representative, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

**PERMIT REQUIREMENTS**

**§ 145.20. General NO<sub>x</sub> Budget Trading Program permit requirements.**

(a) Each NO<sub>x</sub> budget source shall have an NO<sub>x</sub> budget permit.

(1) For NO<sub>x</sub> budget sources required to have a Title V operating permit, the NO<sub>x</sub> budget portion of the Title V permit shall be administered in accordance with Chapter 127, Subchapter G (relating to Title V operating permits).

(2) For NO<sub>x</sub> budget sources required to have a non-Title V permit, the NO<sub>x</sub> budget portion of the non-Title V permit shall be administered in accordance with Chapter 127, Subchapters A, B and F (relating to general; plan approval requirements; and operating permit requirements).

(b) Each NO<sub>x</sub> budget permit shall include applicable NO<sub>x</sub> Budget Trading Program requirements and shall be a complete and segregable portion of the permit under subsection (a).

**§ 145.21. NO<sub>x</sub> budget permit applications.**

(a) *Submission of application.* The NO<sub>x</sub> authorized account representative of an NO<sub>x</sub> budget source shall submit to the Department a complete NO<sub>x</sub> budget permit application under § 145.22 (relating to information requirements for NO<sub>x</sub> budget permit applications) by the applicable deadline in subsection (b).

(b) *NO<sub>x</sub> budget permits.*

(1) For any source, with one or more NO<sub>x</sub> budget units under § 145.4 (relating to applicability) that commence operation before January 1, 2000, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application under § 145.22 and Chapter 127, Subchapters F and G (relating to operating permit requirements; Title V operating requirements) covering the NO<sub>x</sub> budget units to the Department by \_\_\_\_ (*Editor's Note:* The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking).

(2) For any source, with an NO<sub>x</sub> budget unit under § 145.4 that commences operation on or after January 1, 2000, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> budget permit application under § 145.22 and Chapter 127 (relating to construction, modification, reactivation and operation of sources) covering the NO<sub>x</sub> budget unit to the Department as provided for in Chapter 127, Subchapters B, D or E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review), whichever is applicable.

**§ 145.22. Information requirements for NO<sub>x</sub> budget permit applications.**

In addition to the requirements of Chapter 127 (relating to construction, modification, reactivation and operation of sources), a complete NO<sub>x</sub> budget permit application shall include the following elements concerning the

NO<sub>x</sub> budget source for which the application is submitted, in a format prescribed by the Department:

(1) Identification of the NO<sub>x</sub> budget source, including the plant name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable.

(2) Identification of each NO<sub>x</sub> budget unit at the NO<sub>x</sub> budget source and whether it is an NO<sub>x</sub> budget unit under § 145.4 or §§ 145.80–145.88 (relating to opt-in process).

(3) The standard requirements under § 145.6 (relating to standard requirements).

(4) For each NO<sub>x</sub> budget opt-in unit at the NO<sub>x</sub> budget source, the following certification statements by the NO<sub>x</sub> authorized account representative:

(i) "I certify that each unit for which this permit application is submitted under §§ 145.80–145.88 is not a NO<sub>x</sub> budget unit under § 145.4 and is not covered by a retired unit exemption under § 145.5 that is in effect."

(ii) If the application is for an initial NO<sub>x</sub> budget opt-in permit, "I certify that each unit for which this permit application is submitted under §§ 145.80–145.88 is currently operating, as that term is defined under § 145.2."

#### § 145.23. NO<sub>x</sub> budget permit contents.

(a) In addition to the requirements in Chapter 127 (relating to construction, modification, reactivation and operation of sources), an NO<sub>x</sub> budget permit will contain, in a format prescribed by the Department, the elements required for a complete NO<sub>x</sub> budget permit application under § 145.22 (relating to information requirements for NO<sub>x</sub> budget permit applications).

(b) An NO<sub>x</sub> budget permit shall incorporate the requirements of this subchapter.

#### § 145.24. Effective date of initial NO<sub>x</sub> budget permit.

The initial NO<sub>x</sub> budget permit covering an NO<sub>x</sub> budget unit for which a complete NO<sub>x</sub> budget permit application is timely submitted under § 145.21(b) (relating to NO<sub>x</sub> budget permit applications) shall become effective upon issuance.

#### § 145.25. NO<sub>x</sub> Budget permit revisions.

Revisions to a NO<sub>x</sub> budget permit shall be done in accordance with Chapter 127 (relating to construction, modification, reactivation and operation of sources).

### COMPLIANCE CERTIFICATION

#### § 145.30. Compliance certification report.

(a) *Applicability and deadline.* In addition to the requirements of § 127.513 (relating to compliance certification), for each control period in which one or more NO<sub>x</sub> budget units at a source are subject to the NO<sub>x</sub> budget emissions limitation, the NO<sub>x</sub> authorized account representative of the source shall submit to the Department and the NO<sub>x</sub> Budget Administrator by November 30 of that year, a compliance certification report for the source covering all of the units.

(b) *Contents of report.* The NO<sub>x</sub> authorized account representative shall include in the compliance certification report under subsection (a) the following elements, in a format prescribed by the NO<sub>x</sub> Budget Administrator, concerning each unit at the source and subject to the NO<sub>x</sub> budget emissions limitation for the control period covered by the report:

(1) Identification of each NO<sub>x</sub> budget unit.

(2) At the NO<sub>x</sub> authorized account representative's option, the serial numbers of the NO<sub>x</sub> allowances that are to be deducted from each unit's compliance account under § 145.54 (relating to recordation of NO<sub>x</sub> allowance allocations) for the control period.

(3) At the NO<sub>x</sub> authorized account representative's option, for units sharing a common stack and having NO<sub>x</sub> emissions that are not monitored separately or apportioned in accordance with §§ 145.70–145.76 (relating to recordkeeping and reporting requirements), the percentage of allowances that is to be deducted from each unit's compliance account under § 145.54(e) (relating to compliance).

(4) The compliance certification under subsection (c).

(c) *Compliance certification.* In the compliance certification report under subsection (a), the NO<sub>x</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> budget units at the source in compliance with the NO<sub>x</sub> Budget Trading Program, whether each NO<sub>x</sub> budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO<sub>x</sub> Budget Trading Program applicable to the unit, including the following:

(1) Whether the unit was operated in compliance with the NO<sub>x</sub> budget emissions limitation.

(2) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains the information necessary to attribute NO<sub>x</sub> emissions to the unit, in accordance with §§ 145.70–145.76.

(3) Whether all the NO<sub>x</sub> emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with §§ 145.70–145.76. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made.

(4) Whether the facts that form the basis for certification under §§ 145.70–145.76 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under §§ 145.70–145.76, if any, has changed.

(5) If a change is required to be reported under paragraph (4), specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

(6) A report on methods used to comply with the requirements of § 127.12a(k) (relating to compliance review).

#### § 145.31. The Department's action on compliance certifications.

(a) The Department or the Administrator may review and conduct independent audits concerning any compliance certification or any other submission under the NO<sub>x</sub>

Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions.

(b) NO<sub>x</sub> allowances may be deducted from or transferred to a unit's compliance account or a source's overdraft account based on the information in the compliance certifications or other submissions, as adjusted under subsection (a).

#### NO<sub>x</sub> ALLOWANCE ALLOCATIONS

##### § 145.40. State trading program budget.

The trading program budget allocated by the Department under § 145.42 (relating to NO<sub>x</sub> allowance allocations) for a control period will equal the total number of tons of NO<sub>x</sub> emissions apportioned to the NO<sub>x</sub> budget units under § 145.4 (relating to applicability) in this Commonwealth for the control period, as follows:

(1) The NO<sub>x</sub> budget for electric generating units under this subchapter is 52,000 tons per season.

(2) The NO<sub>x</sub> budget for nonelectric generating units under this subchapter is 5,600 tons per season.

(3) The NO<sub>x</sub> budget may be adjusted as provided in §§ 145.55(c)(10), 145.80—145.88 and 145.90 (relating to banking; opt-in process; and emission reduction credit provisions).

##### § 145.41. Timing requirements for NO<sub>x</sub> allowance allocations.

(a) The Department will submit to the NO<sub>x</sub> Allowance Tracking System the NO<sub>x</sub> allowance allocations, in accordance with § 145.42 (relating to NO<sub>x</sub> allowance allocations), for the control periods in 2003, 2004 and 2005.

(b) By April 1, 2003, and April 1 of each year thereafter, the Department will submit to the NO<sub>x</sub> Allowance Tracking System the NO<sub>x</sub> allowance allocations, in accordance with § 145.42, for the control period in the year that is 3 years after the year of the applicable deadline for submission under this subsection (b). If the Department fails to submit the NO<sub>x</sub> allowance allocations in accordance with this subsection, the same number of NO<sub>x</sub> allowances as were allocated for the preceding control period will be allocated for the control period.

(c) By April 1, 2004, and April 1 of each year thereafter, the Department will submit to the NO<sub>x</sub> Allowance Tracking System the NO<sub>x</sub> allowance allocations, in accordance with § 145.42, for NO<sub>x</sub> allowances remaining in the allocation set-aside for the prior control period.

##### § 145.42. NO<sub>x</sub> allowance allocations.

(a) Unit heat input shall be calculated as follows:

(1) The heat input (in mmBtu) used for calculating NO<sub>x</sub> allowance allocations for each NO<sub>x</sub> budget unit under § 145.4 (relating to applicability) will be as follows:

(i) For an NO<sub>x</sub> allowance allocation under § 145.41(a) (relating to timing requirements for NO<sub>x</sub> allowance allocations), the average of the two highest amounts of the unit's heat input for the control periods in 1995, 1996 and 1997 if the unit is under § 145.4(1) or the control period in 1995 if the unit is under § 145.4(2).

(ii) For an NO<sub>x</sub> allowance allocation under § 145.41(b), the unit's heat input for the control period in the year that is 4 years before the year for which the NO<sub>x</sub> allocation is being calculated.

(2) The unit's total heat input for the control period in each year specified under paragraph (1) will be determined in accordance with 40 CFR Part 75 (relating to

continuous emission monitoring) if the NO<sub>x</sub> budget unit was otherwise subject to 40 CFR Part 75 for the year, or will be based on the best available data reported to the Department for the unit if the unit was not otherwise subject to 40 CFR Part 75 for the year. The best available data will be determined in the following order: emission statements submitted as required by § 135.21 (relating to emission statements), data collected by continuous emission monitors required by Chapter 139 (relating to sampling and testing), data submitted to the Department as required under § 135.3 (relating to reporting), data from multiple stack or fuel tests, data from a single stack or fuel test.

(b) For each control period under § 145.41 (relating to timing requirements for NO<sub>x</sub> allowance allocations), the Department will allocate to all NO<sub>x</sub> budget units under § 145.4(1) in the State that commenced operation before May 1 of the period used to calculate heat input under paragraph (1), a total number of NO<sub>x</sub> allowances equal to 95% in 2003, 2004 and 2005, or 98% thereafter, of the tons of NO<sub>x</sub> emissions in the State trading program budget apportioned to electric generating units under § 145.40 (relating to State trading program budget) in accordance with the following procedures:

(1) The Department will allocate NO<sub>x</sub> allowances to each NO<sub>x</sub> budget unit under § 145.4(1) in an amount equaling 0.15 lb/mmBtu or allowable emission level, whichever is lower, multiplied by the heat input determined under subsection (a), rounded to the nearest whole NO<sub>x</sub> allowance as appropriate.

(2) If the initial total number of NO<sub>x</sub> allowances allocated to all NO<sub>x</sub> budget units under § 145.4(1) in this Commonwealth for a control period under paragraph (1) does not equal 95% in 2003, 2004 and 2005, or 98% thereafter, of the number of tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to electric generating units, the Department will adjust the total number of NO<sub>x</sub> allowances allocated to all of the NO<sub>x</sub> budget units for the control period under paragraph (1) so that the total number of NO<sub>x</sub> allowances allocated equals 95% in 2003, 2004 and 2005, or 98% thereafter, of the number of tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to electric generating units. This adjustment will be made by: multiplying each unit's allocation by 95% in 2003, 2004 and 2005, or 98% thereafter, of the number of tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to electric generating units divided by the total number of NO<sub>x</sub> allowances allocated under paragraph (1), and rounding to the nearest whole NO<sub>x</sub> allowance as appropriate.

(c) For each control period under § 145.41, the Department will allocate to all NO<sub>x</sub> budget units under § 145.4(2) in this Commonwealth that commenced operation before May 1 of the period used to calculate heat input under subsection (a), a total number of NO<sub>x</sub> allowances equal to 95% in 2003, 2004 and 2005, or 98% thereafter, of the tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to nonelectric generating units under § 145.40 in accordance with the following procedures:

(1) The Department will allocate NO<sub>x</sub> allowances to each NO<sub>x</sub> budget unit under § 145.4(2) in an amount equaling 0.17 lb/mmBtu or allowable emission level, whichever is lower, multiplied by the heat input determined under subsection (a), rounded to the nearest whole NO<sub>x</sub> allowance as appropriate.

(2) If the initial total number of NO<sub>x</sub> allowances allocated to all NO<sub>x</sub> budget units under § 145.4(2) in this Commonwealth for a control period under paragraph (1) does not equal 95% in 2003, 2004 and 2005, or 98% thereafter, of the number of tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to nonelectric generating units, the Department will adjust the total number of NO<sub>x</sub> allowances allocated to all of the NO<sub>x</sub> budget units for the control period under paragraph (1) so that the total number of NO<sub>x</sub> allowances allocated equals 95% in 2003, 2004 and 2005, or 98% thereafter, of the number of tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to nonelectric generating units. This adjustment will be made by multiplying each unit's allocation by 95% in 2003, 2004 and 2005, or 98% thereafter, of the number of tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget apportioned to nonelectric generating units divided by the total number of NO<sub>x</sub> allowances allocated under paragraph (1), and rounding to the nearest whole NO<sub>x</sub> allowance as appropriate.

(d) For each control period under § 145.41, the Department will allocate NO<sub>x</sub> allowances to NO<sub>x</sub> budget units under § 145.4 in this Commonwealth that commenced operation, or are projected to commence operation, on or after May 1 of the period used to calculate heat input under subsection (a)(1), in accordance with the following procedures:

(1) The Department will establish one allocation set-aside for each control period. Each allocation set-aside will be allocated NO<sub>x</sub> allowances equal to 5% in 2003, 2004 and 2005, or 2% thereafter, of the tons of NO<sub>x</sub> emissions in the Pennsylvania trading program budget under § 145.40, rounded to the nearest whole NO<sub>x</sub> allowance as appropriate.

(2) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit under this subsection may submit to the Department a request, as part of a plan approval application under Chapter 127, Subchapter B (relating to plan approval requirements), to be allocated NO<sub>x</sub> allowances for no more than five consecutive control periods under § 145.41, starting with the control period during which the NO<sub>x</sub> budget unit commenced, or is projected to commence, operation and ending with the control period preceding the control period for which it will receive an allocation under subsection (b) or (c). NO<sub>x</sub> budget affected units that have been issued their plan approvals as of the effective date of this subchapter may submit a request for allowances prior to May 1 of the first control period for which the NO<sub>x</sub> allowance allocation is requested and after the date on which the Department approves a plan approval for the NO<sub>x</sub> budget unit under Chapter 127 (relating to construction, modification, reactivation and operation of sources).

(3) In a NO<sub>x</sub> allowance allocation request under paragraph (2), the NO<sub>x</sub> authorized account representative for units under § 145.4(1) may request for a control period NO<sub>x</sub> allowances in an amount that does not exceed 0.15 lb/mmBtu or allowable emission rate, whichever is less, multiplied by the NO<sub>x</sub> budget unit's maximum design heat input (in mmBtu/hr) multiplied by the number of hours remaining in the control period starting with the first day in the control period on which the unit operated or is projected to operate.

(4) In a NO<sub>x</sub> allowance allocation request under paragraph (2), the NO<sub>x</sub> authorized account representative for units under § 145.4(2) may request for a control period NO<sub>x</sub> allowance in an amount that does not exceed 0.17

lb/mmBtu or allowable emission rate, whichever is less, multiplied by the NO<sub>x</sub> budget unit's maximum design heat input (in mmBtu/hr) multiplied by the number of hours remaining in the control period starting with the first day in the control period on which the unit operated or is projected to operate.

(5) The Department will review and allocate NO<sub>x</sub> allowances under each NO<sub>x</sub> allowance allocation request under paragraph (2) in the order that plan approval is issued.

(i) Upon receipt of the NO<sub>x</sub> allowance allocation request, the Department will determine whether, and will make any necessary adjustments to the request to ensure that, for units under § 145.4(1), the control period and the number of allowances specified are consistent with paragraphs (2) and (3) and, for units under § 145.4(2), the control period and the number of allowances specified are consistent with paragraphs (2) and (4).

(ii) If the allocation set-aside for the control period for which NO<sub>x</sub> allowances are requested has an amount of NO<sub>x</sub> allowances not less than the number requested (as adjusted under subparagraph (i)), the Department will allocate the amount of the NO<sub>x</sub> allowances requested (as adjusted under subparagraph (i)) to the NO<sub>x</sub> budget unit upon issuance of the plan approval under Chapter 127.

(iii) If the allocation set-aside for the control period for which NO<sub>x</sub> allowances are requested has a smaller amount of NO<sub>x</sub> allowances than the number requested (as adjusted under subparagraph (i)), the Department will deny in part the request and allocate only the remaining number of NO<sub>x</sub> allowances in the allocation set-aside to the NO<sub>x</sub> budget unit.

(iv) Once an allocation set-aside for a control period has been depleted of all NO<sub>x</sub> allowances, the Department will deny, and will not allocate any NO<sub>x</sub> allowances under, any NO<sub>x</sub> allowance allocation request under which NO<sub>x</sub> allowances have not already been allocated for the control period.

(e) For an NO<sub>x</sub> budget unit that is allocated NO<sub>x</sub> allowances under subsection (d) for a control period, NO<sub>x</sub> allowances will be deducted under § 145.54(b) or (e) (relating to compliance) to account for the actual utilization of the unit during the control period. The number of NO<sub>x</sub> allowances will be calculated to be deducted to account for the unit's actual utilization using the following formulas and rounding to the nearest whole NO<sub>x</sub> allowance as appropriate, provided that the number of NO<sub>x</sub> allowances to be deducted shall be zero if the number calculated is less than zero:

NO<sub>x</sub> allowances deducted for actual utilization for units under § 145.4(1) = (Unit's NO<sub>x</sub> allowances allocated for control period) – (Unit's actual control period utilization x 0.15 lb/mmBtu or allowable emission rate, whichever is less).

NO<sub>x</sub> allowances deducted for actual utilization for units under § 145.4(2) = (Unit's NO<sub>x</sub> allowances allocated for control period) – (Unit's actual control period utilization x 0.17 lb/mmBtu or allowable emission rate, whichever is less).

Where "Unit's NO<sub>x</sub> allowances allocated for control period" is the number of NO<sub>x</sub> allowances allocated to the unit for the control period under subsection (d) and "Unit's actual control period utilization" is the utilization (in mmBtu), as defined in § 145.2, of the unit during the control period.

(f) After making the deductions for compliance under § 145.54(b) or (e) for a control period, the Department will allocate any remaining NO<sub>x</sub> allowances to the NO<sub>x</sub> budget units using the following formula and rounding to the nearest whole NO<sub>x</sub> allowance as appropriate:

Unit's share of NO<sub>x</sub> allowances remaining in allocation set-aside = Total NO<sub>x</sub> allowances remaining in allocation set-aside x (Unit's NO<sub>x</sub> allowance allocation ÷ (State trading program budget excluding allocation set-aside))

Where:

"Total NO<sub>x</sub> allowances remaining in allocation set-aside" is the total number of NO<sub>x</sub> allowances remaining in the allocation set-aside for the control period to which the allocation set-aside applies.

"Unit's NO<sub>x</sub> allowance allocation" is the number of NO<sub>x</sub> allowances allocated under subsection (b) or (c) to the unit for the control period to which the allocation set-aside applies.

"State trading program budget excluding allocation set-aside" is the Pennsylvania trading program budget under § 145.40 for the control period to which the allocation set-aside applies multiplied by 95% if the control period is in 2003, 2004 or 2005 or 98% if the control period is in any year thereafter, rounded to the nearest whole NO<sub>x</sub> allowance as appropriate.

#### ACCOUNTING PROCESS FOR DEPOSIT, USE AND TRANSFER OF ALLOWANCES

##### § 145.50. NO<sub>x</sub> Allowance Tracking System accounts.

(a) *Nature and function of compliance accounts and overdraft accounts.* Consistent with § 145.51(a) (relating to establishment of accounts), the NO<sub>x</sub> Budget Administrator will establish one compliance account for each NO<sub>x</sub> budget unit and one overdraft account for each source with one or more NO<sub>x</sub> budget units. Allocations of NO<sub>x</sub> allowances under §§ 145.40—145.42 or § 145.88 (relating to NO<sub>x</sub> allowance allocations; and opt-in source change in regulatory status) and deductions or transfers of NO<sub>x</sub> allowances under § 145.31, § 145.54, § 145.56, §§ 145.6—145.62, or §§ 145.80—145.88 will be recorded in the compliance accounts or overdraft accounts.

(b) *Nature and function of general accounts.* Consistent with § 145.51(b) (relating to establishment of accounts), the NO<sub>x</sub> Budget Administrator will establish, upon request, a general account for any person. Transfers of allowances under §§ 145.60—145.62 (relating to NO<sub>x</sub> allowance transfers) will be recorded in the general account.

##### § 145.51. Establishment of accounts.

(a) *Compliance accounts and overdraft accounts.* Upon receipt of a complete account certificate of representation under § 145.13 (relating to account certificate of representation), the NO<sub>x</sub> Budget Administrator will establish the following:

(1) A compliance account for each NO<sub>x</sub> budget unit for which the account certificate of representation was submitted.

(2) An overdraft account for each source for which the account certificate of representation was submitted and that has two or more NO<sub>x</sub> budget units.

(b) *General accounts.*

(1) *Elements for account.*

(i) A person may apply to open a general account for the purpose of holding and transferring allowances. A complete application for a general account shall be submitted to the NO<sub>x</sub> Budget Administrator and shall include the following elements in a format prescribed by the NO<sub>x</sub> Budget Administrator:

(A) The name, mailing address, e-mail address (if any), telephone number and facsimile transmission number (if any) of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative.

(B) The organization name and type of organization.

(C) A list of all persons subject to a binding agreement for the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative to represent their ownership interest with respect to the allowances held in the general account.

(D) The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative:

"I certify that I was selected as the NO<sub>x</sub> authorized account representative or the NO<sub>x</sub> alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> Budget Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the Department, Administrator or a court regarding the general account."

(E) The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

(ii) Unless otherwise required by the NO<sub>x</sub> Budget Administrator, documents of agreement referred to in the account certificate of representation may not be submitted to the NO<sub>x</sub> Budget Administrator. The Department or NO<sub>x</sub> Budget Administrator are not under any obligation to review or evaluate the sufficiency of the documents, if submitted.

(2) *Receipt of complete application.* Upon receipt by the NO<sub>x</sub> Budget Administrator of a complete application for a general account under paragraph (1):

(i) The NO<sub>x</sub> Budget Administrator will establish a general account for the person for whom the application is submitted.

(ii) The NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative for the general account shall represent and, by his representations, actions, inactions or submissions, legally bind each person who has an ownership interest with respect to NO<sub>x</sub> allowances held in the general account in all matters pertaining to the NO<sub>x</sub> Budget Trading Program, notwithstanding an agreement between the NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative and the person. This person shall be bound by any order or decision issued to the NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative by the Department, Administrator or a court regarding the general account.

(iii) Each submission concerning the general account shall be submitted, signed and certified by the NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub>

authorized account representative for the persons having an ownership interest with respect to NO<sub>x</sub> allowances held in the general account. Each submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative:

"I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(iv) The NO<sub>x</sub> Budget Administrator will accept or act on a submission concerning the general account only if the submission has been made, signed and certified in accordance with subparagraph (iii).

(3) *Representative designation.*

(i) An application for a general account may designate only one NO<sub>x</sub> authorized account representative and one alternate NO<sub>x</sub> authorized account representative who may act on behalf of the NO<sub>x</sub> authorized account representative. The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized account representative to act in lieu of the NO<sub>x</sub> authorized account representative.

(ii) Upon receipt by the NO<sub>x</sub> Budget Administrator of a complete application for a general account under paragraph (1), any representation, action, inaction or submission by an alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction or submission by the NO<sub>x</sub> authorized account representative.

(4) *Revising the account representative.*

(i) The NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the NO<sub>x</sub> Budget Administrator of a superseding complete application for a general account under paragraph (1). Notwithstanding a change, the representations, actions, inactions and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the NO<sub>x</sub> Budget Administrator receives the superseding application for a general account shall be binding on the new NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(ii) The alternate NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the NO<sub>x</sub> Budget Administrator of a superseding complete application for a general account under paragraph (1). Notwithstanding a change, the representations, actions, inactions and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the NO<sub>x</sub> Budget Administrator receives the superseding application for a general account shall be binding on the new alternate

NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(iii) A revision of ownership listing shall include the following:

(A) If a new person having an ownership interest with respect to NO<sub>x</sub> allowances in the general account is not included in the list of persons in the account certificate of representation, the new person shall be subject to and bound by the account certificate of representation, the representation, actions, inactions and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions and inactions of the NO<sub>x</sub> Budget Administrator, as if the new person were included in the list.

(B) Within 30 days following any change in the persons having an ownership interest with respect to NO<sub>x</sub> allowances in the general account, including the addition of persons, the NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO<sub>x</sub> allowances in the general account to include the change.

(5) *Reliance on application.*

(i) Once a complete application for a general account under paragraph (1) has been submitted and received, the NO<sub>x</sub> Budget Administrator will rely on the application until a superseding complete application for a general account under paragraph (1) is received by the NO<sub>x</sub> Budget Administrator.

(ii) Except as provided in paragraph (4), no objection or other communication submitted to the NO<sub>x</sub> Budget Administrator concerning the authorization, or any representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account will affect any representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative or an alternate NO<sub>x</sub> authorized account representative or the finality of an decision or order by the Department or NO<sub>x</sub> Budget Administrator under the NO<sub>x</sub> Budget Trading Program.

(iii) The Department or NO<sub>x</sub> Budget Administrator will not adjudicate a private legal dispute concerning the authorization or representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

(c) *Account identification.* The NO<sub>x</sub> Budget Administrator will assign a unique identifying number to each account established under subsection (a) or (b).

**§ 145.52. NO<sub>x</sub> Allowance Tracking System responsibilities of NO<sub>x</sub> authorized account representative.**

(a) *Establishment of account.* Following the establishment of an NO<sub>x</sub> Allowance Tracking System account, the submissions to the Department or the NO<sub>x</sub> Budget Administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO<sub>x</sub> allowances in the account, shall be made only by the NO<sub>x</sub> authorized account representative for the account.

(b) *Authorized account representative identification.* The NO<sub>x</sub> Budget Administrator will assign a unique identifying number to each NO<sub>x</sub> authorized account representative.

**§ 145.53. Recordation of NO<sub>x</sub> allowance allocations.**

(a) The NO<sub>x</sub> Budget Administrator will record the NO<sub>x</sub> allowances for 2003 in the NO<sub>x</sub> budget units' compliance accounts and the allocation set-asides, as allocated under §§ 145.40—145.42 (relating to NO<sub>x</sub> allowance allocations). The NO<sub>x</sub> Budget Administrator will also record the NO<sub>x</sub> allowances allocated under § 145.88(a)(1) (relating to NO<sub>x</sub> allowance allocations to opt-in units) for each NO<sub>x</sub> budget opt-in source in its compliance account.

(b) Each year, after the NO<sub>x</sub> Budget Administrator has made all deductions from a NO<sub>x</sub> budget unit's compliance account and the overdraft account under § 145.54 (relating to compliance), the NO<sub>x</sub> Budget Administrator will record NO<sub>x</sub> allowances, as allocated to the unit under §§ 145.40—145.42 or under § 145.88(a)(2), in the compliance account for the year after the last year for which allowances were previously allocated to the compliance account. Each year, the NO<sub>x</sub> Budget Administrator will also record NO<sub>x</sub> allowances, as allocated under §§ 145.40—145.42, in the allocation set-aside for the year after the last year for which allowances were previously allocated to an allocation set-aside.

(c) Each NO<sub>x</sub> allowance will be assigned a unique identification number that will include digits identifying the year for which the NO<sub>x</sub> allowance is allocated.

**§ 145.54. Compliance.**

(a) *NO<sub>x</sub> allowance transfer deadline.* The NO<sub>x</sub> allowances are available to be deducted for compliance with a unit's NO<sub>x</sub> budget emissions limitation for a control period in a given year only if the NO<sub>x</sub> allowances meet the following conditions:

(1) The allowances are allocated for a control period in a prior year or the same year.

(2) The allowances are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO<sub>x</sub> allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NO<sub>x</sub> allowance transfer correctly submitted for recordation under § 145.60 (relating to submission of NO<sub>x</sub> allowance transfers) by the NO<sub>x</sub> allowance transfer deadline for that control period.

(b) *Deductions for compliance.*

(1) Following the recordation, in accordance with § 145.61 (relating to NO<sub>x</sub> transfer recordation), of NO<sub>x</sub> allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO<sub>x</sub> allowance transfer deadline for a control period, the NO<sub>x</sub> Budget Administrator will deduct NO<sub>x</sub> allowances available under subsection (a) to cover the unit's NO<sub>x</sub> emissions (as determined in accordance with §§ 145.70—145.76 (relating to recordkeeping and reporting requirements)), or to account for actual utilization under § 145.42(e) (relating to NO<sub>x</sub> allowance allocations), for the control period:

(i) From the compliance account.

(ii) Only if no more NO<sub>x</sub> allowances available under subsection (a) remain in the compliance account, from the overdraft account. In deducting allowances for units at the source from the overdraft account, the NO<sub>x</sub> Budget Administrator will begin with the unit having the compli-

ance account with the lowest NO<sub>x</sub> Allowance Tracking System account number and end with the unit having the compliance account with the highest NO<sub>x</sub> Allowance Tracking System account number (with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters).

(2) NO<sub>x</sub> allowances will be deducted first under subparagraph (i) and then under subparagraph (ii):

(i) Until the number of NO<sub>x</sub> allowances deducted for the control period equals the number of tons of NO<sub>x</sub> emissions, determined in accordance with §§ 145.70—145.76, from the unit for the control period for which compliance is being determined, plus the number of NO<sub>x</sub> allowances required for deduction to account for actual utilization under § 145.42(e) for the control period.

(ii) Until no more NO<sub>x</sub> allowances available under subsection (a) remain in the respective account.

(c) *Allowance identification.*

(1) *Identification of NO<sub>x</sub> allowances by serial number.* The NO<sub>x</sub> authorized account representative for each compliance account may identify by serial number the NO<sub>x</sub> allowances to be deducted from the unit's compliance account under subsection (b), (d) or (e). The identification shall be made in the compliance certification report submitted in accordance with § 145.30 (relating to compliance certification report).

(2) *First-in, first-out.* NO<sub>x</sub> allowances will be deducted for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO<sub>x</sub> allowances by serial number under paragraph (1), or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

(i) Those NO<sub>x</sub> allowances that were allocated for the control period to the unit under §§ 145.40—145.42 or §§ 145.80—145.88 (relating to NO<sub>x</sub> allowance allocations; and opt-in process).

(ii) Those NO<sub>x</sub> allowances that were allocated for the control period to any unit and transferred and recorded in the account under §§ 145.60—145.62 (relating to NO<sub>x</sub> allowance transfers), in order of their date of recordation;

(iii) Those NO<sub>x</sub> allowances that were allocated for a prior control period to the unit under §§ 145.40—145.42 or §§ 145.80—145.88.

(iv) Those NO<sub>x</sub> allowances that were allocated for a prior control period to any unit and transferred and recorded in the account under §§ 145.60—145.62, in order of their date of recordation.

(d) *Deductions for excess emissions.*

(1) After making the deductions for compliance under subsection (b), the NO<sub>x</sub> Budget Administrator will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO<sub>x</sub> allowances, allocated for a control period after the control period in which the unit has excess emissions, equal to three times the number of the unit's excess emissions.

(2) If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the NO<sub>x</sub> Budget Administrator will deduct the required number of NO<sub>x</sub> allowances, regardless of the control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(3) An allowance deduction required under subsection (d) does not affect the liability of the owners and operators of the NO<sub>x</sub> budget unit for any fine, penalty or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the Clean Air Act or the act. The following guidelines will be followed in assessing fines, penalties or other obligations:

(i) For purposes of determining the number of days of violation, if a NO<sub>x</sub> budget unit has excess emissions for a control period, each day in the control period (153 days) constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered.

(ii) Each ton of excess emissions is a separate violation.

(e) *Deductions for units sharing a common stack.* In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with §§ 145.70—145.76:

(1) The NO<sub>x</sub> authorized account representative of the units may identify the percentage of NO<sub>x</sub> allowances to be deducted from each unit's compliance account to cover the unit's share of NO<sub>x</sub> emissions from the common stack for a control period. The identification shall be made in the compliance certification report submitted in accordance with § 145.30.

(2) Notwithstanding subparagraph (i), the NO<sub>x</sub> Budget Administrator will deduct NO<sub>x</sub> allowances for each unit until the number of NO<sub>x</sub> allowances deducted equals the unit's identified percentage (under paragraph (1)) of the number of tons of NO<sub>x</sub> emissions, as determined in accordance with §§ 145.70—145.76, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each unit, plus the number of allowances required for deduction to account for actual utilization under § 145.42(e) for the control period.

(f) The NO<sub>x</sub> Budget Administrator will record in the appropriate compliance account or overdraft account all deductions from such an account under subsection (b), (d) or (e).

#### § 145.55. Banking.

(a) NO<sub>x</sub> allowances may be banked for future use or transfer in a compliance account, an overdraft account or a general account, as follows:

(1) An NO<sub>x</sub> allowance that is held in a compliance account, an overdraft account or a general account will remain in the account until the NO<sub>x</sub> allowance is deducted or transferred under § 145.31, § 145.54, § 145.56, §§ 145.60—145.62 or §§ 145.80—145.88.

(2) The NO<sub>x</sub> Budget Administrator will designate, as a "banked" NO<sub>x</sub> allowance, an NO<sub>x</sub> allowance that remains in a compliance account, an overdraft account or a general account after deductions have been made for a given control period from the compliance account or overdraft account under § 145.54 (relating to compliance).

(b) Each year starting in 2004, after the designation of banked NO<sub>x</sub> allowances under subsection (a)(2) and before May 1 of the year, the extent to which banked NO<sub>x</sub> allowances may be used for compliance in the control period for the current year will be determined, as follows:

(1) The total number of banked NO<sub>x</sub> allowances held in compliance accounts, overdraft accounts or general accounts will be determined.

(2) If the total number of banked NO<sub>x</sub> allowances determined, under paragraph (1), to be held in compli-

ance accounts, overdraft accounts or general accounts is less than or equal to 10% of the sum of the state trading program budgets for the control period for the states in which NO<sub>x</sub> budget units are located, any banked NO<sub>x</sub> allowance may be deducted for compliance in accordance with § 145.54.

(3) If the total number of banked NO<sub>x</sub> allowances determined, under paragraph (1), to be held in compliance accounts, overdraft accounts, or general accounts exceeds 10% of the sum of the state trading program budgets for the control period for the States in which NO<sub>x</sub> budget units are located, any banked allowance may be deducted for compliance in accordance with § 145.54, except as follows:

(i) A ratio will be determined as follows: 0.10 multiplied by the sum of the state trading program budgets for the control period for the states in which NO<sub>x</sub> budget units are located and divided by the total number of banked NO<sub>x</sub> allowances determined, under paragraph (1), to be held in compliance accounts, overdraft accounts or general accounts.

(ii) The number of banked NO<sub>x</sub> allowances in each compliance account or overdraft account will be multiplied by the ratio developed in subparagraph (i) and rounded. The resulting product is the number of banked NO<sub>x</sub> allowances in the account that may be deducted for compliance in accordance with § 145.54. Banked NO<sub>x</sub> allowances in excess of the resulting product may be deducted for compliance in accordance with § 145.54, except that, if the NO<sub>x</sub> allowances are used to make a deduction, two of the NO<sub>x</sub> allowances shall be deducted for each deduction of one NO<sub>x</sub> allowance required under § 145.54.

(c) An NO<sub>x</sub> budget unit may reduce its NO<sub>x</sub> emission rate in the 2001 or 2002 control period, the owner or operator of the unit may request early reduction credits, and the Department may allocate NO<sub>x</sub> allowances in 2003 to the unit in accordance with the following requirements.

(1) Each NO<sub>x</sub> budget unit for which the owner or operator requests any early reduction credits under paragraph (4) shall monitor NO<sub>x</sub> emissions in accordance with §§ 145.70—145.76 (relating to recordkeeping and reporting requirements) starting in the 2000 control period and for each control period for which the early reduction credits are requested. The unit's monitoring system availability shall be at least 90% during the 2000 control period, and the unit shall be in compliance with any applicable State or Federal NO<sub>x</sub> emissions or emissions-related requirements.

(2) NO<sub>x</sub> emission rate and heat input under paragraphs (3)—(5) shall be determined in accordance with §§ 145.70—145.76.

(3) Each NO<sub>x</sub> budget unit for which the owner or operator requests early reduction credits under paragraph (4) shall reduce its NO<sub>x</sub> emission rate, for each control period for which early reduction credits are requested, to less than both 0.25 lb/mmBtu and 80% of the unit's NO<sub>x</sub> emission rate in the 2000 control period.

(4) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit located in this Commonwealth that meets the requirements of paragraphs (1) and (3) may submit to the Department a request for early reduction credits for the unit based on NO<sub>x</sub> emission rate reductions made by the unit in the control period for 2001 or 2002 in accordance with paragraph (3).

(i) In the early reduction credit request, the NO<sub>x</sub> authorized account may request early reduction credits



for the control period in an amount equal to the unit's heat input for the control period multiplied by the difference between 0.25 lb/mmBtu and the unit's NO<sub>x</sub> emission rate for the control period, divided by 2000 lb/ton, and rounded to the nearest ton.

(ii) The early reduction credit request shall be submitted, in a format specified by the Department, by October 31 of the year in which the NO<sub>x</sub> emission rate reductions on which the request is based are made.

(5) The Department will allocate NO<sub>x</sub> allowances, to NO<sub>x</sub> budget units meeting the requirements of paragraphs (1) and (3) and covered by early reduction requests meeting the requirements of paragraph (4)(ii), in accordance with the following procedures:

(i) Upon receipt of each early reduction credit request, the Department will accept the request only if the requirements of paragraphs (1), (3) and (4)(ii) are met and, if the request is accepted, will make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirement of paragraphs (2) and (4).

(ii) If this Commonwealth's compliance supplement pool has an amount of NO<sub>x</sub> allowances not less than the number of early reduction credits in all accepted early reduction credit requests for 2001 and 2002 (as adjusted under subparagraph (i)), the Department will allocate to each NO<sub>x</sub> budget unit covered by the accepted requests one allowance for each early reduction credit requested (as adjusted under subparagraph (i)).

(iii) If this Commonwealth's compliance supplement pool has a smaller amount of NO<sub>x</sub> allowances than the number of early reduction credits in all accepted early reduction credit requests for 2001 and 2002 (as adjusted under subparagraph (i)), the Department will allocate NO<sub>x</sub> allowances to each NO<sub>x</sub> budget unit covered by the accepted requests according to the following formula:

$$\text{Unit's allocated early reduction credits} = \frac{[(\text{Unit's adjusted early reduction credits}) / (\text{Total adjusted early reduction credits requested by all units})] \times (\text{Available NO}_x \text{ allowances from this Commonwealth compliance supplement pool})}{1}$$

Where:

"Unit's adjusted early reduction credits" is the number of early reduction credits for the unit for 2001 and 2002 in accepted early reduction credit requests, as adjusted under subparagraph (i).

"Total adjusted early reduction credits requested by all units" is the number of early reduction credits for all units for 2001 and 2002 in accepted early reduction credit requests, as adjusted under subparagraph (i).

"Available NO<sub>x</sub> allowances from this Commonwealth's compliance supplement pool" is the number of NO<sub>x</sub> allowances in this Commonwealth's compliance supplement pool and available for early reduction credits for 2001 and 2002.

(6) By May 1, 2003, the Department will allocate the NO<sub>x</sub> allowances determined under paragraph (5). The allocations will be recorded in the NO<sub>x</sub> allowance tracking system to the extent that they are consistent with the requirements of paragraphs (1)–(5).

(7) NO<sub>x</sub> allowances recorded under paragraph (6) may be deducted for compliance under § 145.54 for the control periods in 2003 or 2004. Notwithstanding subsection (a), the NO<sub>x</sub> Budget Administrator will deduct as retired any

NO<sub>x</sub> allowance that is recorded under paragraph (6) and is not deducted for compliance in accordance with § 145.54 for the control period in 2003 or 2004.

(8) NO<sub>x</sub> allowances recorded under paragraph (6) are treated as banked allowances in 2004 for the purposes of subsections (a) and (b).

(9) NO<sub>x</sub> allowances contained in compliance or overdraft accounts by affected units located in this Commonwealth under § 123.110 (relating to source compliance requirements) for years 2000 through 2002 shall be deemed to have met the requirements of subsections (a) and (c). The NO<sub>x</sub> authorized account representative shall submit the application as required by subsection (c) to the Department.

(10) The compliance supplement pool for this Commonwealth is 13,716 allowances.

#### § 145.56. Account error.

The NO<sub>x</sub> Budget Administrator may correct any error in any NO<sub>x</sub> Allowance Tracking System account. Within 10 business days of making the correction, the NO<sub>x</sub> Budget Administrator will notify the NO<sub>x</sub> authorized account representative for the account.

#### § 145.57. Closing of general accounts.

(a) The NO<sub>x</sub> authorized account representative of a general account may instruct the NO<sub>x</sub> Budget Administrator to close the account by submitting a statement requesting deletion of the account from the NO<sub>x</sub> Allowance Tracking System and by correctly submitting for recordation under § 145.60 (relating to submission of NO<sub>x</sub> allowance transfers) an allowance transfer of all NO<sub>x</sub> allowances in the account to one or more other NO<sub>x</sub> Allowance Tracking System accounts.

(b) If a general account shows no activity for 1 year or more and does not contain any NO<sub>x</sub> allowances, the NO<sub>x</sub> Budget Administrator may notify the NO<sub>x</sub> authorized account representative for the account that the account will be closed and deleted from the NO<sub>x</sub> Allowance Tracking System following 20 business days after the notice is sent. The account will be closed after the 20-day period unless before the end of the 20-day period the NO<sub>x</sub> Budget Administrator receives a correctly submitted transfer of NO<sub>x</sub> allowances into the account under § 145.60 or a statement submitted by the NO<sub>x</sub> authorized account representative requesting that the account should not be closed.

### NO<sub>x</sub> ALLOWANCE TRANSFERS

#### § 145.60. Submission of NO<sub>x</sub> allowance transfers.

The NO<sub>x</sub> authorized account representatives seeking recordation of a NO<sub>x</sub> allowance transfer shall submit the transfer to the NO<sub>x</sub> Budget Administrator. To be considered correctly submitted, the NO<sub>x</sub> allowance transfer shall include the following elements in a format specified by the NO<sub>x</sub> Budget Administrator:

(1) The numbers identifying both the transferor and transferee accounts.

(2) A specification by serial number of each NO<sub>x</sub> allowance to be transferred.

(3) The printed name and signature of the NO<sub>x</sub> authorized account representative of the transferor account and the date signed.

#### § 145.61. NO<sub>x</sub> transfer recordation.

(a) Within 5 business days of receiving a NO<sub>x</sub> allowance transfer, except as provided in subsection (b), the

NO<sub>x</sub> Budget Administrator will record a NO<sub>x</sub> allowance transfer by moving each NO<sub>x</sub> allowance from the transferor account to the transferee account as specified by the request, if the following conditions are met (relating to submission of NO<sub>x</sub> allowance transfers).

- (1) The transfer is correctly submitted under § 145.60.
- (2) The transferor account includes each NO<sub>x</sub> allowance identified by serial number in the transfer.
- (3) The transfer meets all other requirements of this subchapter.
  - (b) An NO<sub>x</sub> allowance transfer that is submitted for recordation following the NO<sub>x</sub> allowance transfer deadline and that includes any NO<sub>x</sub> allowances allocated for a control period prior to or the same as the control period to which the NO<sub>x</sub> allowance transfer deadline applies will not be recorded until after completion of the process of recordation of NO<sub>x</sub> allowance allocations in § 145.53(b) (relating to recordation of NO<sub>x</sub> allowance allocations).
  - (c) An NO<sub>x</sub> allowance transfer submitted for recordation that fails to meet the requirements of subsection (a) will not be recorded.

#### § 145.62. Notification.

(a) *Notification of recordation.* Within 5 business days of recordation of a NO<sub>x</sub> allowance transfer under § 145.61 (relating to NO<sub>x</sub> transfer recordation), the NO<sub>x</sub> Budget Administrator will notify each party to the transfer. Notice will be given to the NO<sub>x</sub> authorized account representatives of both the transferor and transferee accounts.

(b) *Notification of nonrecordation.* Within 10 business days of receipt of a NO<sub>x</sub> allowance transfer that fails to meet the requirements of § 145.61(a), the NO<sub>x</sub> Budget Administrator will notify the NO<sub>x</sub> authorized account representatives of both accounts subject to the transfer of:

- (1) A decision not to record the transfer.
- (2) The reasons for the nonrecordation.
- (c) *Resubmission.* Nothing in this section precludes the submission of a NO<sub>x</sub> allowance transfer for recordation following notification of nonrecordation.

### RECORDKEEPING AND REPORTING REQUIREMENTS

#### § 145.70. General monitoring requirements.

The owners and operators, and to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit, shall comply with the monitoring and reporting requirements as provided in this section and §§ 145.71—145.76 (relating to recordkeeping and reporting requirements) and in 40 CFR Part 75 (relating to continuous emission monitoring). For purposes of complying with these requirements, the definitions in § 145.2 and in 40 CFR 72.2 (relating to definitions) apply, and the terms “affected unit,” “designated representative” and “continuous emission monitoring system” (or “CEMS”) in 40 CFR Part 75 shall be replaced by the terms “NO<sub>x</sub> Budget unit,” “NO<sub>x</sub> authorized account representative” and “continuous emission monitoring system” (or “CEMS”), respectively, as defined in § 145.2 (relating to definitions).

(1) *Requirements for installation, certification and data accounting.* The owner or operator of each NO<sub>x</sub> budget unit shall meet the following requirements. These provisions also apply to a unit for which an application for a

NO<sub>x</sub> Budget opt-in permit is submitted and not denied or withdrawn, as provided in §§ 145.80—145.88 (relating to opt-in process).

(i) Install all monitoring systems required under this subchapter for monitoring NO<sub>x</sub> mass. This includes all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> concentration, heat input and flow, in accordance with 40 CFR 75.72 and 75.76.

(ii) Install the monitoring systems for monitoring heat input, if required under § 145.76 (relating to petitions) for developing NO<sub>x</sub> allowance allocations.

(iii) Successfully complete the certification tests required under § 145.71 (relating to initial certification and recertification procedures) and meet all other provisions of this subchapter and 40 CFR Part 75 applicable to the monitoring systems under subparagraphs (i) and (ii).

(iv) Record and report data from the monitoring systems under subparagraphs (i) and (ii).

(2) *Compliance dates.* The owner or operator shall meet the requirements of paragraph (1)(i)—(iii) on or before the following dates and shall record and report data on and after the following dates:

(i) NO<sub>x</sub> budget units for which the owner or operator intends to apply for early reduction credits under § 145.55(d) (relating to banking) shall comply with the requirements of this section and §§ 145.71—145.76 by May 1, 2000.

(ii) Except for NO<sub>x</sub> budget units under subparagraph (i), NO<sub>x</sub> budget units under § 145.4 (relating to applicability) that commence operation before January 1, 2002, shall comply with the requirements of this section and §§ 145.71—145.76 by May 1, 2002.

(iii) NO<sub>x</sub> budget units under § 145.4 that commence operation on or after January 1, 2002, and that report on an annual basis under § 145.74(d) (relating to recordkeeping and reporting) shall comply with the requirements of this section and §§ 145.71—145.76 by the later of the following dates:

(A) May 1, 2002.

(B) The earlier of one of the following:

(I) One hundred eighty days after the date on which the unit commences operation

(II) Ninety days after the date on which the unit commences commercial operation, for units under § 145.4(1)

(iv) NO<sub>x</sub> budget units under § 145.4 that commence operation on or after January 1, 2002, and that report on a control season basis under § 145.74(d) shall comply with this section and §§ 145.71—145.76 by the later of the following dates:

(A) The earlier of one of the following dates. However, if the applicable deadline under this clause does not occur during a control period, May 1 immediately following the date determined in accordance with clause (A).

(I) One hundred eighty days after the date on which the unit commences operation or,

(II) Ninety days after the date on which the unit commences commercial operation, for units under § 145.4(1).

(v) For a NO<sub>x</sub> budget unit with a new stack or flue for which construction is completed after the applicable deadline under subparagraph (i), (ii), (iii) or §§ 145.80—

145.88, 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue.

(vi) For a unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, the compliance dates specified under §§ 145.80–145.88.

(3) *Reporting data prior to initial certification.*

(i) The owner or operator of a NO<sub>x</sub> budget unit that misses the certification deadline under paragraph (2)(i) is not eligible to apply for early reduction credits. The owner or operator of the unit becomes subject to the certification deadline under paragraph (2)(i).

(ii) The owner or operator of a NO<sub>x</sub> budget unit under paragraph (2)(iii) or (iv) shall determine, record and report NO<sub>x</sub> mass, heat input (if required for purposes of allocations) and any other values required to determine NO<sub>x</sub> Mass—for example, NO<sub>x</sub> emission rate and heat input or NO<sub>x</sub> concentration and stack flow—using the provisions of 40 CFR 75.70(g) (relating to NO<sub>x</sub> mass emissions provisions), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

(4) *Prohibitions.*

(i) An owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may not use an alternative monitoring system, alternative reference method or another alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with § 145.75.

(ii) An owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may not operate the unit so as to discharge, or allow to be discharged, NO<sub>x</sub> emissions to the atmosphere without accounting for these emissions in accordance with the applicable provisions of this subchapter and 40 CFR Part 75 except as provided for in 40 CFR 75.74 (relating to annual and ozone season monitoring and reporting requirements).

(iii) An owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may not disrupt the continuous emission monitoring system, a portion thereof or another approved emission monitoring method, and thereby avoid monitoring and recording NO<sub>x</sub> mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing or maintenance is performed in accordance with the applicable provisions of this subchapter and 40 CFR Part 75 except as provided for in 40 CFR 75.74.

(iv) An owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may not retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this subchapter, except under one of the following circumstances:

(A) During the period that the unit is covered by a retired unit exemption under § 145.5 (relating to retired unit exemption) that is in effect.

(B) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subchapter and 40 CFR Part 75, by the Department

for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system.

(C) The NO<sub>x</sub> authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with § 145.71(b)(2).

(5) Notwithstanding the provisions of this section and §§ 145.71–145.76, sources that are also subject to the monitoring provisions of Chapter 139 (relating to sampling and testing) shall demonstrate compliance with those provisions in addition to the provisions of this section and §§ 145.71–145.76.

**§ 145.71. Initial certification and recertification procedures.**

(a) The owner or operator of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR Part 75 (relating to continuous emission monitoring), except that:

(1) If, prior to January 1, 1998, the Administrator approved a petition under 40 CFR 75.17(a) or (b) (relating to specific provisions for monitoring emissions from common, bypass, and multiple stacks for NO<sub>x</sub> emission rate) for apportioning the NO<sub>x</sub> emission rate measured in a common stack or a petition under 40 CFR 75.66 (relating to petitions to the Administrator) for an alternative to a requirement in 40 CFR 75.17, the NO<sub>x</sub> authorized account representative shall resubmit the petition to the Administrator under § 145.75(a) (relating to petitions) to determine if the approval applies under the NO<sub>x</sub> Budget Trading Program.

(2) For additional CEMS required under the common stack provisions in 40 CFR 75.72 (relating to determination of NO<sub>x</sub> mass emissions), or for NO<sub>x</sub> concentration CEMS used under 40 CFR 75.71(a)(2) (relating to specific provisions for monitoring NO<sub>x</sub> emission rate and heat input for the purpose of calculating NO<sub>x</sub> mass emissions), the owner or operator shall meet the requirements of subsection (b).

(b) The owner or operator of a NO<sub>x</sub> budget unit that is not subject to an acid rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 (relating to optional SO<sub>2</sub>, NO<sub>x</sub> and CO<sub>2</sub> emissions calculation for low mass emissions unit) shall also meet the requirements of subsection (c) and the owner or operator of a unit that qualifies to use an alternative monitoring system under 40 CFR Part 75 Subpart E (relating to alternative monitoring systems) shall also meet the requirements of subsection (d). The owner or operator of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation, but requires additional CEMS under the common stack provisions in 40 CFR 75.72, or that uses a NO<sub>x</sub> concentration CEMS under 40 CFR 75.71(a)(2) also shall comply with the following initial certification and recertification procedures:

(1) *Requirements for initial certification.* The owner or operator shall ensure that each monitoring system required by 40 CFR Part 75 Subpart H (relating to NO<sub>x</sub> mass emissions provisions) (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20 (relating to certification and recertification procedures). The owner or operator shall ensure that the

applicable certification tests are successfully completed by the deadlines specified in § 145.70(2) (relating to general monitoring requirements). In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this part in a location where no monitoring system was previously installed, initial certification according to 40 CFR 75.20 is required.

(2) *Requirements for recertification.* Whenever the owner or operator makes a replacement, modification or change in a certified monitoring system that the Budget Administrator or Department determines significantly affects the ability of the system to accurately measure or record NO<sub>x</sub> mass emissions or heat input or to meet the requirements of 40 CFR 75.21 (relating to quality assurance and quality control requirements) or 40 CFR Part 75 Appendix B (relating to quality assurance and quality control), the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Whenever the owner or operator makes a replacement, modification or change to the flue gas handling system or the unit's operation that the Budget Administrator or Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site or changing of flow rate monitor polynomial coefficients.

(3) *Certification approval process for initial certifications and recertification.*

(i) *Notification of certification.* The NO<sub>x</sub> authorized account representative shall submit to the Department and the appropriate EPA Regional Office a written notice of the dates of certification in accordance with § 145.73 (relating to procedures notification).

(ii) *Certification application.* The NO<sub>x</sub> authorized account representative shall submit to the Department a certification application for each monitoring system required under 40 CFR Part 75 Subpart H. A complete certification application shall include the information specified in 40 CFR Part 75 Subpart H.

(iii) Except for units using the low mass emission excepted methodology under 40 CFR 75.19, the provisional certification date for a monitor shall be determined using the procedures set forth in 40 CFR 75.20(a)(3). A provisionally certified monitor may be used under the NO<sub>x</sub> Budget Trading Program for a period not to exceed 120 days after receipt by the Department of the complete certification application for the monitoring system or component thereof under subsection (b)(3)(ii). Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of 40 CFR Part 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), if the Department does not invalidate the provisional certification by issuing a notice of disapproval.

(iv) *Certification application formal approval process.* The Department will issue a written notice of approval or disapproval of the certification application to the owner or operator after receipt and review of the complete certification application under subparagraph (ii). If the Department does not issue the notice, each monitoring system which meets the applicable performance requirements of 40 CFR Part 75 and is included in the certification application will be deemed certified for use under the NO<sub>x</sub> Budget Trading Program.

(A) *Approval notice.* If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR Part 75, the Department will issue a written notice of approval of the certification application.

(B) *Incomplete application notice.* A certification application will be considered complete when all of the applicable information required to be submitted under subparagraph (ii) has been received by the Department. If the certification application is not complete, the Department will issue a written notice of incompleteness that sets a date by which the NO<sub>x</sub> authorized account representative must submit the additional information required to complete the certification application. If the NO<sub>x</sub> authorized account representative does not comply with the notice of incompleteness by the specified date, then the Department may issue a notice of disapproval under clause (C).

(C) *Disapproval notice.* If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this section and §§ 145.70 and 145.72–145.76, or if the certification application is incomplete and the requirement for disapproval under clause (B) has been met, the Department will issue a written notice of disapproval of the certification application. Upon issuance of the notice of disapproval, the provisional certification is invalidated by the Department and the data measured and recorded by each uncertified monitoring system or component thereof will not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in subparagraph (v) for each monitoring system or component thereof which is disapproved for initial certification.

(D) *Audit decertification.* The Department may issue a notice of disapproval of the certification status of a monitor in accordance with § 145.72(b) (relating to out of control periods).

(v) *Procedures for loss of certification.* If the Department issues a notice of disapproval of a certification application under subparagraph (iv)(C) or a notice of disapproval of certification status under subparagraph (iv)(D), the following apply:

(A) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and continuing until the time, date and hour specified under 40 CFR 75.20(a)(5)(i):

(I) For units using or intending to monitor for NO<sub>x</sub> emission rate and heat input or for units using the low mass emission excepted methodology under 40 CFR 75.19, the maximum potential NO<sub>x</sub> emission rate and the maximum potential hourly heat input of the unit.

(II) For units intending to monitor for NO<sub>x</sub> mass emissions using a NO<sub>x</sub> pollutant concentration monitor and a flow monitor, the maximum potential concentration of NO<sub>x</sub> and the maximum potential flow rate of the unit under 40 CFR Part 75 Appendix A Section 2.1 (relating to instrument span).

(B) The NO<sub>x</sub> authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with subparagraphs (i) and (ii).

(C) The owner or operator shall repeat all certification tests or other requirements that were failed by the

monitoring system, as indicated in the Department's notice of disapproval, within 30 unit operating days after the date of issuance of the notice of disapproval.

(c) This subsection applies to initial certification and recertification procedures for low mass emission units using the excepted methodologies under 40 CFR 75.19. The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under 40 CFR 75.19 shall meet the applicable general operating requirements of 40 CFR 75.10 (relating to general operating requirements), the applicable requirements of 40 CFR 75.19, and the applicable certification requirements of § 145.71, except that the excepted methodology shall be deemed provisionally certified for use under the NO<sub>x</sub> Budget Trading Program, as of one of the following dates:

(i) For a unit that commences operation before its compliance deadline under subsection (b), from January 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the Department review.

(ii) For a unit that commences operation after its compliance deadline under subsection (b), the date of submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for Department review.

(d) This subsection applies to certification/recertification procedures for alternative monitoring systems. The NO<sub>x</sub> authorized account representative representing the owner or operator of each unit applying to monitor using an alternative monitoring system approved by the Budget Administrator under 40 CFR Part 75 Subpart E (relating to alternative monitoring systems) shall apply for certification to the Department prior to use of the system under the NO<sub>x</sub> Trading Program. The NO<sub>x</sub> authorized account representative shall apply for recertification following a replacement, modification or change according to the procedures in subsection (b). The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in subsection (b)(3) and 40 CFR 75.20(f).

#### § 145.72. Out of control periods.

(a) *Quality assurance requirements.* Whenever a monitoring system fails to meet the quality assurance requirements of 40 CFR Part 75 Appendix B (relating to quality assurance and quality control procedures), data shall be substituted using the applicable procedures in 40 CFR Part 75 Subpart D, Appendix D or Appendix E (relating to missing data substitution procedures; optional SO<sub>2</sub> emissions data protocol for gas-fired and oil-fired units; and optional NO<sub>x</sub> emissions estimation protocol for gas-fired peaking units and oil-fired peaking units).

(b) *Audit decertification.* Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system or component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under § 145.71 (relating to initial certification and recertification procedures) or the applicable provisions of 40 CFR Part 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Department will issue a notice of disapproval of the certification status of the system or component. For the purposes of this subsection, an audit shall be either a field audit or

an audit of any information submitted to the Department or the Administrator. By issuing the notice of disapproval, the Department revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component will not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests. The owner or operator shall follow the initial certification or recertification procedures in § 145.71 for each disapproved system.

#### § 145.73. Notifications.

The NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget unit shall submit written notice to the Department and the Administrator in accordance with 40 CFR 75.61 (relating to notification), except that if the unit is not subject to an acid rain emissions limitation, the notification is only required to be sent to the Department.

#### § 145.74. Recordkeeping and reporting.

##### (a) *General provisions.*

(1) In addition to the requirements of Chapter 127 (relating to construction, modification, reactivation and operation of sources), the NO<sub>x</sub> authorized account representative shall comply with the recordkeeping and reporting requirements in this section and with the requirements of § 145.10(e) (relating to authorization and responsibilities of the NO<sub>x</sub> authorized account representative).

(2) If the NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under 40 CFR Part 75 Subpart F or G (relating to recordkeeping requirements; and reporting requirements) and which includes data and information required under this subchapter or 40 CFR Part 75 Subpart H (relating to NO<sub>x</sub> mass emissions provisions) is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR Part 72 (relating to permits regulation), the submission shall also be signed by the designated representative or the alternative designated representative.

##### (b) *Monitoring plans.*

(1) The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62 (relating to monitoring plan), except that the monitoring plan shall also include all of the information required by 40 CFR Part 75 Subpart H.

(2) The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by 40 CFR Part 75 Subpart H.

(c) *Certification applications.* The NO<sub>x</sub> authorized account representative shall submit an application to the Department within 45 days after completing all initial certification or recertification tests required under § 145.71 (relating to initial certification and recertification procedures) including the information required under 40 CFR Part 75 Subpart H.

(d) *Quarterly reports.* The NO<sub>x</sub> authorized account representative shall submit quarterly reports, as follows:

(1) NO<sub>x</sub> budget units shall meet the annual reporting requirements of this subchapter. The NO<sub>x</sub> authorized

account representative shall submit a quarterly report for each calendar quarter beginning with one of the following:

(i) For units that elect to comply with the early reduction credit provisions under § 145.55 (relating to banking), the calendar quarter that includes the date of initial provisional certification under § 145.71(b)(3)(iii). Data shall be reported from the date and hour corresponding to the date and hour of provisional certification.

(ii) For units commencing operation prior to May 1, 2002, that are not required to certify monitors by May 1, 2000, under § 145.70(2)(i) (relating to general monitoring requirements), the earlier of the calendar quarter that includes the date of initial provisional certification under § 145.71(b)(3)(iii) or, if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2002.

(iii) For a unit that commences operation after May 1, 2002, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation.

(2) The NO<sub>x</sub> authorized account representative shall submit each quarterly report to the Department and NO<sub>x</sub> Budget Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR Part 75 Subpart H and 40 CFR 75.64 (relating to quarterly reports).

(i) For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in 40 CFR Part 75 Subpart H for each NO<sub>x</sub> budget unit (or group of units using a common stack) as well as information required in 40 CFR Part 75 Subpart G (relating to reporting requirements).

(ii) For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and information required in 40 CFR Part 75 Subpart H for each NO<sub>x</sub> budget unit (or group of units using a common stack).

(3) The NO<sub>x</sub> authorized account representative shall submit to the Department and NO<sub>x</sub> Budget Administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that the following conditions have been met:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this subchapter and 40 CFR Part 75, including the quality assurance procedures and specifications.

(ii) For a unit with add-on NO<sub>x</sub> emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1) (relating to units with add-on emission controls), the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate NO<sub>x</sub> emissions.

(iii) For a unit that is reporting on a control period basis under this subsection, the NO<sub>x</sub> emission rate and NO<sub>x</sub> concentration values substituted for missing data under 40 CFR Part 75 Subpart D (relating to missing data substitution procedures) are calculated using only

values from a control period and do not systematically underestimate NO<sub>x</sub> emissions.

#### § 145.75. Petitions.

(a) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 (relating to petitions to the Administrator) to the Administrator requesting approval to apply an alternative to any requirement of this section and §§ 145.70—145.74 and 145.76.

(1) Application of an alternative to any requirement of this section and §§ 145.70—145.74 and 145.76 is in accordance with this section and § 145.76 only to the extent that the petition is approved by the Administrator.

(2) Notwithstanding paragraph (1), if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72 (relating to determination of NO<sub>x</sub> mass emissions), the petition is governed by subsection (b).

(b) The NO<sub>x</sub> authorized account representative of an NO<sub>x</sub> budget unit that is not subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 (relating to petitions to the Administrator) to the Department and the Administrator requesting approval to apply an alternative to any requirement of this section and §§ 145.70—145.74 and 145.76.

(1) The NO<sub>x</sub> authorized account representative of an NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the Department and the Administrator requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72 or a NO<sub>x</sub> concentration CEMS used under 40 CFR 75.71(a)(2) (relating to specific provisions for monitoring NO<sub>x</sub> emission rate and heat input for the purpose of calculating NO<sub>x</sub> mass emissions).

(2) Application of an alternative to any requirement of this section and §§ 145.70—145.74 and 145.76 is in accordance with those sections only to the extent the petition under subsection (b) is approved by the Department and the Administrator.

#### § 145.76. Additional requirements to provide heat input data.

(a) The owner or operator of a unit that elects to monitor and report NO<sub>x</sub> mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75 (relating to continuous emission monitoring).

(b) The owner or operator of a unit that monitors and reports NO<sub>x</sub> mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75 for any source that is applying for early reduction credits under § 145.55 (relating to banking).

### OPT-IN PROCESS

#### § 145.80. Applicability for opt-in sources.

A unit that is not a NO<sub>x</sub> budget unit under § 145.4 (relating to applicability), vents all of its emissions to a stack, and is operating, may qualify, under this section and §§ 145.81—145.88 (relating to opt-in process), to become a NO<sub>x</sub> budget opt-in source. A unit that is an NO<sub>x</sub> budget unit, is covered by a retired unit exemption under

§ 145.5 (relating to retired unit exemption) that is in effect, or is not operating is not eligible to become an NO<sub>x</sub> budget opt-in source.

**§ 145.81. Opt-in source general provisions.**

Except as otherwise provided, a NO<sub>x</sub> budget opt-in source shall be treated as a NO<sub>x</sub> budget unit for purposes of applying §§ 145.1—145.76.

**§ 145.82. NO<sub>x</sub> authorized account representative for opt-in sources.**

A unit for which an application for an NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, or an NO<sub>x</sub> budget opt-in source, located at the same source as one or more NO<sub>x</sub> budget units, shall have the same NO<sub>x</sub> authorized account representative as the NO<sub>x</sub> budget units.

**§ 145.83. Applying for an NO<sub>x</sub> budget opt-in permit.**

To apply for an initial NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of a unit qualified under § 145.80 (relating to applicability for opt-in sources) may submit the following to the Department at any time, except as provided under § 145.86(g) (relating to opt-in source withdrawal from NO<sub>x</sub> budget trading program):

(1) A complete NO<sub>x</sub> budget permit application under § 145.22 (relating to information requirements for NO<sub>x</sub> budget permit applications)

(2) A monitoring plan submitted in accordance with §§ 145.70—145.76 (relating to recordkeeping and reporting requirements).

(3) A complete account certificate of representation under § 145.13 (relating to account certificate of representation), if no NO<sub>x</sub> authorized account representative has been previously designated for the unit.

**§ 145.84. Opt-in process.**

The Department will issue or deny a NO<sub>x</sub> budget opt-in permit for a unit for which an initial application for a NO<sub>x</sub> budget opt-in permit under § 145.83 (relating to applying for an NO<sub>x</sub> budget opt-in permit) is submitted, in accordance with § 145.20 (relating to general NO<sub>x</sub> budget trading program permit requirements) and the following:

(1) *Interim review of monitoring plan.* The Department will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for an NO<sub>x</sub> budget opt-in permit under § 145.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO<sub>x</sub> emissions rate and heat input of the unit are monitored and reported in accordance with §§ 145.70—145.76 (relating to recordkeeping and reporting requirements). A determination of sufficiency will not be construed as acceptance or approval of the unit's monitoring plan.

(2) *Plan sufficiency.* If the Department determines that the unit's monitoring plan is sufficient under paragraph (1) and after completion of monitoring system certification under §§ 145.70—145.76, the NO<sub>x</sub> emissions rate and the heat input of the unit shall be monitored and reported in accordance with §§ 145.70—145.76 for one full control period during which monitoring system availability is not less than 90% and during which the unit is in compliance with any applicable State or Federal NO<sub>x</sub> emissions or emissions-related requirements. Solely for purposes of

applying this requirement, the unit shall be treated as an NO<sub>x</sub> budget unit prior to issuance of a NO<sub>x</sub> budget opt-in permit covering the unit.

(3) *Base line heat rate.* Based on the information monitored and reported under paragraph (2), the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmBtu) for the control period and the unit's baseline NO<sub>x</sub> emissions rate shall be calculated as the unit's total NO<sub>x</sub> mass emissions (in lb) for the control period divided by the unit's baseline heat rate.

(4) *Draft permit.* After calculating the baseline heat input and the baseline NO<sub>x</sub> emissions rate for the unit under paragraph (3), the Department will issue a draft NO<sub>x</sub> budget opt-in permit to the NO<sub>x</sub> authorized account representative of the unit.

(5) *Confirmation of intention to opt-in.* Within 20 days after the issuance of the draft NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of the unit shall submit to the Department a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO<sub>x</sub> budget opt-in permit under § 145.83. The Department will treat the failure to make a timely submission as a withdrawal of the NO<sub>x</sub> budget opt-in permit application.

(6) *Issuance of draft NO<sub>x</sub> budget opt-in permit.* If the NO<sub>x</sub> authorized account representative confirms the intention to opt in the unit under paragraph (5), the Department will issue the draft NO<sub>x</sub> budget opt-in permit in accordance with § 145.20.

(7) *Nonqualification of unit.* Notwithstanding paragraphs (1)—(6), if at any time before issuance of a draft NO<sub>x</sub> budget opt-in permit for the unit, the Department determines that the unit does not qualify as an NO<sub>x</sub> budget opt-in source under § 145.80 (relating to applicability for opt-in sources), the Department will issue a draft denial of an NO<sub>x</sub> budget opt-in permit for the unit in accordance with § 145.20.

(8) *Withdrawal of application for an NO<sub>x</sub> budget opt-in permit.* A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for a NO<sub>x</sub> budget opt-in permit under § 145.83 at any time prior to the issuance of the final NO<sub>x</sub> budget opt-in permit. Once the application for a NO<sub>x</sub> budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to reapply shall submit a new application for a NO<sub>x</sub> Budget permit under § 145.83.

(9) *Effective date.* The effective date of the initial NO<sub>x</sub> budget opt-in permit is May 1 of the first control period starting after the issuance of the initial NO<sub>x</sub> budget opt-in permit by the Department. The unit shall be a NO<sub>x</sub> budget opt-in source and a NO<sub>x</sub> budget unit as of the effective date of the initial NO<sub>x</sub> budget opt-in permit.

**§ 145.85. NO<sub>x</sub> budget opt-in permit contents.**

(a) Each NO<sub>x</sub> budget opt-in permit will contain all elements required for a complete NO<sub>x</sub> budget opt-in permit application under § 145.22 (relating to information requirements for NO<sub>x</sub> budget permit applications).

(b) Each NO<sub>x</sub> budget opt-in permit shall incorporate the requirements of this subchapter.

**§ 145.86. Opt-in source withdrawal from NO<sub>x</sub> budget trading program.**

(a) *Requesting withdrawal.* To withdraw from the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit to the Department a request to withdraw effective as of a

specified date prior to May 1 or after September 30. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

(b) *Conditions for withdrawal.* Before a NO<sub>x</sub> budget opt-in source covered by a request under subsection (a) may withdraw from the NO<sub>x</sub> Budget Trading Program and the NO<sub>x</sub> budget opt-in permit may be terminated under subsection (e), the following conditions shall be met:

(1) For the control period immediately before the withdrawal is to be effective, the NO<sub>x</sub> authorized account representative must submit or must have submitted to the Department an annual compliance certification report in accordance with § 145.30 (relating to compliance certification report).

(2) If the NO<sub>x</sub> budget opt-in source has excess emissions for the control period immediately before the withdrawal is to be effective, the NO<sub>x</sub> Budget Administrator will deduct or has deducted from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, the full amount required under § 145.54(d) (relating to compliance) for the control period.

(3) After the requirements for withdrawal under paragraphs (1) and (2) are met, the NO<sub>x</sub> Budget Administrator will deduct from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as any NO<sub>x</sub> allowances allocated to that source under § 145.88 (relating to NO<sub>x</sub> allowance allocations to opt-in units) for any control period for which the withdrawal is to be effective. The Administrator will close the NO<sub>x</sub> budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(c) *Withdrawal from program.* A NO<sub>x</sub> budget opt-in source that withdraws from the NO<sub>x</sub> Budget Trading Program shall comply with the requirements under the NO<sub>x</sub> Budget Trading Program concerning all years for which the NO<sub>x</sub> budget opt-in source was a NO<sub>x</sub> budget opt-in source, even if the requirements arise or must be complied with after the withdrawal takes effect.

(d) *Notification.*

(1) After the requirements for withdrawal under subsections (a) and (b) are met (including deduction of the full amount of NO<sub>x</sub> allowances required), the Department will issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source of the acceptance of the withdrawal of the NO<sub>x</sub> budget opt-in source as of a specified effective date that is after the requirements have been met and that is prior to May 1 or after September 30.

(2) If the requirements for withdrawal under subsections (a) and (b) are not met, the Department will issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source that the NO<sub>x</sub> budget opt-in source's request to withdraw is denied. If the NO<sub>x</sub> budget opt-in source's request to withdraw is denied, the NO<sub>x</sub> budget opt-in source shall remain subject to the requirements for a NO<sub>x</sub> budget opt-in source.

(e) *Permit amendment.* After the Department issues a notification under subsection (d)(1) that the requirements

for withdrawal have been met, the Department will revise the NO<sub>x</sub> budget permit covering the NO<sub>x</sub> budget opt-in source to terminate the NO<sub>x</sub> budget opt-in permit as of the effective date specified under subsection (d)(1). A NO<sub>x</sub> budget opt-in source shall continue to be a NO<sub>x</sub> budget opt-in source until the effective date of the termination.

(f) *Reapplication upon failure to meet conditions of withdrawal.* If the Department denies the NO<sub>x</sub> budget opt-in source's request to withdraw, the NO<sub>x</sub> authorized account representative may submit another request to withdraw in accordance with subsections (a) and (b).

(g) *Ability to return to the NO<sub>x</sub> Budget Trading Program.* Once a NO<sub>x</sub> budget opt-in source withdraws from the NO<sub>x</sub> Budget Trading Program and its NO<sub>x</sub> budget opt-in permit is terminated under this section, the NO<sub>x</sub> authorized account representative may not submit another application for a NO<sub>x</sub> budget opt-in permit under § 145.83 (relating to applying for a NO<sub>x</sub> budget opt-in permit) for the unit prior to the date that is 4 years after the date on which the terminated NO<sub>x</sub> budget opt-in permit became effective.

#### § 145.87. Opt-in source change in regulatory status.

(a) *Notification.* When a NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under § 145.4 (relating to applicability), the NO<sub>x</sub> authorized account representative shall notify in writing the Department and the Administrator of the change in the NO<sub>x</sub> budget opt-in source's regulatory status, within 30 days of the change.

(b) *Department's and NO<sub>x</sub> Budget Administrator's action.*

(1) *Units with active applications.*

(i) *Revision of permit.* When the NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under § 145.4, the Department will revise the NO<sub>x</sub> budget opt-in source's NO<sub>x</sub> budget opt-in permit to meet the requirements of an NO<sub>x</sub> budget permit under § 145.23 (relating to NO<sub>x</sub> budget permit contents) as of an effective date that is the date on which the NO<sub>x</sub> budget opt-in source becomes an NO<sub>x</sub> budget unit under § 145.4.

(ii) *Compliance account.*

(A) The NO<sub>x</sub> Budget Administrator will deduct from the compliance account for the NO<sub>x</sub> budget unit under subparagraph (i), or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as the following:

(I) NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit (as a NO<sub>x</sub> budget opt-in source) under § 145.88 (relating to NO<sub>x</sub> allowance allocations to opt-in units) for any control period after the last control period during which the unit's NO<sub>x</sub> budget opt-in permit was effective.

(II) If the effective date of the NO<sub>x</sub> budget permit revision under subparagraph (i) is during a control period, the NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit (as a NO<sub>x</sub> budget opt-in source) under § 145.88 for the control period multiplied by the ratio of the number of days, in the control period, starting with the effective date of the permit revision under subparagraph (i), divided by the total number of days in the control period.

(B) The NO<sub>x</sub> authorized account representative shall ensure that the compliance account of the NO<sub>x</sub> budget unit under subparagraph (i), or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, includes the NO<sub>x</sub> allowances necessary for completion of the



deduction under clause (A). If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the NO<sub>x</sub> Budget Administrator will deduct the required number of NO<sub>x</sub> allowances, regardless of the control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(iii) *Allocations.*

(A) For every control period during which the NO<sub>x</sub> budget permit revised under subparagraph (i) is effective, the NO<sub>x</sub> budget unit under subparagraph (i) will be treated, solely for purposes of NO<sub>x</sub> allowance allocations under § 145.42 (relating to NO<sub>x</sub> allowance allocations), as a unit that commenced operation on the effective date of the NO<sub>x</sub> budget permit revision under subparagraph (i) and will be allocated NO<sub>x</sub> allowances under § 145.42.

(B) Notwithstanding clause (A), if the effective date of the NO<sub>x</sub> budget permit revision under subparagraph (i) is during a control period, the following number of NO<sub>x</sub> allowances will be allocated to the NO<sub>x</sub> budget unit under subparagraph (i) under § 145.42 for the control period: the number of NO<sub>x</sub> allowances otherwise allocated to the NO<sub>x</sub> budget unit under § 145.42 for the control period multiplied by the ratio of the number of days, in the control period, starting with the effective date of the permit revision under subparagraph (i), divided by the total number of days in the control period.

(2) *Units with expired permits.*

(i) When the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source does not renew its NO<sub>x</sub> budget opt-in permit under § 145.83 (relating to applying for a NO<sub>x</sub> opt-in permit), the NO<sub>x</sub> Budget Administrator will deduct from the NO<sub>x</sub> budget opt-in unit's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget opt-in source under § 145.88 for any control period after the last control period for which the NO<sub>x</sub> budget opt-in permit is effective. The NO<sub>x</sub> authorized account representative shall ensure that the NO<sub>x</sub> budget opt-in source's compliance account or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located includes the NO<sub>x</sub> allowances necessary for completion of the deduction. If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the NO<sub>x</sub> Budget Administrator will deduct the required number of NO<sub>x</sub> allowances, regardless of the control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(ii) After the deduction under subparagraph (i) is completed, the NO<sub>x</sub> Budget Administrator will close the NO<sub>x</sub> budget opt-in source's compliance account. If any NO<sub>x</sub> allowances remain in the compliance account after completion of the deduction and any deduction under § 145.54 (relating to compliance), the NO<sub>x</sub> Budget Administrator will close the NO<sub>x</sub> budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

**§ 145.88. NO<sub>x</sub> allowance allocations to opt-in units.**

(a) *NO<sub>x</sub> allowance allocation.*

(1) By December 31 immediately before the first control period for which the NO<sub>x</sub> budget opt-in permit is

effective, the Department will allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source and submit to the NO<sub>x</sub> Allowance Tracking System the allocation for the control period in accordance with subsection (b).

(2) By no later than December 31, after the first control period for which the NO<sub>x</sub> budget opt-in permit is in effect, and December 31 of each year thereafter, the Department will allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source, and submit to the NO<sub>x</sub> Allowance Tracking System allocations for the next control period, in accordance with subsection (b).

(b) *Allocation procedures.* For each control period for which the NO<sub>x</sub> budget opt-in source has an approved NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> budget opt-in source will be allocated NO<sub>x</sub> allowances in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating NO<sub>x</sub> allowance allocations will be the lesser of one of the following:

(i) The NO<sub>x</sub> budget opt-in source's baseline heat input determined under § 145.84(c) (relating to opt-in process).

(ii) The NO<sub>x</sub> budget opt-in source's heat input, as determined in accordance with §§ 145.70—145.76 (relating to recordkeeping and reporting requirements), for the control period in the year prior to the year of the control period for which the NO<sub>x</sub> allocations are being calculated.

(2) The Department will allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source in an amount equaling the heat input (in mmBtu) determined under paragraph (1) multiplied by the lesser of one of the following:

(i) The NO<sub>x</sub> budget opt-in source's baseline NO<sub>x</sub> emissions rate (in lb/mmBtu) determined under § 145.84(c).

(ii) The most stringent State or Federal NO<sub>x</sub> emissions limitation applicable to the NO<sub>x</sub> budget opt-in source during the control period.

**EMISSION REDUCTION CREDIT PROVISIONS**

**§ 145.90. Emission reduction credit provisions.**

(a) NO<sub>x</sub> budget units may create, transfer and use emission reduction credits in accordance with Chapter 127 (relating to construction, modification, reactivation and operation of sources) and this section. ERCs may not be used to satisfy NO<sub>x</sub> allowance requirements.

(b) Emission reductions made through overcontrol, curtailment or shutdown for which allowances are banked are not surplus and may not be used to create ERCs.

(c) A NO<sub>x</sub> budget unit may transfer NO<sub>x</sub> ERCs to a NO<sub>x</sub> budget unit if the new or modified NO<sub>x</sub> budget unit's ozone season (May 1 through September 30) allowable emissions do not exceed the ozone season portion of the baseline emissions which were used to generate the NO<sub>x</sub> ERCs.

(d) A NO<sub>x</sub> budget unit may transfer NO<sub>x</sub> ERCs to a non-NO<sub>x</sub> budget unit under the following conditions:

(1) The non-NO<sub>x</sub> budget unit's ozone season (May 1—September 30) allowable emissions may not exceed the ozone season portion of the baseline emissions which were used to generate the NO<sub>x</sub> ERCs.

(2) The NO<sub>x</sub> allowance tracking system account for NO<sub>x</sub> budget units which generated ERCs transferred to non-NO<sub>x</sub> budget units, including prior to the date of publication in the *Pennsylvania Bulletin*, shall have a corresponding number of NO<sub>x</sub> allowances retired that reflect the transfer of emissions regulated under this

subchapter to the non-NO<sub>x</sub> budget units. The amount of annual NO<sub>x</sub> allowances deducted shall be equivalent to that portion of the non-NO<sub>x</sub> budget unit's NO<sub>x</sub> control period allowable emissions which were provided for by the NO<sub>x</sub> ERCs from the NO<sub>x</sub> budget unit.

(3) Allocations for NO<sub>x</sub> allowance control periods following 2002 to the NO<sub>x</sub> ERC generating source may not include the allowances identified in paragraph (2).

### Subchapter B. EMISSIONS OF NO<sub>x</sub> FROM STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

Sec.

- 145.101. Applicability.
- 145.102. Definitions.
- 145.103. Standard requirements.
- 145.104. Compliance determination.
- 145.105. Reporting, monitoring and recordkeeping.

#### § 145.101. Applicability.

(a) An owner or operator of a lean or rich burn stationary internal combustion engine rated at equal to or greater than 2,400 brake horsepower shall comply with the applicable requirements of this subchapter.

(b) An owner or operator of a diesel stationary internal combustion engine rated at equal to or greater than 3,000 brake horsepower shall comply with the applicable requirements of this subchapter.

(c) An owner or operator of a dual fuel stationary internal combustion engine rated at equal to or greater than 4,400 brake horsepower shall comply with the applicable requirements of this subchapter.

(d) Emergency standby electric generation units having the sole purpose of providing emergency electric service to the facility where it is located and which is permitted only to be utilized in the event of a catastrophic failure of the primary electrical power source for the facility and which has a permit limitation of a maximum cumulative operation of 208 hours per control period are exempt from the requirements of this subchapter.

#### § 145.102. Definitions.

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

*CEMS*—Continuous emissions monitoring system.

*Diesel engine*—A compression ignited two- or four-stroke engine in which liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition.

*Dual fuel engine*—A compression ignited stationary internal combustion engine that is burning liquid fuel and gaseous fuel simultaneously.

*Emergency standby engine*—An internal combustion engine used only when normal power line or natural gas service fails, or for the emergency pumping of water for either fire protection or flood relief. An emergency standby engine may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been either reached or exceeded.

*Engine rating*—The output of an engine as determined by the engine manufacturer and listed on the nameplate of the unit, regardless of any derating.

*HHV—Higher heating value*—The total heat liberated per mass of fuel burned (Btu per pound), when fuel and dry air at standard conditions undergo complete combus-

tion and all resultant products are brought to their standard States at standard conditions. If certification of the HHV is not provided by the third party fuel supplier, it shall be determined by one of the following test methods: ASTM D2015-85 for solid fuels; ASTM D240-87 or ASTM D2382-88 for liquid hydrocarbon fuels; or ASTM D1826-88 or ASTM D1945-81 in conjunction with ASTM D3588-89 for gaseous fuels. These methods are all incorporated by reference as specified in 40 CFR 52.3002.

*Lean-burn engine*—Any two- or four-stroke spark-ignited engine that is not a rich-burn engine.

*Maintenance operation*—The use of an emergency standby engine and fuel system during testing, repair and routine maintenance to verify its readiness for emergency standby use.

*Output*—The shaft work output from an engine plus the energy reclaimed by any useful heat recovery system.

*Peak load*—The maximum instantaneous operating load.

*Permitted capacity factor*—The annual permitted fuel use divided by the manufacturers specified maximum fuel consumption times 8,760 hours per year.

*Rich-burn engine*—A two- or four-stroke spark-ignited engine where the manufacturers original recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio is less than or equal to 1.1.

*Stationary internal combustion engine*—An internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one location to another and remains at a single site at a building, structure, facility, or installation for more than 12 consecutive months. An engine that replaces an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period. Nonroad engines and engines used solely for competition are not stationary internal combustion engines.

*Stoichiometric air/fuel ratio*—The air/fuel ratio where all fuel and all oxygen in the air/fuel mixture will be consumed.

*Unit*—Any diesel, lean-burn, or rich-burn stationary internal combustion engine as defined in this paragraph.

#### § 145.103. Standard requirements.

After May 1, 2003, an owner or operator of a unit subject to the standards of this subchapter may not operate the unit May 1—September 30 of 2003, and any subsequent year unless the owner or operator complies with the requirements of subparagraph (1) during May 1—September 30 of each year.

(1) An owner or operator of a stationary internal combustion engine may not cause to be discharged into the atmosphere any gases that contain NO<sub>x</sub> in excess of the following applicable limit, expressed as NO<sub>x</sub> corrected to 15% parts per million by volume (ppmv) stack gas O<sub>2</sub> on a dry basis, averaged over a rolling 30-day period:

- (i) Rich-burn,  $\geq 2400$  bhp: 110 ppmv
- (ii) Lean-burn,  $\geq 2400$  bhp: 125 ppmv
- (iii) Diesel,  $\geq 3000$  bhp: 175 ppmv
- (iv) Dual fuel,  $\geq 4400$  bhp: 125 ppmv

(2) Each emission limit expressed in paragraphs (1)(i)—(iv) may be multiplied by X, where X equals the engine efficiency (E) divided by a reference efficiency of

30%. Engine efficiency (E) shall be determined using one of the methods specified in subparagraph (i) or (ii), whichever provides a higher value. However, engine efficiency (E) may not be less than 30%. An engine with an efficiency lower than 30% shall be assigned an efficiency of 30%.

(i)  $E = (\text{Engine output} \times 100) / (\text{Energy input})$

where energy input is determined by a fuel measuring device accurate to  $\pm 5\%$  and is based on the higher heating value (HHV) of the fuel. Percent efficiency (E) shall be averaged over 15 consecutive minutes and measured at peak load for the applicable engine.

(ii)  $E = (\text{Manufacturers Rated Efficiency [Continuous]} \text{ at LHV} \times \text{LHV}) / (\text{HHV})$

Where:

LHV = the lower heating value of the fuel; and

HHV = the higher heating value of the fuel

#### § 145.104. Compliance determination.

An owner or operator of a unit subject to the requirements of § 145.103 (relating to standard requirement) shall determine compliance using a CEMS which meets the applicable requirements of 40 CFR Part 60 Appendices B and F (relating to performance specifications; and quality assurance procedures) and Chapter 139 (relating to sampling and testing) unless an alternate monitoring technique is approved by the Department under § 145.105(b)(ii) (relating to reporting, monitoring and recordkeeping).

#### § 145.105. Reporting, monitoring and recordkeeping.

(a) *Reporting requirements.* An owner or operator subject to the requirements of § 145.103 shall comply with the following requirements:

(1) By May 1, 2003, submit to the Department the identification number and type of each unit subject to the section, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating compliance with the section.

(2) Submit a report documenting for that unit the total  $\text{NO}_x$  emissions from May 1—September 30 of each year to the Department by October 31 of each year, beginning in 2003.

(3) Each owner or operator of a unit subject to this rule and operating a CEMS shall submit an excess emissions and monitoring systems performance report, in accordance with 40 CFR 60.7(c) and 60.13 (relating to notification and recordkeeping; and monitoring requirements) and Chapter 139 (relating to sampling and testing).

(b) *Monitoring requirements.*

(1) An owner or operator subject to the requirements of § 145.103 (relating to standard requirements) may not operate the equipment unless it is equipped with one of the following:

(i) A CEMS which meets the applicable requirements of 40 CFR Part 60, Subpart A and Appendix B (relating to performance specifications), and complies with the quality assurance procedures specified in 40 CFR Part 60, Appendix F (relating to quality assurance procedures) and Chapter 139. The CEMS shall be used to demonstrate compliance with the applicable emission limit.

(ii) An alternate calculational and recordkeeping procedure based upon actual emissions testing and correlations

with operating parameters. The installation, implementation and use of the alternate calculational and recordkeeping procedure shall be approved by the Department in writing prior to implementation.

(2) The CEMS or approved alternate recordkeeping procedure shall be operated and maintained in accordance with an onsite CEMS operating plan approved by the Department.

(c) *Recordkeeping requirements.* An owner or operator of a unit subject to this subchapter shall maintain records necessary to demonstrate compliance with this section for 5 calendar years at the plant at which the subject unit is located. The records shall be made available to the Department upon request. The owner or operator shall maintain records of the following information for each day the unit is operated:

(1) An identification and location of each engine subject to the requirements of this section.

(2) The calendar date of record.

(3) The number of hours the unit is operated during each day including startups, shutdowns, malfunctions, and the type and duration of maintenance and repairs.

(4) The date and results of each emissions inspection.

(5) A summary of any emissions corrective maintenance taken.

(6) The results of all compliance tests.

(7) The following, if a unit is equipped with a CEMS:

(i) Identification of time periods during which  $\text{NO}_x$  standards are exceeded, the reason for the exceedance, and action taken to correct the exceedance and to prevent similar future exceedances.

(ii) Identification of the time periods for which operating conditions and pollutant data were not obtained including reasons for not obtaining sufficient data and a description of corrective actions taken.

### Subchapter C. EMISSIONS OF $\text{NO}_x$ FROM CEMENT MANUFACTURING

Sec.

145.141. Applicability.

145.142. Definitions.

145.143. Standard requirements.

145.144. Reporting, monitoring and recordkeeping.

#### § 145.141. Applicability.

The requirements of this subchapter apply only to kilns with process rates of at least the following: long dry kilns—12 tons per hour (TPH); long wet kilns - 10 TPH; preheater kilns—16 TPH; precalciner and preheater/precalciner kilns—22 TPH.

#### § 145.142. Definitions.

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

*Clinker*—The product of a Portland cement kiln from which finished cement is manufactured by milling and grinding.

*Long dry kiln*—A kiln 14 feet or larger in diameter, 400 feet or greater in length, which employs no preheating of the feed. The inlet feed to the kiln is dry.

*Long wet kiln*—A kiln 14 feet or larger in diameter, 400 feet or greater in length, which employs no preheating of the feed. The inlet feed to the kiln is a slurry.

*Portland cement*—A hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.

*Portland cement kiln*—A system, including any solid, gaseous or liquid fuel combustion equipment, used to calcine and fuse raw materials, including limestone and clay, to produce Portland cement clinker.

*Precalciner kiln*—A kiln where the feed to the kiln system is preheated in cyclone chambers and utilize a second burner to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln which forms clinker.

*Preheater kiln*—A kiln where the feed to the kiln system is preheated in cyclone chambers prior to the final fusion in a kiln which forms clinker.

**§ 145.143. Standard requirements.**

After May 1, 2003, an owner or operator of any Portland cement kiln subject to this subchapter may not during May 1—September 30 emit NO<sub>x</sub> in excess of the following when averaged over 30 days:

- (1) Long wet kiln—6.0 lbs/ton of clinker produced
- (2) Long dry kiln—5.1 lbs/ton of clinker produced
- (3) Preheater kiln—3.8 lbs/ton of clinker produced
- (4) Preheater/precincer or precincer kiln—2.8 lbs/ton of clinker produced.

**§ 145.144. Reporting, monitoring and recordkeeping.**

(a) *Reporting requirements.* An owner or operator subject to the requirements of § 145.143 (relating to standard requirements) shall comply with the following requirements:

- (1) By May 1, 2003, submit to the Department the identification number and type of each unit subject to this section, the name and address of the plant where the unit

is located and the name and telephone number of the person responsible for demonstrating compliance with the section.

(2) Submit a report documenting for that unit the total NO<sub>x</sub> emissions from May 1—September 30 of each year to the Department by October 31 of each year, beginning in 2003.

(b) *Monitoring requirements.* A unit subject to this rule that is required under Chapter 139 (relating to sampling and testing) or permit condition to record NO<sub>x</sub> emissions data using a continuous emission monitor shall use that data to demonstrate compliance with this subchapter. A unit that does not have a continuous emissions monitor shall use an alternate calculational and recordkeeping procedure based upon actual emissions testing and correlations with operating parameters. The installation, implementation and use of this alternate calculational and recordkeeping procedure will be approved by the Department in writing prior to implementation.

(c) *Recordkeeping requirements.*

(1) An owner or operator of a unit subject to this subchapter shall produce and maintain records which include, but are not limited to:

- (i) The emissions, in pounds of NO<sub>x</sub> per ton of clinker produced from each affected Portland cement kiln.
- (ii) The date, time and duration of any startup, shutdown or malfunction in the operation of any of the cement kilns or the emissions monitoring equipment.
- (iii) The results of any performance testing.
- (iv) Daily cement kiln production records.

(2) The records required to be produced or maintained shall be retained on site for a minimum of 5 years and be made available to the Department upon request.

[Pa.B. Doc. No. 99-394. Filed for public inspection March 5, 1999, 9:00 a.m.]