

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 6, 1999.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-99	The Philadelphia Trust Company Philadelphia Philadelphia County	1735 Market Street Philadelphia Philadelphia County	Commenced Operations

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-6-99	Laurel Bank, Johnstown, and First Philson Bank, N.A., Berlin Surviving Institution— Laurel Bank, Johnstown	Johnstown	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-1-99	Harris Savings Bank Harrisburg Dauphin County	33 South Main Street Chambersburg Franklin County	Opened
3-25-99	Community Bank and Trust Company Forest City Susquehanna County	125 N. State Street Clarks Summit Lackawanna County	Opened
3-29-99	Farmers First Bank Lititz Lancaster County	Route 897 & Toddy Dr. East Earl Township Lancaster County	Approved
3-29-99	The Peoples State Bank East Berlin Adams County	Intersection of Greenbriar Road and Roosevelt Avenue York York County	Filed
3-30-99	Patriot Bank Pottstown Montgomery County	4915 Perkiomen Avenue Exeter Township Berks County	Filed
4-2-99	Harris Savings Bank Harrisburg Dauphin County	1147 N. Eichelberger St. Hanover York County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-99	Lafayette Ambassador Bank Easton Northampton County	<i>To:</i> 60 West Broad Street Bethlehem Northampton County <i>From:</i> 231 East Broad St. Bethlehem Northampton County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-29-99	Royal Bank of Pennsylvania Narberth Montgomery County	<i>To:</i> 655 West Dekalb Pike King of Prussia Upper Merion Twp. Montgomery County <i>From:</i> 1030 Dekalb Pike King of Prussia Upper Merion Twp. Montgomery County	Filed
3-29-99	Abington Savings Bank Jenkintown Montgomery County	<i>To:</i> 990 Old York Road Abington Montgomery County <i>From:</i> 1020 Old York Road Abington Montgomery County	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>
3-31-99	Members 1st Federal Credit Union, Mechanicsburg, and Iceberg Credit Union, Emigsville Surviving Institution— Members 1st Federal Credit Union, Mechanicsburg	Mechanicsburg	Effective
4-1-99	Pennsylvania State Employees Credit Union, Harrisburg, and PREA Credit Union, Harrisburg Surviving Institution— Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Effective
4-1-99	New Alliance Federal Credit Union, Ambridge, and Aliquippa Regional Credit Union, Aliquippa Surviving Institution— New Alliance Federal Credit Union, Ambridge	Ambridge	Effective

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 99-618. Filed for public inspection April 16, 1999, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, April 28, 1999. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RANDY COOLEY,
Chairperson

[Pa.B. Doc. No. 99-619. Filed for public inspection April 16, 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 period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

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

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

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

PA 0057681. Industrial waste, **Bi-County Fuels, Inc.**, 10 North Kearns Avenue, Chalfont, PA 18914.

This application is for issuance of an NPDES permit to discharge treated process wastewater from an oil-water separator in Chalfont Borough, **Bucks County**. This is a new discharge to West Branch of Neshaminy Creek.

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 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 Recoverable Petroleum Hydrocarbons			monitor/report

Other Requirements:

1. DMR to BCHD
2. Product Contaminated Stormwater Runoff
3. Monitoring and Reporting
4. PPC Plan Requirements
5. Other Wastewaters
6. Definitions

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 0063860. Industrial waste, SIC: 4941, **Lehighon Water Authority**, Box 25, Municipal Building, Lehighon, PA 18235.

This proposed action is for issuance of an NPDES permit to discharge into Lehighon Reservoir No. 1 on Long Run, Franklin Township, **Carbon County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 1.6 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Aluminum	monitor		
Nickel	monitor		
Zinc	monitor		
Hardness	monitor		
pH	6—9 std. units		

*Monitoring to be conducted when withdrawing from the Lehigh River.

A biological assessment will be required after the first two periods in which the diversion is in use for at least 1 month consisting of physio-chemical and macrobenthic data collected upstream of the reservoir and downstream of the reservoir.

If the diversion is not utilized during the first 4 years of this permit, then during the last year of the permit, one biological assessment must still be conducted.

The EPA waiver is in effect.

PA 0063894. Industrial waste, SIC: 4941, **Municipal Authority of the Borough of Minersville**, 2 East Sunbury Street, Minersville, PA 17954.

This proposed action is for issuance of an NPDES permit to discharge treated process wastewater into Dyer Run Reservoir in Cass Township, **Schuylkill County**.

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.110 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30.0	60.0	
Total Aluminum	4.0	8.0	
Total Iron	2.0	4.0	
Total Manganese	1.0	2.0	
pH	6.0—9.0 standard units at all times		

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

PA 0111759. Industrial waste, SIC: 2011 and 2077, **Taylor Packing Co., Inc.**, P. O. Box 188, Wyalusing, PA 18853.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater to Wyalusing Creek in Wyalusing Township, **Bradford County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company located approximately 120 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.615 mgd, are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs/day)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>
CBOD ₅ (5-1 to 10-31)	30	60	75	154	308
(11-1 to 4-30)	45	90	112	231	462
TSS	75	150	188	385	770

Parameter	Concentration (mg/l)			Mass (lbs/day)	
	Average Monthly	Daily Maximum	Instantaneous Maximum	Average Monthly	Daily Maximum
Ammonia-N (5-1 to 10-31)	4	8	10	21	41
(11-1 to 4-30)	10	20	25	51	103
Oil and Grease	15	23	30	77	118
Fecal Coliforms			400 col/100 ml		
Temperature	monitor °F				
Total Chlorine Residual (1st month—36th month)	report				
(37th month—permit expiration date)	0.4		1.4		
pH	6.0—9.0 at all times				

The EPA waiver is not in effect.

PA 0032441. Sewerage, SIC: 4952, **DCNR-Black Moshannon State Park**, R. R. 1, Box 183, Philipsburg, PA 16866-9519.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Black Moshannon Creek in Rush Township, **Centre County**.

The receiving stream is classified for the following uses: high quality cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton, approximately 140 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.05 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	18		36
TSS	30		60
Total Cl ₂ Residual (1st month—36th month)	report		
(37th month—permit expiration date)	1.0		3.1
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0112020. Sewerage, SIC: 4952, **Brookside Manor Associates**, 215 West Church Road, Suite 106, King Of Prussia, PA 19406.

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

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Company located approximately 25 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0375 mgd, are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	15		30
TSS	20		40
Ammonia-N (6-1 to 10-31)	4		8
(11-1 to 5-31)	12		24
Total Cl ₂ Residual (1st month—36th month)	report		
(37th month—permit expiration date)	0.2		0.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0228095. Industrial waste, SIC: 2089, **Tulpehocken Spring Water Company, Inc.**, R. D. 1, Sunbury, PA 17801.

This proposed action is for issuance of an NPDES permit for a new discharge from the second stage bottle wash operation to unnamed tributary of Lithia Springs in Point Township, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Authority located on the Susquehanna River, 2.1 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.006 mgd, are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report	report				
pH (std units)	XXX	XXX	within the range	6.0—9.0		
Total Suspended Solids	XXX	XXX		30	60	75
Total Dissolved Solids	XXX	XXX		500	750	XXX
MBAS	XXX	XXX		monitor	monitor	0.5

Other Conditions:

(1) Chemical Additives Requirements

The EPA waiver is in effect.

PA 0228087. Industrial waste, SIC: 4959, **Rockwell International, Inc.**, 600 Anton Boulevard, Suite 700, Costa Mesa, CA 92628-5090.

This proposed action is for issuance of an NPDES permit for a new discharge of treated groundwater to unnamed tributary of Pentz Run in City of DuBois, **Clearfield County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.06 mgd, are:

<i>Discharge Parameter</i>	<i>Concentrations (ug/l)</i>			
	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)				
pH (std units)	within the range	6.0—9.0		
Trichloroethene	XXX	5.0	10.0	12.5
Cis-1,2 Dichloroethene	XXX	1.0	2.0	2.5
Vinyl Chloride	XXX	2.0	4.0	5.0
Dissolved Iron	XXX	monitor	monitor	monitor

Other Conditions: none

The EPA waiver is in effect.

PA 0034576. Sewerage, SIC: 4952, **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Susquehanna River in Towanda Borough, **Bradford County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Water Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 1.16 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Total Cl ₂ Residual	0.5		1.6
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml as a geometric mean	
(10-1 to 4-30)		2,000 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

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 0031291. Sewage, **Deer Valley Camp—YMCA of Pittsburgh**, 254 Deer Valley Drive, Fort Hill, PA 15540-2116.

This application is for renewal of an NPDES permit to discharge treated sewage from Deer Valley Camp STP in Elk Lick Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cove Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Waterworks on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	15			30
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine (1st month—36th month) (37th month—expiration)	monitor and report 1.4			3.3
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 0222828. Sewage. **James Schultz**, R. D. 1, Bertram Drive, P. O. Box 23, Saegertown, PA 16433.

This application is for a new NPDES permit, to discharge treated sewage to Unnamed Tributary to French Creek in Hayfield Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Franklin City General Authority on French Creek located at river mile 2.17 and is located 35.13 miles below the discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.002 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
TSS	20	40
Fecal Coliform (5-1 to 10-31) (11-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0020052. Sewage. **Eldred Borough Municipal Authority**, 3 Bennett Street, Eldred, PA 16731.

This application is for a renewal of an NPDES permit to discharge treated sewage to the Allegheny River in Eldred Borough, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the New York/Pennsylvania State Line.

The proposed effluent limits for Outfall No. 001 (after the chlorine contact tank), based on a design flow of .259 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 100,000/100 ml as a geometric average		
Total Residual Chlorine	.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

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

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

Industrial waste and sewerage applications 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.

WQM Permit No. 0999403. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. This project is for the construction and operation of a sanitary sewer, pump station and forcemain to serve Warrington Retail Center located in Warrington Township, **Bucks County**.

WQM Permit No. 1599403. Sewerage. **Kennett Square Borough**, P. O. Box 5, Kennett Square, PA 19348. This project is for the construction and operation to upgrade the Kennett Square WWTP located in Kennett Square Borough, **Chester County**.

WQM Permit No. 2399402. Sewerage. **Upper Providence Township Sewer Authority**, 935 North Provi-

dence Road, Media, PA 19063-1499. This project is for the installation of an 8" gravity sewer and low pressure forcemain located in Upper Providence Township, **Delaware County**.

WQM Permit No. 4699409. Sewerage. **Lower Moreland Township Authority**, 640 Red Lion Road, Huntington Valley, PA 19006-6234. This project is for the construction and operation of a sewer extension and pump station to serve Inverness Glen Subdivision located in Lower Moreland Township, **Montgomery County**.

WQM Permit No. 4699408. Sewerage. **Horsham Township Water and Sewer Authority**, 617B Horsham Road, Horsham, PA. This project is for the extension of Park Creek Interceptor to Lower State Road by Horsham Township, **Montgomery County**.

WQM Permit No. 1599405. Sewerage. **Wawa Inc.**, 206 West Baltimore Pike, Wawa, PA 19063. Construction and operation of a sewage treatment plant to serve a proposed Wawa Food Market located in West Nottingham Township, **Chester County**.

WQM Permit No. 4699411. Sewerage. **Perkiomen Township Municipal Authority**, 1 Trappe Road, Collegeville, PA 19426. This project is for the construction and operation of a sanitary sewer collection system to serve the Cranberry Development located in Perkiomen Township, **Montgomery County**.

WQM Permit No. 0999406. Sewerage. **Randy L. Brundage**, 2540 Ridge Road, Perkasio, PA 18944. This project is for the construction and operation to install a small flow treatment facility to serve a single family residence located in East Rockhill Township, **Bucks County**.

WQM Permit No. 4699410. Sewerage. **Miriam R. Weisbein**, 1670 Cloverly Lane, Rydal, PA 19046. This project is for the construction and operation to repair a single residential onsite sewage disposal system located in Abington Township, **Montgomery County**.

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

WQM Permit No. 2599408. Sewage, **Frank A. and Shirley E. Concoy, SRSTP**, 1501 Lewis Rd., Waterford, PA 16441. This project is for the construction of a single residence sewage treatment plant in Washington Township, **Erie County**.

WQM Permit No. 1099404. Sewage, **James R. Lawrence, SRSTP**, 103 Hillside Dr., Harmony, PA 16037. This project is for the construction of a single residence sewage treatment plant in Lancaster Township, **Butler County**.

INDIVIDUAL PERMITS**(PAS)****Public Hearing Notice**

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

**NPDES Discharge of Stormwater from
Construction Activities**

Permittee Name and Address: Robert McCulley, 750 Bethlehem Pike, Ambler, PA 19002. The Department of Environmental Protection (Department) will hold a public hearing on an individual National Pollution Discharge Elimination System (NPDES) permit application No. PAS101318 submitted by Robert McCulley. The application is for discharges of stormwater from construction activities to Yellow Run, a tributary to Stony Creek, an exceptional value (EV) watershed. The construction is related to the proposed Hickory Run Sports complex in Penn Forest Township, Carbon County. The hearing has been scheduled for June 3 in the Penn Forest Township Municipal Building beginning at 7 p.m.

The Department is in the final review stages of the proposal and has received a recommendation for approval from the Carbon County Conservation District. The public hearing will only be held if significant public interest exists. If the Department does not receive any comments regarding the proposal during the 30 day comment period, it will be understood that there is no significant interest and the public hearing will be cancelled.

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent to Kate Crowley, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing.

The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time will not be allowed. All individuals attending the hearing will have the opportunity to testify if they so desire, however, individuals who preregister to testify will be given priority. If time permits, individuals can provide additional testimony beyond their allotted 10 minutes if all other individuals have presented their testimony.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudak of the Department at (717) 826-2060 or the Pennsylvania AT&T relay service (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Those unable to attend the hearing can submit written testimony or comment to the Department until June 10, 1999.

The NPDES permit application is available for review at the Department's regional office, 2 Public Square in Wilkes-Barre. Appointments for scheduling a review can be made by calling the Department's Regional Records Management Section at (570) 826-2511. The permit application is also available for review at the Carbon County Conservation District, 5664 Interchange Road, Lehighton.

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

Following the 30-day comment period, the Water 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, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department's Regional Office indicated above the application.

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

Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (570) 327-3574.

Centre County Conservation District, 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.

NPDES Permit PAS10F075. Stormwater. **Aery Coal Co., Inc.**, PA DEP, Bureau of Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476, has applied to discharge stormwater from a construction activity located in Burnside Township, **Centre County** to an Unnamed Tributary to Seven Mile Run and Miles Run to Sterling Run.

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, (570) 826-2511.

6498502. Public water supply. **PC Realty/Bethany Village**, R. R. 5, Box 170, Bethany, PA 18431, Laurie Aladovitz, CEO. This proposal involves the construction of a new wellhouse, with appurtenances (that is, meter, check valves, disinfection system, and the like) and modifications to the upper well terminus and existing storage facility. *Engineer:* Roswell S. McMullen, P.E.

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

Permit No. 6799502. Public water supply, **Dillsburg Borough Authority**, Carroll Township, **York County**. *Responsible Official:* Sheldon Williams, Authority Manager, 151 Baltimore St., Dillsburg, PA 17019. *Type of Facility:* Applicant seeks a construction permit for Well No. 5A and ancillary facilities. The completed supply will operate at a rate of 400 gallons per minute. Treatment will include addition of a hypochlorite solution for disinfection and phosphates for corrosion control. *Consulting Engineer:* David A. Brinjac, PE, Brinjac, Kambic & Associates, Inc., 114 North Second St., Harrisburg, PA 17101. *Application received:* March 19, 1999.

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

Application No. MA. The Department has received a permit application from the **Longview Mobile Home Park**, R. R. 3, Box 229, Spring Mills, PA 16875, Gregg Township, **Centre County**. The application is for installation of two water storage tanks and booster pump using groundwater wells.

A. 5999502. The Department has received a permit application from the **Dear Mobile Home Park**, R. R. 2, Box 174, Tioga, PA 16946, Lawrence Township, **Tioga County**, to construct a new well, install 5,000 gallon storage tank and treatment facilities.

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

A. 1099501. Public water supply. **Borough of Mars**, 598 Spring Avenue, Mars, PA 15046. This proposal involves renovations and expansions to the Banks Water Treatment Plant. Installation of new backwash pumps, removal and replacement of existing greensand filters with new high rate pressure filters, construction of a new chlorine room; and addition of new low service pumps to move water from the new clearwell to existing reservoirs in Adams Township, **Butler County**.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302, 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, 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 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 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:

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

East Central Incinerator Property, City of Philadelphia, **Philadelphia County**. Christopher W. Dailey, P.E., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and

will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on February 18, 1999.

Spring Mill Estates—North Parcel, Lower Providence Township, **Montgomery County**. Ann Logue, DelVal Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals. 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 Times Herald* on March 11, 1999.

Former Braun Iron Works, Upper Moreland Township, **Montgomery County**. Laura L. Peck, Law Office of Janet S. Kole, P.C., 900 Haddon Avenue, Suite 412, Collingswood, NJ 08108, has submitted a Notice of Intent to Remediate site soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health and background standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Montgomery County Record* on March 16, 1999.

Keystone Financial Bank, NA, Kennett Square Borough, **Chester County**. Bradford L. Fish, P.G., Sunoco, Inc. (R&M), Twin Oaks Terminal, 4041 Market Street, Aston, PA 19014, has submitted a Notice of Intent to Remediate site soils contaminated with lead, BTEX and petroleum hydrocarbons; and groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on March 17, 1999.

Former Weichert Realtors Office, Haverford Township, **Delaware County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Haverford Press* on March 17, 1999.

Montgomery Equities, Inc., Plymouth Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, pesticides, dioxin, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. 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 *Times Herald* on March 18, 1999.

Spring Mill Development, Inc., Plymouth Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, lead, heavy metals, pesticides, dioxin, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on March 18, 1999.

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

Columbia Gas Transmission/Washington Operation Center, South Strabane Township, **Washington County**. Joe P. Ferry, Columbia Gas Transmission, 1700 MacCorkle Avenue SE, Charleston, WVA 25325-1273, has submitted a Notice of Intent to Remediate soil contaminated with PAHs. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Washington Observer* on March 26, 1999.

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

Chemetron Railway Products, Inc., 10162 Railroad Street, (former Chemetron True Temper Facility), Boro of Lake City, **County of Erie**, has submitted a Notice of Intent to Remediate soil. The site has been found to be contaminated with BTEX, PHCs, and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Morning News* on March 18, 1999.

SOLID AND HAZARDOUS WASTE

RESIDUAL WASTE PROCESSING FACILITIES

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

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

A. 301330. Colloid Environmental Technologies Company, (CETCO), 1055 Boot Road, Downingtown, PA 19335, submitted a new application for a residual waste transfer facility permit. Facility will be located in East Caln Townships, **Chester County**. Application was received in the Southeast Regional Office on March 22, 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).

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

21-303-001C: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) for operation of two batch asphalt plants in Lower Allen Township, **Cumberland County**.

21-310-019B: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of a sand processing plant in Dickinson Township, **Cumberland County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

22-03021: A. P. Green Refractories, Inc. (P. O. Box 189, 105 N. Wood Street, Middletown, PA 17057) for operation of two separate processes for the manufacture of ceramic refractory products in Middletown Borough, **Dauphin County**.

22-03022: Wenger's Feed Mill, Inc. (111 West Harrisburg Avenue, Rheems, PA 17570) for operation of a feed mill facility, Lykens Township, **Dauphin County**.

36-318-156A: Premier Custom Built, Inc. (110 Short Street, New Holland, PA 17557) for operation of five floor type spray booths in East Earl Township, **Lancaster County**.

38-318-034: Conrad Enterprises, Inc. (P. O. Box 656, Cornwall, PA 17016) for operation of a paint spray booth controlled by dry filters in the Borough of Cornwall, **Lebanon County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

08-313-004H: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) for operation of a chemical reactor (CTL-4) and associated air cleaning device (a packed bed scrubber) in Towanda Borough, **Bradford County**.

08-399-019C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) for operation of a chemical reactor (cobalt recovery) and associated air cleaning devices (a condenser and a packed bed scrubber) in Towanda Borough, **Bradford County**.

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

TVOP-04-00227: Koppel Steel Corp., Ambridge Plant (P. O. Box 750, Beaver Falls, PA 15010) in Beaver Falls, **Beaver County**. The facility's major sources of emissions include various heat treating furnaces, several gas space heaters and two spray booths. The facility has the potential of emitting more than 100 tons of oxides of nitrogen (NOx) and is considered to be major for the emissions of greater than 25 tons of hazardous air pollutants.

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

PA-10-220A: ESM II, Inc., Myoma Plant (P. O. Box 128, Valencia, PA 16059) for operation of dry materials transfer stations in Adams Township, **Butler County**.

PA-24-123A: Superior Greentree Landfill, Inc. (635 Toby Road, Kersey, PA 15846) for operation of a landfill gas management system in Fox Township, **Elk County**.

PA-25-920A: Waste Management of PA, Inc. (851 Robison Road East, Erie, PA 16509) for operation of a valley fill disposal area in Summit Township, **Erie County**.

PA-25-957A: Hanes Erie, Inc. (2733 West 11th Street, Erie, PA 16505) for operation of a line 4 spray booth in Millcreek Township, **Erie County**.

Notice of Intent to Issue Title V Operating Permits

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

67-05001: J. E. Baker Co. (P. O. Box 1189, York, PA 17405) for a refractory production facility in West Manchester Township, **York County**. The facility is a major source of sulfur oxides and nitrogen oxides emissions.

67-05018: Yorktowne, Inc. (100 Redco Avenue, P. O. Box 231, Red Lion, PA 17356) located in Red Lion Borough, **York County**. The facility manufactures high quality wood custom kitchen cabinets. The operations primarily emit volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

67-05042: Hanover Foods Corp. (P. O. Box 334, Hanover, PA 17331) located in Penn Township, **York County**. The facility is a cannery and frozen food manufacturer. The operation primarily emits sulfur dioxide (SO₂).

**Notice of Intent to Issue
NSR Operating Permit
Permit No. 36-05015B
Lancaster County**

The Department of Environmental Protection (Department) has made a preliminary determination to approve

modifications of a Direct Injection (DI) Foam Processing operation for Dart Container Corporation, 60 East Main Street, Leola, PA 17540.

The Dart Container Corporation is a major volatile organic compound (VOC) emitting facility as defined in 25 Pa. Code § 121.1. The proposed increase in emissions from the modifications will subject the facility to the major New Source Review (NSR) requirements of 25 Pa. Code, Subchapter E.

The proposed modifications to the DI Foam Processing operation are contained in the NSR Plan Approval application no. 36-05015B. The preliminary NSR determination will be submitted to the United States Environmental Protection Agency (EPA) for review. When finally approved, the NSR determination will be incorporated into the facility's existing Title V operating permit.

The Department also intends to approve the Lowest Achievable Emission Rate (LAER) Plan as proposed in the NSR Plan Approval application providing control technology consistent with the lowest achievable emission rate obtained by the class or category of sources as proposed in the application.

The preliminary LAER determination for the DI Foam Processing operations will be the use of an initial blowing agent charge rate of 4.5%, capturing of emissions from the extruder dies, fluff/grinding and repelletization operations, the use of a Permanent Total Enclosure (PTE) for the capturing of roll storage emissions and the use of Regenerative Thermal Oxidizers (RTOs).

Based on the information provided by the applicant and Departmental analysis, the following is an estimate of the VOC emissions from the DI foam processing operations based on the projected use of 18 extruders:

<i>Process</i>	<i>Emissions (lbs/hr)</i>	<i>Annual Emissions (tpy)</i>
Extrusion	97.2	320.2
Roll Storage	77.0	16.6
Thermoforming	46.2	199.5
Fluff/Grinding	124.3	26.8
Repelletization	64.8	14.0

Furthermore, the facility will be required to purchase Emission Reduction Credits (ERCs) in the amount of 752 tons.

The facility will be subject to the following NSR Plan Approval conditions:

General Requirements

1. This plan approval constitutes a New Source Review (NSR) and Lowest Achievable Emission Rate (LAER) determination for volatile organic compound emissions as per 25 Pa. Code, Subchapter E.

2. Emission Reduction Credits (ERCs) shall be purchased to offset the total of the net increase in the potential-to-emit Volatile Organic Compound (VOC) emissions not captured and controlled by the Regenerative Thermal Oxidizers (RTOs).

Emission Limitations

3. All volatile organic compound (VOC) emissions captured from the extruder dies, the fluff grinders, the repelletization process and the roll storage area shall be

reduced at a minimum destruction efficiency of 95%, or a maximum of 10 ppm_{dv}, as propane at the outlet, whichever is more stringent.

4. The VOC emissions from the DI Foam Extrusion Process shall be limited to 335 tons per year based on a 12 month rolling total. This emission limitation shall apply until the completion of the new roll storage area.

5. Upon completion of the new roll storage area, the VOC emissions from the DI Foam Extrusion Process shall be limited to 586 tons per year based on a 12 month rolling total. As required by 25 Pa. Code § 127.205(3), the permittee shall purchase Emission Reduction Credits (ERCs) in the amount of 752 tons.

6. The charging rate of the isopentane shall be limited to a maximum of 4.5%.

7. No person shall permit the emission into the outdoor atmosphere of particulate matter from the dust collection systems, at any time, in a manner that the concentration of particulate matter in the effluent gas exceeds .04 grains per dry standard cubic foot.

Operating Requirements

8. Volatile Organic Compound emissions from the DI Foam Extrusion Process shall be incinerated at a minimum temperature of 1,500 degrees Fahrenheit for at least 0.3 second prior to their emission into the outdoor atmosphere.

9. The Regenerative Thermal Oxidizers shall achieve and maintain the above temperature before any process gases are allowed to enter the combustion chamber.

10. The Regenerative Thermal Oxidizers and fabric collectors shall be operated and maintained in accordance with the manufacturer's specifications.

Testing Requirements

11. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial start-up, the owner or operator shall conduct a performance test of the Regenerative Thermal Oxidizers in accordance with the Department's Source Testing Manual and 25 Pa. Code Chapter 139. The tests shall be performed at near maximum extruder capacity rates in the measurement of actual volatile organic compound (VOC) emissions including the following:

a. Simultaneous measurement of the inlet and outlet of the RTO for determining destruction efficiency.

b. Gas flow at the inlet and outlet of the RTO.

c. Temperature and moisture content at the inlet and outlet of the RTO.

12. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial start-up, the owner or operator shall conduct Capture Efficiency (CE) testing for the extruder die hoods in accordance with the EPA's "Guidelines for Determining Capture Efficiency," dated January 9, 1994, and the EPA's Method 204.

13. A test protocol including a sketch with dimensions including the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Regional Air Quality Program Manager. A test protocol shall be submitted for both the performance testing of the RTOs and the capture efficiency testing for the extruder die hoods. Two copies of each of the test protocols shall be submitted to the Department at least 60 days prior to testing.

14. The permittee shall notify the Department at least 2 weeks in advance of the date and time of the tests, so that an observer may be present.

15. Two copies of the test reports shall be submitted to the Regional Air Quality Program Manager for review 60 days of the completion of the tests.

16. The permittee shall repeat the required tests for VOC destruction efficiency and capture efficiency at least 180 days prior to expiration of the operating permit. The results of the tests shall be included with the permit renewal application.

17. To claim 100% capture efficiency of the roll storage area in the use of a Permanent Total Enclosure (PTE), the permittee, shall demonstrate to the Department's satisfaction that all criteria for a PTE as specified in Method 204 and the EPA's revised capture efficiency protocol of January 9, 1994 entitled "Guidelines for Determining Capture Efficiency" has been satisfied. Failure to meet the criteria will precipitate the requirement for capture efficiency testing of the roll storage area.

Monitoring Requirements

18. The permittee shall monitor the following operational parameters:

a) The daily extrusion production rate.

b) The amount of pentane charged into the extruders.

c) The amount of material run through the thermoformers.

d) Concentration and flow rate of the air stream entering the RTOs.

e) The combustion temperature of the RTOs.

19. The permittee shall install, operate and maintain a device for measuring the pressure drop across the dust collection systems.

20. The permittee shall install, operate and maintain a device to continuously measure and record the operating temperature of the RTOs, daily. At a minimum, the monitoring device and thermocouple shall be calibrated on an annual basis.

Reporting and Recordkeeping Requirements

21. Daily material balance records and calculated monthly emissions from the DI foam extrusion process shall be submitted to the Department on a quarterly basis. All correspondence and reports shall be sent to the Regional Air Quality Program Manager, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

22. The permittee shall maintain all monitoring records at the facility for a period of 5 years and be made available to the Department upon request.

Additional Requirements

23. The permittee shall continue to research ways to improve the quality of products produced through the use of low emission or VOC-free alternatives.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on May 25, 1999, at the Upper Leacock Township Office, 115 Newport Road, Leola, PA 17540, from 7 p.m. until such a time that all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Karen Sitler at (717) 705-4904 at least 1 week in advance of the hearing to schedule their testimony. Those wishing to provide testimony are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Rick Millard, Air Pollution Control Engineer, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, on or before May 25, 1999.

Persons with a disability who wish to attend the hearing scheduled for May 25, 1999, at the Upper Leacock Township Office, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Karen Sitler directly at (717)

705-4904 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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-15-0019: PECO Energy Co., Cromby Generating Station (P. O. Box 8699, Philadelphia, PA 19101) for installation of selective noncatalytic reduction (SNCR) technology on Babcock & Wilcox boiler identified as Unit No. 1 in East Pikeland Township, **Chester County**.

23-310-014GP: Joseph F. Cappelli & Sons, Inc. (140 1/2 Bethel Road, Twin Oaks, PA 19014) for construction of a portable crushing plant in Upper Chichester Township, **Delaware County**.

15-312-033GP: Mobil Pipe Line Co. (8 South Malin Road, Frazer, PA 19355) for construction of a storage tank in East Whiteland Township, **Chester County**.

46-310-052GP: Highway Materials, Inc. (500 Stenton Avenue, Plymouth Meeting, PA 19462) for construction of stone crushing equipment in Whitemarsh Township, **Montgomery County**.

15-310-043GP: Highway Materials, Inc. (680 Morehall Road, Frazer, PA 19355) for construction of stone crushing equipment in East Whiteland Township, **Chester County**.

15-310-042GP: Highway Materials, Inc. (Quarry Road, Downingtown, PA 19335) for construction of stone crushing equipment in East Caln Township, **Chester County**.

46-310-051GP: Highway Materials, Inc. (Crusher Road, Perkiomenville, PA 18074) for construction of stone crushing equipment in Marlborough Township, **Montgomery County**.

PA-46-0037A: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) for modification of an acid leach barrels process in Douglass Township, **Montgomery County**.

PA-23-0001C: Sunoco, Inc. (R & M) (Delaware Avenue and Green Street, Marcus Hook, PA 19061) for a cogeneration unit in Marcus Hook Borough, **Delaware County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-399-032: Thomson Consumer Electronics, Inc. (200 Keystone Industrial Park, Dunmore, PA 18512) for modification of a glass cleaning operation in Dunmore Borough, **Lackawanna County**.

39-312-031A: Mobil Oil Corp. (8 South Malin Road, Frazer, PA 19355) for modification of a gasoline loading rack in Allentown, **Lehigh County**.

40-310-037B: American Asphalt and Paving Co. (500 Chase Road, Shavertown, PA 18708-9622) for modification of a stone crushing plant in Plains Township, **Luzerne County**.

48-399-043: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042-3186) for construction of an iron oxide apron dryer in Easton, **Northampton County**.

54-302-064: Rest Haven Nursing Home (401 University Drive, Schuylkill Haven, PA 17972) for construction of a coal fired fluidized bed boiler in North Manheim Township, **Schuylkill County**.

66-303-003B: American Asphalt and Paving Co. (500 Chase Road, Shavertown, PA 18708-9622) for modification of a batch asphalt plant on Old Route 92, Falls Township, **Wyoming County**.

66-315-035: Procter and Gamble Paper Products Co., Inc. (P. O. Box 32, Route 87 South, Mehoopany, PA 18692) for construction of two paper production machines, consistent with prevention of significant deterioration regulations (PSD), in Washington Township, **Wyoming County**.

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

01-310-039B: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214) for modification to existing sources at the plant located in Hamiltonban Township, **Adams County**. This source is subject to 40 CFR 60, Subpart OOO, Performance Standards for Nonmetallic Mineral Processing Facilities.

06-5036A: Cryovac, Inc. (P. O. Box 295, Reading, PA 19603) for installation of three thermoformers and two foam extruders controlled by blowing agent limits in Muhlenberg Township, **Berks County**.

38-03019: Allied Veterinary Cremation Service (1587 Town Hill Road, York Springs, PA 17372) for installation of a new animal crematory controlled by an afterburner in South Londonderry Township, **Lebanon County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

17-303-005: Moshannon Construction, Inc. (P. O. Box 497, Madera, PA 16661) for reactivation of a batch asphalt plant and associated air cleaning device (a scrubber) in Bigler Township, **Clearfield County**.

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

PA-65-837A: Consolidated Natural Gas Transmission Corp.'s Oakford Station (P. O. Box 66, Delmont, PA 15626) in Salem Township, **Westmoreland County**. CNGT operates this TV facility for transmission and distribution of natural gas. Oakford Station is a major facility for emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x). This plan approval is for installation of two new Dehy Heaters which are used to regenerate deciccant beads that remove moisture from natural gas before it enters the pipeline. The conditions placed in this plan approval by the Department ensure that these new sources meet the Best Available Technology requirements of 25 Pa. Code § 127.12(a)(5). A 30-day comment period, from the date of publication, will exist for the submission of comments. A copy of the application is available for review at the Department of Environmental Protection's Southwest Regional Office.

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

PA-10-171A: Butler Color Press, Inc. (119 Bonnie Drive, Butler, PA 16003) for construction of a printing

press line and an RTO emission control system in Butler, **Butler County**.

PA-20-232B: Meadville Plating Co. (10775 Franklin Pike, Meadville, PA 16335) for construction of a chrome plating tank and installation of mesh pad system and mist eliminator in West Mead Township, **Crawford County**. The source is subject to the National Emission Standards for Chromium Emissions from hard and decorative chromium electroplating and chromium anodizing tanks 40 CFR 63, Subpart N.

PA-61-181A: Scrubgrass Generating Co. LP (Box 238, Lisbon Road, Kennerdell, PA 16374) for installation of SNCR controls to be operated during the ozone season in Kennerdell, **Venango County**.

PA-42-176B: Allegheny MDF Limited Partnership (Hutchins Road, R. R. 1, Box 269, Kane, PA 16735) for construction of a cross belt sander in Sergeant Township, **McKean County**.

**Notice of Intent to Issue Plan Approval No. 98172
Kvaerner Philadelphia Shipyard, Inc.**

The City of Philadelphia, Department of Public Health, Air Management Services (AMS) proposes to issue a Plan Approval (No. 91872) for the Kvaerner Philadelphia Shipyard, located at Bridge and Porter Avenues, Philadelphia, PA 19112. This Plan Approval authorizes the construction of the panel and fabrication shops at the shipyard and the transfer and use of certified emission reduction credits (ERCs) at the proposed new facility.

Copies of the application, and other pertinent documents are available for public inspection at AMS, Room 218, 321 University Avenue, Philadelphia, PA 19104-4543, during normal business hours. Persons wishing to review these documents should contact Brenda Bonner at (215) 685-7572.

To assure compliance with all applicable requirements, AMS proposes to include the following conditions in Plan Approval No. 91872:

**City of Philadelphia
Department of Public Health
Air Management Services
Plan Approval**

1. The panel and fabrication shops (18 welding stations: F23 through F40 and 36 warm air furnaces) shall be constructed in accordance with the specifications in the application (as approved herein).

2. Emission limits for the sources described in Condition 1 are as follows:

Pollutant

Carbon Monoxide (CO)
Hazardous Air Pollutants (HAPs)
Nitrogen Oxides (NOx)
Particulate Matter (PM)
Sulfur Dioxide (SO₂)
Volatile Organic Compounds (VOC)

Limitation

4 tons of CO per 12-month rolling period
1.0 ton per 12-month rolling period
17 tons of NOx per 12-month rolling period
6 tons of PM per 12-month rolling period
0.1 ton of SO₂ per 12-month rolling period
1.4 tons of VOC per 12-month rolling period

3. Kvaerner shall limit particulate emissions from each welding point of exhaust to 0.04 grains per dry standard cubic foot (25 Pa. Code § 123.13(c)(1)(i)).

4. Kvaerner shall take the necessary measures to assure no visible fugitive particulate emissions leave the plant boundary (25 Pa. Code § 123.2).

5. Kvaerner shall install, operate and maintain continuous monitors for differential pressure on each particulate filter system. Kvaerner shall perform, at a minimum, daily inspections of each particulate filter system and log the differential pressure from each inspection. This log shall also contain the dates when each filter medium is replaced.

6. Kvaerner shall submit to AMS annual reports of the log described above and of the total emissions of each pollutant listed above from the panel and fabrication shops.

7. This Plan Approval also authorizes the transfer and use of certified volatile organic compound (VOC) emission reduction credits (ERCs), expressed as tons per year (tpy), from the following ERC-generating facilities in the severe ozone nonattainment area to Kvaerner Philadelphia Shipyard:

Congoleum Corporation Delaware County	157 tons
Avery Dennison Corporation Fasson Division Bucks County	43 tons

8. VOC emissions from all air contamination sources at Kvaerner Philadelphia Shipyard Inc. (including painting operations, combustion units, welding operations and miscellaneous solvent/fuel storage) shall be offset at a ratio of 1.3 to 1 with 200 tpy of certified VOC ERCs. As a result, annual VOC emissions from the Kvaerner Philadelphia Shipyard may not exceed 154 tons.

9. Kvaerner may not commence construction of any air contamination source other than the panel and fabrication shops described in Condition 1 prior to obtaining the necessary Plan Approvals.

10. Kvaerner may not commence operation of the shipyard until the required ERCs are transferred and registered by PADEP. The ERCs must meet all requirements of 25 Pa. Code Chapter 127, Subchapter E (relating to new source review).

11. The ERCs that are included in this Plan Approval may be reentered in the PADEP ERC Registry if the facility is never operated or the ERCs are no longer

required by the Plan Approval. Any ERCs that are reentered into the PADEP ERC registry shall be subject to applicable discounts specified in 25 Pa. Code § 127.206(b) and (c).

12. Kvaerner shall secure appropriate and adequate NO_x ERCs that are suitable to offset emissions from NO_x-emitting sources at the shipyard and identified in a Federally enforceable permit condition for the ERC-generating source. The certified NO_x ERCs shall be transferred by PADEP no later than the date approved by AMS for commencement of operation of the proposed new facility.

13. Kvaerner shall comply with the applicable requirements of 25 Pa. Code Chapter 127 Subchapter E.

14. In accordance with 25 Pa. Code § 127.12b(d), this Plan Approval authorizes temporary operation of the sources described in Condition 1 to facilitate the startup and shakedown of sources and air cleaning devices provided the following conditions are met:

15. (a) Kvaerner shall provide prior written notice to AMS of the completion of construction and its intent to commence operation of the sources. This written notice shall be provided at least 5 working days prior to completion of construction and shall include the date the construction will be completed as well as the date Kvaerner intends to commence operation.

(b) Temporary operation of sources in Condition 1 is authorized solely to facilitate the startup and shakedown of sources and air cleaning devices, to allow operations pending the issuance of an operating permit or to evaluate compliance with applicable requirements.

(c) The temporary operation of sources at the panel and fabrication shops is authorized for a period of 180 days from the date of commencement of operation provided Kvaerner satisfies the above-specified notice requirements.

(d) Kvaerner may request an extension of the temporary operating period if compliance with all applicable regulations and plan approval requirements has not been established. The written request for an extension shall be submitted to AMS at least 15 working days prior to the end of the temporary operating period. The extension request shall include a description of the compliance status of the sources, a compliance schedule and the reasons that compliance has not been achieved.

16. As required by 25 Pa. Code § 127.25, the sources and any associated air cleaning devices identified in the plan approval shall be:

(a) Operated in such a manner as to not cause air pollution;

(b) In compliance with the specifications of the applicable plan approval;

(c) Operated and maintained in a manner consistent with the good operating practices.

17. Any notifications required, as a result of any condition herein should be directed to Roger M. Fey, City of Philadelphia, Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104.

Persons wishing to provide AMS with additional information that he/she believes should be considered prior to the issuance of the Plan Approval may submit the information to AMS at the following address. Comments must be submitted to AMS on or before May 17, 1999.

Comments received by facsimile will not be considered. Each written comment shall include the following:

1. Name, address and telephone number of the person submitting the comments.

2. Identification of the proposed Plan Approval (specify Plan Approval 98172).

3. Concise statement regarding the relevancy of the information or any objection to issuance of the Plan Approval. A public hearing may be held if AMS in its discretion decides that a hearing is warranted based on the information received. All persons submitting written comments or requesting a hearing will be notified of the decision to hold a hearing by publication of the notice in the *Pennsylvania Bulletin*, and the *Philadelphia Inquirer*, or the *Philadelphia Daily News* or by telephone, where AMS determines the notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Brenda Bonner, Philadelphia Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

For additional information regarding the proposed Plan Approval, contact Thomas Huynh at (215) 685-7572.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Public Hearing

Reasonably Available Control Technology

Letterkenny Army Depot

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) Plan and proposes to revise the State Implementation Plan (SIP) for the Letterkenny Army Depot located in Greene Township, Franklin County.

The proposed SIP revision does not adopt new regulations. It incorporates the provisions and requirements contained in RACT Operating Permit No. 28-2002 for the existing facility to comply with current regulations. The preliminary VOC RACT determination for the primary sources of VOC emissions will be the use of compliant surface coatings and/or thermal incineration. The preliminary NO_x RACT determination is the limiting of facility emissions of NO_x to less than 100 tons per year.

The preliminary RACT determinations, when 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 SIP.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 705-4732 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on May 26, 1999, at the Chambersburg District Office, 1331 South Seventh Street, Suite 6, Chambersburg, PA 17201, from 1 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Karen Sitler at (717) 705-4904 at least 1 week in advance of the hearing to schedule their testimony. Those wishing to provide testimony are requested to provide two written copies of their remarks at the time of the hearing. Oral

testimony will be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Rick Millard, Air Pollution Control Engineer, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, within 30 days of this notice.

Persons with a disability who wish to attend the hearing scheduled for May 26, 1999, at the Chambersburg District Office and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Karen Sitler directly at (717) 705-4904 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Bureau of Deep Mine Safety

Request for Variance

Mears Enterprises, Inc.

The Bureau of Deep Mine Safety has received a request for variance from Mears Enterprises, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Mears Enterprises, Inc. requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Penn Run Mine.

Mears Enterprises, Inc.

The Bureau of Deep Mine Safety has received a request for variance from Mears Enterprises, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

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request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

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Summary of the request: Mears Enterprises, Inc. requests a variance to allow for the common ventilation of belt conveyor entries with other entries at the Ondo Mine.

Eighty Four Mining Company

The Bureau of Deep Mine Safety has received a request for variance from Eighty Four Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Trader by calling (724) 439-7469 or from the BDMS web site at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. §§ 701 and 702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 268(b) states that shelter holes shall be provided on the clearance side along designated travelingways, which are also used as haulage entries, other than belt conveyor haulage entries. The shelter holes shall be spaced not more than 80 feet apart.

Summary of the request: Eighty Four Mining Company requests the use of a "shelter hole notch" which will be cut into the clearance side coal rib at Mine 84.

MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of persons 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

56793091. SMP Boundary Revision, **Hardrock Coal Company** (275 Saddle Ridge Road, Berlin, PA 15530), to add 6.1 acres to the existing permit for additional mining of the Upper Freepport coal seam. Total SMP acres go from 549.6 to 555.7 in Brothersvalley Township, **Somerset County**, receiving streams for SMP are unnamed tributaries to/and Tubs Run; and unnamed tributary to Millers Run. Application received March 23, 1999.

32990105. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip-auger mine in Burrell Township, **Indiana County**, affecting 200.0 acres, receiving

stream unnamed tributaries of Toms Run to Toms Run to the Conemaugh River. Application received March 18, 1999.

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

63980102. **Robinson Coal** (200 Neville Road, Neville Island, PA 15225). Revision application received to apply for a 100-foot road variance for a portion of S. R. 4067 on an existing bituminous surface mine located in Robinson Township, **Washington County**, proposed to affect 55 acres. Revision application received: March 29, 1999.

04890101. **Kerry Coal Company** (R. D. 2, Box 2139, Wampum, PA 16157). Renewal application received for continued reclamation of a bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 186 acres. Receiving streams: Brush Run to the North Fork of Little Beaver Creek to the Ohio River. Renewal application received: March 29, 1999.

30773006. **Chess Coal Company** (R. D. 1, Box 151, Smithfield, PA 15478). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Dunkard Township, **Greene County**. Receiving streams: unnamed tributary to Crooked Run and Dunkard Creek. Renewal application received: April 1, 1999.

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

17980101. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701), transfer of an existing bituminous surface mine-auger permit application from Sky Haven Coal, Inc., Bell Township, **Clearfield County** affecting 214.2 acres. Receiving streams: unnamed tributaries of Curry Run to Curry Run to West Branch of the Susquehanna River. Application received March 23, 1999.

14980101. **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), transfer of an existing bituminous surface mine permit application from D. L. Spear Mining, Inc., Snow Shoe and Burnside Townships, **Centre County** affecting 157.9 acres. Receiving streams: Sandy Run. Application received March 24, 1999.

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

24820107. **Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650). Renewal of an existing bituminous surface strip and auger operation in Horton Township, **Elk County**, affecting 134.0 acres. Receiving streams: Unnamed tributaries to Brandy Camp Run, Brandy Camp Run and Johnson Run. Application received March 26, 1999.

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

54970101C. **JC Coal, Incorporated** (P. O. Box 161, Minersville, PA 17954), correction to an existing anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 632.0 acres, receiving stream—Schuylkill River. Application received March 18, 1999.

40990202. **HUD, Inc. t/a Emerald Anthracite** (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634), commencement, operation and restoration of a coal refuse reprocessing operation in Newport and Hanover Townships, **Luzerne County** affecting 94.8 acres, receiving stream—Forge Creek. Application received March 19, 1999.

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

Noncoal Applications Received

3075SM6. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Transfer of an existing sand and gravel operation in Worth Township and West Liberty Borough, **Butler County** affecting 114.5 acres. Receiving streams Hogue Run, Black Run, and Slippery Rock Creek. Transfer from H. W. Cooper. Application received March 30, 1999.

3175SM13. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Transfer of an existing sand and gravel operation in Scott Township, **Lawrence County** affecting 617.4 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, Taylor Run and Slippery Rock Creek. Transfer from H. W. Cooper & Sons, Inc. Application received March 30, 1999.

10930310. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Transfer of an existing sand and gravel operation in Worth Township, **Butler County** affecting 134.0 acres. Receiving streams: Slippery Rock Creek and unnamed tributaries to Slippery Rock Creek. Transfer from Cooper Bros., Inc. Application received March 30, 1999.

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

06820601T2. Allan A. Myers, Inc. d/b/a Independence Construction Materials (1805 Berks Road, P. O. Box 98, Worchester, PA 19490), transfer and correction of an existing quarry operation from Sheridan Corporation in Caernarvon Township and New Morgan Borough, **Berks County** affecting 97.6 acres, receiving stream—none. Application received March 18, 1999.

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

Industrial Minerals NPDES Permit Renewal Applications Received

4274SM11. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0212512, Taylor Township, **Blair County**, receiving streams Plum Creek and Halter Creek. NPDES Renewal Applications received March 26, 1999.

56920301. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit No. PA0599417, Ogle Township, **Somerset County**, receiving streams Clear Shade Creek. NPDES Renewal Application received March 26, 1999.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

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

Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

E15-612. Encroachment. PA DOT, 200 Radnor-Chester Rd., St. Davids, PA 19087. To construct, improve, modify and maintain U. S. Route 202 (S. R. 0202), Section 400, (Phase 4, Section 403) for a new connection from Route 422 to Interstate I-76, modifying U. S. Route 202, the Route 422 interchange and construction of new ramps and road extensions for the new connections. The limit of this work will begin west of Old Eagle School Road (Valley Forge, PA Quadrangle; N: 14 inches; W: 5.2 inches) and will end at Montgomery/Chester County boundary (Valley Forge, PA Quadrangle; N: 14.1 inches; W: 4.4 inches) in Tredyffrin Township, **Chester County**. Work will consist of:

1. Replace an existing 8-foot by 7-foot stone arch railroad culvert by installing 110 linear feet of 7-foot by 6-foot box culvert stream enclosure conduit in and along an unnamed tributary to Trout Creek (WWF) under the abandoned railroad at Station 514 + 24 for Ramp L;

2. Install 97 linear feet of 15-foot by 6-foot box culvert in and along an unnamed tributary to Trout Creek (WWF) and under the proposed Devon Park Drive at Station 212+94;

3. Line 394 linear feet of an unnamed tributary to Trout Creek (WWF) between the Devon Park Drive extension and Ramp L to prevent sinkholes;

4. Reinforce 194 linear feet of an unnamed tributary to Trout Creek (WWF) streambank with riprap, south of Devon Park Drive, to prevent erosion of the roadway embankment;

5. To remove an existing 10-foot by 6-foot box culvert in an unnamed tributary to Trout Creek (WWF) under Ramp H and to restore the channel with concrete lining downstream of the abandoned railroad at Station 514+24 for Ramp L.

E46-837. Encroachment. PA DOT, 200 Radnor-Chester Road, St. Davids, PA 19087. To construct, improve, modify and maintain U. S. Route 202 (S. R. 0202), section 400, (Phase 4, Section 403). This work consists of constructing a new connection from Route 422 to Interstate I-76 by modifying U. S. Route 202, the Route 422 interchange and building new ramps and road extensions for the new connections. The limit of this work will begin at the Montgomery/Chester County boundary (Valley Forge, PA Quadrangle; N: 14.1 inches; W: 4.4 inches) and will end just west of intersection of Interstate I-76 and the Conrail railroad (Valley Forge, PA Quadrangle; N: 14.7 inches; W: 2.2 inches) in Upper Merion Township, **Montgomery County**. Work will consist of:

1. Eliminate approximately 850 linear feet of a channel for an unnamed tributary to Trout Creek (WWF) starting at Station 35+80 of Ramp S. The flow will be rerouted through a storm pipe under Ramp P, Ramp S and Loop

Ramp R and other stormwater facilities and reenter the tributary at the existing culvert under Route 422 at westbound Station 233+22 by connecting a 60-inch pipe into the side of an existing 72-inch culvert under Route 422;

2. Place fill in 0.028 acre of wetlands (12-PEM/SS) for construction of Ramp R that connects U. S. Route 202 northbound with Route 422 westbound;

3. To install a 48-inch outfall by connecting this pipe into an existing culvert pipe situated under U. S. Route 202 at Ramp R, Station 25+99;

4. Place fill in 0.052 acre of wetlands (PEM) for the construction of Ramp L at Station 536+00;

5. Place fill in 0.26 acre of wetlands (PEM) for the construction of sediment basin No. 4 and Ramp L near Station 565+00.

E15-614. Encroachment. **James Watson Inc.**, 125 Bent Tree Road, West Chester, PA 19380. To construct and maintain a driveway across an unnamed tributary to Birch Run (EV) and adjacent wetlands (PFO) to provide access to two residential lots at the existing Birchrun Hill Subdivision. This driveway will be constructed utilizing a 20-foot long, 24-inch diameter CMP culvert, and four 20-foot long, 12-inch diameter CMPs to be installed at the adjacent wetlands. The impact to the wetlands will be de minimis, approximately 0.02 acre. This site is located at the end of the Brighton's Way cul-de-sac off the south side of Horseshoe Trail Road, approximately 1 mile east of its intersection with S. R. 100 (Pottstown, PA Quadrangle N: 0.2 inch; W: 7.3 inches) in West Vincent Township, **Chester County**.

E15-615. Encroachment. **Toll Brothers, Inc.**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006-4225. To perform the following activities associated with the Whiteland Woods Subdivision:

1. To modify and maintain an existing 66-inch diameter RCP stream enclosure and to install and maintain an additional adjacent 110 feet of 72-inch diameter RCP stream enclosure beneath the proposed Whiteland Woods Boulevard crossing of an unnamed tributary to West Valley Creek (CWF-MF);

2. To construct and maintain a pedestrian trail in and along the assumed 100-year floodway and across an unnamed tributary to West Valley Creek;

3. To excavate and maintain Detention Basin No. 1 situated in the assumed 100-year floodway and in an unnamed tributary to West Valley Creek. This application includes a request for an environmental assessment approval to construct an on-stream nonjurisdictional dam impacting an unnamed tributary to West Valley Creek. The project proposes to impact approximately 970 linear feet of watercourse. The proposed subdivision is located approximately 4,000 feet southeast of the intersection of Lincoln Highway (SR 30) and Pottstown Pike (SR 100) (Malvern, PA Quadrangle N: 3.2 inches; W: 17.1 inches) in West Whiteland Township, **Chester County**.

E46-839. Encroachment. **Horsham Township**, 1025 Horsham Township, Horsham, PA 19044. To maintain and extend the upstream end of an existing reinforced concrete slab bridge that spans Pennypack Creek (TSF-MF) and to modify and maintain a 60-foot section of stream channel just upstream of this bridge to improve the channel alignment. This bridge has a single clear span of approximately 25 feet, a minimum underclearance of approximately 6.5 feet and a skew of 78 degrees. The existing structure measures approximately 44.3 feet in

width and the extension will expand the width an additional 20.5 feet. The modified structure will have equivalent hydraulic dimensions as the existing structure. This project is associated with roadway improvements along Dresher Road and is located about 300 feet south of its intersection with Horsham Road (S. R. 463) (Ambler USGS Quadrangle N: 9.9 inches; W: 1.3 inches) in Horsham Township, **Montgomery County**.

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

E35-310. Encroachment. **Dalton Carpet**, P. O. Box 178, LaPlume, PA 18440-0178. To fill-in 0.3 acre of PEM wetlands. The project's purpose is to provide for the expansion of an existing retail business. The project is located 1,500 feet northwest of the intersection of S. R. 0006/0011 in S. R. 0438 (Factoryville, PA Quadrangle N: 10.9 inches; W: 1.1 inches), La Plume Township, **Lackawanna County** (Baltimore District, U. S. Army Corps of Engineers).

E39-362. Encroachment. **North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037-2118. To excavate in a de minimis area of PEM wetlands equal to 0.02 acre and to relocate approximately 462 linear feet of a tributary to Copeechan Creek (CWF) with work consisting of construction 582 feet of trapezoidal channel. The project is associated with the T-719 (Washington Street) roadway widening project and is located south of T-719 approximately 400 feet east of its intersection with T-730 (Opossum Lane) (Cementon, PA Quadrangle N: 11.6 inches; W: 17.3 inches), North Whitehall Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-363. Encroachment. **Animals-In-Distress, Inc.**, 10 Fashion Drive, Allentown, PA 18103. To remove the existing structure and to construct and maintain a bridge having a span of 28 feet with an underclearance of 4 feet across Saucon Creek (CWF). The project will provide access to the Animals-In-Distress facility and is located on the west side of S. R. 2029 (Limeport Pike) approximately 0.6 mile south of its intersection of S. R. 2044 (Allentown East, PA Quadrangle N: 7.1 inches; W: 9.3 inches), Upper Saucon Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E39-364. Encroachment. **Lehigh County**, Lehigh County Government Center, 17 South Seventh Street, Room 522, Allentown, PA 18101-2400. To remove the existing structure and to construct and maintain a new steel truss super structure on existing abutments, having a span of 95 feet with an underclearance of approximately 12.6 feet across Little Lehigh Creek (HQ-CWF). The project, known as the Klines Bridge replacement project, is located within the Little Lehigh Park at the intersection of Park Run and Little Lehigh Creek (Allentown East, PA Quadrangle N: 14.4 inches; W: 16.5 inches), City of Allentown, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E45-371. Encroachment. **Pocono Hospitality Corporation**, P. O. Box 413, Blakeslee, PA 18610. To place fill in the 100-year floodway of Goose Run (HQ-CWF) and to construct and maintain an 8-inch PVC stormwater outfall structure and associated energy dissipater in Goose Run. This work is associated with the proposed Pocono Ramada Hotel located at the New Ventures Park, north of the intersection of S. R. 0115 and S. R. 0080 (Interchange 43) (Blakeslee, PA Quadrangle N: 14.4 inches; W: 11.2 inches), Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

E64-201. Encroachment. **Silver Quarter Corporation**, Tri-State Sports Center, R. R. 4, Route 6, Box 182, Honesdale, PA 18431. To place fill in approximately 0.19 acre of PEM wetlands associated with the Lackawaxen River for the construction of an accessory building and associated parking area to expand an existing retail business. The project is located on the south side of S. R. 0006, approximately 0.25 mile northwest of the intersection of S. R. 0006 and S. R. 0652 (White Mills, PA Quadrangle N: 8.8 inches; W: 12.7 inches), Texas Township, **Wayne County** (Philadelphia 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.

E07-296-A1. Encroachment. **Penn State University—Altoona Campus**, 3000 Ivyside Park, Altoona, PA 16601. Permit E07-296 is amended to authorize a wetland impact of a total of 0.13 acre, 0.07 acre of direct impact and 0.06 acre of indirect impact, from the originally permitted 0.04 de minimis acre of wetland impact in conjunction with the addition of 2,100 square feet to the previously proposed 6,100 square foot Continuation Education Building and associated vehicle parking area located on the south side of Ivyside Drive at its intersection with Park Avenue (Altoona, PA Quadrangle N: 7.05 inches; W: 4.8 inches) in Altoona City, **Blair County**. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

E21-289. Encroachment. **Mechanicsburg Sportsmen's Association**, Charles Kemberling, P. O. Box 2303, Mechanicsburg, PA 17055. To remove the existing trout nursery and to fill in 0.04 acre of wetland and to realign approximately 127 feet of channel of the Trindle Spring Run to construct and maintain a new 10-foot width by 125-foot long trout nursery located about 2,100 feet south of the PA 641 Trindle Road and Sinclair Street crossing (Mechanicsburg, PA Quadrangle N: 13.85 inches; W: 4.43 inches) in Monroe Township, **Cumberland County**.

E21-290. Encroachment. **Lower Mifflin Township Supervisors**, 100 Gypsey Run Road, Newville, PA 17241. To remove the existing bridge and to construct and maintain a new bridge with a span of 18.42 feet with an underclearance of 6.44 feet over Doubling Gap Creek (HQ-CWF) on T-414 (McCrea Road) located in McCrea Village (Newville, PA Quadrangle N: 21.6 inches; W: 9.8 inches) in Lower Mifflin Township, **Cumberland County**.

E31-151. Encroachment. **Charles Swigart**, 223 Washington Street, Huntingdon, PA 16652. To remove an existing culvert crossing and to construct and maintain a single span concrete adjacent box beam bridge having a clear span of 58.5 feet and a minimum underclearance of 4.8 feet across Shaver Creek and to place fill in de minimis acres of associated wetlands located on a private driveway about 5,000 feet south of SR 1008 and 0.66 mile south of its intersection with SR 0305 in the Village of Cottage (Donation, PA Quadrangle N: 21.0 inches; W: 14.2 inches) in West Township, **Huntingdon County**.

E36-673. Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and center pier and to construct and maintain a prestressed

concrete spread box beam bridge having a clear span of 73-foot on a 30 degree skew with an average underclearance of 8 foot across Indian Run on SR 027 Reading Road (Ephrata, PA Quadrangle N: 8.0 inches; W: 7.5 inches) in Ephrata Township, **Lancaster County**.

E36-674. Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structurally deficient structure, construct and maintain a prestressed adjacent box beam bridge having a 60 foot clear span with a 5.92 foot underclearance over the Conowingo Creek (CWF) on Nottingham Road, SR 272, Section 013, Segment 0140, Offset 1358 (Wakefield, PA Quadrangle N: 6.25 inches; W: 9.0 inches) in Fulton Township, **Lancaster County**.

E67-662. Encroachment. **David Heiner**, 3019 Bryansville Road, Delta, PA 17314. To impact 200 linear feet of an unnamed tributary to Muddy Creek (CH93-WWF) and to place fill in 0.12 acre of wetlands for the purpose of constructing two agricultural farm ponds at a site located north of SR 0851 and west of Dinsmore Road (Holtwood, PA Quadrangle N: 0.0 inch; W: 11.8 inches) in Peach Bottom Township, **York County**. The permittee is required to provide a minimum of 0.12 acre of replacement wetlands.

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

E14-341. Encroachment. **Ferguson Township**, 3147 Research Drive, State College, PA 16801. To remove the existing structure and to construct and maintain a pre-cast rigid frame culvert with a 24-foot span, a 4-foot rise and being 24 feet in length with a natural bottom to carry T-307 over Halfmoon Creek, and to regrade approximately 75 square feet of channel bank to provide a smooth transition into the proposed inlet, and to remove brush for a distance of approximately 150 feet upstream of the culvert. The project is located on T-307 approximately 0.4 mile east of the intersection of T-307 with Marengo Road (Franklinville, PA Quadrangle N: 21.6 inches; W: 3.7 inches) in Ferguson Township, **Centre County**. The project will not impact on wetlands while impacting approximately 180 feet of waterway. Halfmoon Creek is a High Quality Cold Water Fisheries Stream.

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

E63-467. Encroachment. **Penn Plastic Company**, 2080 North Main Street, Washington, PA 15301. To construct and maintain a 60-inch diameter stream enclosure approximately 405 feet in length in an unnamed tributary to Chartiers Creek and to place and maintain fill in approximately 0.27 acre of wetlands for the purpose of constructing a small commercial complex (Trinity Point Phase III). The project is located on the south side of Route 19, approximately 2,500 feet northeast from the intersection of Route 19 and Route 70 (Intersection 7) (Washington East, PA Quadrangle N: 11.3 inches; W: 12.8 inches) in South Strabane Township, **Washington County**.

E02-1269. Encroachment. **Seth Siegel**, 908 Highlander Circle, Wexford, PA 15090. To construct and maintain a pipe-arch culvert approximately 75 feet in length having a span of 6.9 feet with an underclearance of 8.7 feet in Big Sewickley Creek (TSF) to provide access to applicant's residence located on the west side of Spang

Road, approximately 1,500 feet north from the intersection of Spang Road and Locust Road (Baden, PA Quadrangle N: 5.15 inches; W: 1.75 inches) in Marshall Township, **Allegheny County**.

E11-272. Encroachment. **PA DOT**, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To rehabilitate and maintain the Inclined Plane Access Bridge having a normal span of 232 feet and a minimum underclearance of 35 feet across Stony Creek (WWF), to construct and maintain a temporary causeway consisting of 14 48-inch pipes in Stony Creek (WWF) and to temporarily place and maintain fill in 0.10 acre of Palustrine Scrub/Shrub wetlands for the purpose of constructing a temporary crossing. The project is located on S. R. 3022, Section 0010, offset 0000 (Johnstown, PA Quadrangle N: 13.8 inches; W: 7.0 inches) in the City of Johnstown, **Cambria County**.

E32-400. Encroachment. **Electric Power & Research Institute, GPU Genco**, 595 Plant Road, New Florence, PA 15944. To operate and maintain a temporary pole barn 65 feet long by 45 feet wide and a 25 foot diameter silo on the existing grade in the floodplain of Conemaugh River (WWF) at seaward generating station located off S. R. 56 approximately 3 miles south of the intersection of S. R. 711 and S. R. 56. This is a pilot study and is referred to Unit No. 12 Demonstration project (New Florence, PA Quadrangle N: 5.9 inches; W: 4.75 inches) in East Wheatfield Township, **Indiana County**.

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

E10-293. Encroachment. **James L. Holcomb**, Vice President Construction Development, Trees Development Company, 5 Treesdale Commons, Gibsonia, PA 15044. To place and maintain a 140-foot-long by 54-inch-diameter RCCP enclosure in a tributary to Breakneck Creek (WWF) and associated roadway fill in 0.10 acre of wetland as part of the extension of Four Lakes Drive into Treesdale Four Lakes Phase 6 single family multi-phase residential development. The project is located in the Treesdale Residential Development approximately 1,600 feet northwest of the intersection of SR 3015 (Mars/Valencia Road) and Camp Trees Road in the village of Downieville. This project will also include the creation of 0.12 acre of replacement wetland adjacent to this project (Mars, PA Quadrangle N: 10.2 inches; W: 1.0 inch) located in Adams Township, **Butler County**.

E20-469. Encroachment. **Bloomfield Township Supervisors**, 22978 Shreve Ridge Road, Union City, PA 16438. To remove the existing structure (Township Bridge No. 5) and to construct and maintain either a precast reinforced concrete twin cell box culvert with each cell measuring 13 feet wide by 7 feet high, or a ConSpan bridge with a span of 28 feet and a rise of 7 feet, 6 inches across East Shreve Run (CWF). This project will also include grading and placement of approximately 70 linear feet of rip rap and gabion basket streambank stabilization approximately 160 feet upstream of the bridge on East Shreve Run. The project is located at Township Bridge No. 5 across East Shreve Run approximately 2,600 feet west of the intersection of S. R. 1028 (Elmwood Avenue) and S. R. 1024 (Lake Road) on the west side of Lake Canadohta (Lake Canadohta, PA Quadrangle N: 12.1 inches; W: 11.2 inches) located in Bloomfield Township, **Crawford County**.

E20-470. Encroachment. **Crawford County Commissioners**, 903 Diamond Square, Meadville, PA 16335. To remove the existing structure (Crawford County Bridge No. 23) and to construct and maintain a prestressed concrete adjacent box beam bridge, or a prestressed concrete box beam bridge, or a steel I-beam bridge with all bridges having a single clear span of 67 feet and a minimum underclearance of 10.65 feet on T-928 (Duncan Road) across Caldwell Creek (HQ-CWF), trout stocked). This project will also include placing fill within a de minimis area (0.048 acre total) of two separate wetland for roadway/bridge approach widening. The project is located on T-928 (Duncan Road) across Caldwell Creek approximately 5,400 feet north of the intersection of T-928 (Duncan Road) and S. R. 3002 (Grand Valley, PA Quadrangle N: 3.6 inches; W: 15.6 inches) located in Oil Creek Township, **Crawford County**.

E20-475. Encroachment. **French Creek Recreational Trails, Inc.**, c/o Community Health Services, 747 Terrace Street, Meadville, PA 16335. To construct and maintain a covered bridge having a clear span of approximately 50 feet and an underclearance of 35 feet across Van Horne Creek on the former Bessemer and Lake Erie Railroad bed approximately 1,300 feet south of SR 0322 for a bicycle trail (Geneva, PA Quadrangle N: 21.2 inches; W: 5.4 inches) located in Vernon Township, **Crawford County**.

ENVIRONMENTAL ASSESSMENT

The following Environmental Assessments and requests for Water Quality Certification are being processed under 25 Pa. Code §§ 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

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

EA24-004NW. Environmental Assessment. **National Resource Conservation Service**, 478 Jeffers Street, Building 3, Suite D, DuBois, PA 15801. To construct and maintain a passive wetland system to restore water quality from an acid deep mine discharge to Brandy Camp Creek (CWF). This system will include a conveyance watercourse, utilization of the existing 18-inch concrete culvert under S. R. 0219, a settling pond and created wetland area (combined surface area 0.2 acre), and a rock waterway outfall to Brandy Camp Creek. This project will also include removal/sloping back of existing mine spoil along the bank within the floodway of Brandy Camp Creek. This project is located on the east side of S. R. 0219 approximately 1,800 feet north of the village of Elbon (Brandy Camp, PA Quadrangle N: 10.6 inches; W: 8.6 inches) located in Horton Township, **Elk County**.

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

EA65-003SW. Environmental Assessment. **Bureau of Abandoned Mine Reclamation**, Rachel Carson State Office Building, P. O. Box 8476, Harrisburg, PA 17105-8476. To reclaim a 500 foot long highwall and associated 0.28 acre water filled pit (POW) under a category 2 mine reclamation project. This site is located near Morewood and Township Road T-748 (Mount Pleasant, PA Quadrangle N: 3.3 inches; W: 7.6 inches) in East Huntingdon Township, **Westmoreland 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.

WQM Permit No. 2398407. Sewerage. **Claude deBotton**, 1604 Walnut Street, Philadelphia, PA 19103. Approval for the construction and operation to expand the Edgmont Country Fair WWTP located in Edgmont Township, **Delaware County**.

WQM Permit No. 4699403. Sewerage. **Limerick Township Municipal Authority**, P. O. Box 29, Royersford, PA 19468. Approval for the relocation of an existing 8-inch gravity sewer line to serve Limerick Green development located in Limerick Township, **Montgomery County**.

WQM Permit No. 0999404. Sewerage. **Warrington Township**, 852 Easton Road, Warrington, PA 18976. Approval for the construction and operation of sanitary sewers, pump station and force main to serve Warrington Retail Center located in Warrington Township, **Bucks County**.

WQM Permit No. 4699408. Sewage. **Horsham Township Water and Sewer Authority**, 617B Horsham Road, Horsham, PA 19044. Approval for the construction of an extension of the Park Creek Interceptor upstream of Lower State Road located in Horsham Township, **Montgomery County**.

WQM Permit No. 4699405. Sewerage. **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936. Approval for the construction and operation of Tall Gables Main Collector interceptor located in Montgomery Township, **Montgomery County**.

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

NPDES Permit No. PA-0060097. Sewerage. **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, is authorized to discharge from a facility located in Coolbaugh Township, **Monroe County**, to East Branch Dresser Run.

NPDES Permit No. PA-0061905. Sewerage. **Sun Company, Inc.**, 10 Penn Center, 1801 Market Street, Philadelphia, PA 19103, is authorized to discharge from a facility located in Penn Forest Township, **Carbon County**, to Stoney Creek.

Permit No. 3999401. Sewerage. **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106-0348. Permit to replace the existing wastewater treatment plant to serve the Heidelberg Heights development, located in Heidelberg Township, **Lehigh County**.

Permit No. 5498404. Sewerage. **Borough of Gilberton**, Municipal Building, Main Street, Maizeville, PA 17934. Permit to construct a sanitary sewer system and sewage treatment plant, located in the Borough of Gilberton, **Schuylkill County**.

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

NPDES Permit No. PA0085821. Industrial. **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602, is authorized to discharge from a facility located in Logan Township, **Blair County** to the receiving waters named Homer Gap Run.

NPDES Permit No. PA0085529. Industrial. **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602, is authorized to discharge from facility located in Logan Township, **Blair County** to the receiving waters named Mill Run.

NPDES Permit No. PA0085812. Industrial. **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114, is authorized to discharge from a facility located in Tyrone Township, **Blair County** to the receiving waters named Kettle Creek.

NPDES Permit No. PA0013862. Industrial. **Wyeth-Ayerst Laboratories, Inc.**, Wasp and Biddle Streets, P. O. Box 304, Marietta, PA 17547, is authorized to discharge from a facility located in East Donegal Township, **Lancaster County** to the receiving waters named Susquehanna River.

NPDES Permit No. PA0008265, Amendment. Industrial. **Appleton Papers, Inc.**, 100 Paper Mill Road, Roaring Spring, PA 16673-1488, is authorized to discharge from a facility located in Roaring Spring Borough, **Blair County** to the receiving waters named Frankstown Branch.

NPDES Permit No. PA0052833. Industrial. **Excelsior Brass Works**, June Avenue, Blandon, PA 19510-0140, is authorized to discharge from a facility located in Maiden Creek Township, **Berks County** to the receiving waters named Willow Creek.

NPDES Permit No. PA0026727. Sewerage. **Borough of Tyrone**, 1100 Logan Avenue, Tyrone, PA 16686, is authorized to discharge from a facility located in Snyder Township, **Blair County** to the receiving waters named Little Juniata River.

NPDES Permit No. PA0087700. Sewerage. **South Londonderry Township Municipal Authority**, Municipal Building, 100 Center Street, Campbelltown, PA 17010-9999, is authorized to discharge from a facility located in South Londonderry Township, **Lebanon County** to the receiving waters named Killinger Creek.

NPDES Permit No. PA0022543. Sewerage. **Borough of Bally**, South Seventh Street, P. O. Box 217, Bally, PA 19503-0217, is authorized to discharge from a facility located in Washington Township, **Berks County** to the receiving waters of the West Branch of Perkiomen Creek and the unnamed tributary of the West Branch of Perkiomen Creek.

NPDES Permit No. PAG043607. Single Family Residence. Sewerage. **John J. Zook**, 83 Fairview Road, New Providence, PA 17560, is authorized to discharge from a facility located in Providence Township, **Lancaster County** to an unnamed tributary to Beaver Creek.

NPDES Permit No. PA0083933. Sewerage. **Georgetown Area Sewer Authority**, 46 Quarry Road, Quarryville, PA 17566, is authorized to discharge from a facility located in Bart Township, **Lancaster County** to the receiving waters named Nickel Mines Run.

NPDES Permit No. PA0030911. Sewerage. **Eastern Lancaster County School District**, 669 East Main Street, P. O. Box 609, New Holland, PA 17557, is authorized to discharge from a facility located in Caernarvon Township, **Lancaster County** to the receiving waters named Conestoga River.

NPDES Permit No. PA0085197. Sewerage. **Kampel Enterprises, Inc.**, 8920 Carlisle Road, Wellsville, PA 17365-0157, is authorized to discharge from a facility located in Warrington Township, **York County** to an unnamed tributary of North Branch Bermudian Creek.

NPDES Permit No. PA0085782. Sewerage. **National Golf Properties**, Ten Stonehedge Drive, Fleetwood, PA 19522, is authorized to discharge from a facility located in Ruscombmanor Township, **Berks County** to an unnamed tributary of Furnace Creek.

NPDES Permit No. PA0032379, Amendment No. 1. Sewerage. **Safe Harbor Water Power Corporation**, P. O. Box 97, Conestoga, PA 17516, is authorized to discharge from a facility located in Manor Township, **Lancaster County** to the receiving waters named Conestoga River (Outfall 001) and Susquehanna River (Outfall 002).

NPDES Permit Nos. PA0083844 and PA0087271, Minor Amendment. Sewerage. **East Petersburg Borough**, 6040 Main Street, East Petersburg, PA 17520, is authorized to discharge from a facility located in East Petersburg Borough and Manheim Township, **Lancaster County** to the receiving waters named Little Conestoga Creek.

Permit No. 0695404. Sewerage. **Borough of Bally**, South Seventh Street, P. O. Box 217, Bally, PA 19503. This permit approves the construction of and outfall for discharge during times of high wet weather flows in Washington Township, **Berks County**.

Permit No. 3699401. Sewerage. **Laserdome**, 1531 Duffland Drive, Landisville, PA 17538-1342. This permit

approves the construction of sewage treatment facilities and land application facilities in Rapho Township, **Lancaster County**.

Permit No. 3698413. Sewerage. **John J. Zook**, 83 Fairview Road, New Providence, PA 17560. This permit approves the construction of sewage treatment facilities in Providence Township, **Lancaster County**.

Permit No. 0771402, Amendment. Sewerage. **Borough of Tyrone**, 1100 Logan Avenue, Tyrone, PA 16686. This permit approves the modification of the construction/operation of sewage treatment facilities in Snyder Township, **Blair County**.

Permit No. 6798411. Sewerage. **West Manchester Township Sewer Authority**, 2501 Catherine Street, York, PA 17404. This permit approves the construction of sewers and appurtenances and modification to a pump station in West Manchester Township, **York County**.

Permit No. 6794413, Amendment No. 1. Sewerage. **Borough of Spring Grove**, One Campus Avenue, P. O. Box 126, Spring Grove, PA 17362. This permit approves the hydraulic rerating of sewage treatment facilities in Spring Grove Borough, **York County**.

Permit No. 3499401. Sewerage. **Twin Boroughs Sanitary Authority**, P. O. Box 118, Mifflin, PA 17058. This permit approves the construction of treatment facilities and sewers and appurtenances and pump stations in Walker Township, **Juniata County**.

Permit No. 3898404. Sewerage. **South Londonderry Township Municipal Authority**, Municipal Building, 100 Center Street, Campbelltown, PA 17010-9999. This permit approves the construction of sewage treatment facilities and pump station in South Londonderry Township, **Lebanon County**.

Permit No. 3899402. Sewerage. **South Londonderry Township Municipal Authority**, Municipal Building, 100 Center Street, Campbelltown, PA 17010-9999. This permit approves the construction of sewers and appurtenances and equalization tank, standby power and pump station in South Londonderry Township, **Lebanon County**.

Permit No. 0178403, Amendment No. 1. **Hoffman Homes, Inc.**, 815 Orphanage Road, Littlestown, PA 17340. This permit approves the modification to the construction of sewage treatment facilities in Mount Joy Township, **Adams County**.

Permit No. 4473404-T1, Amendment No. 1. **Borough of Lewistown**, Two East Third Street, Lewistown, PA 17044-1799. This permit approves the modifications to the construction of sewage treatment facilities in Lewistown Borough, **Mifflin County**.

Northcentral Regional Office: 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES Permit No. PA0113476. Industrial waste. **Koppers Industries Inc.**, 436 Seventh Avenue, Pittsburgh, PA 15219. The Department has granted Koppers Industries renewal of their NPDES permit to discharge treated industrial wastewater to the surface waters of this Commonwealth. The facility is located at Clinton Township, **Lycoming County**.

NPDES Permit No. PA0111902. Industrial waste. **Dietrich's Milk Products LLC**, P. O. Box 102, Route 287, Middlebury Center, PA 16935-0102. Renewal granted to Dietrich's Milk Products LLC to discharge treated wastewater from facility located at Middlebury Township, **Tioga County**.

NPDES Permit No. PA0113301. Industrial waste. **Municipal Authority of the Borough of Mansfield**, 19 East Wellsboro Street, Mansfield, PA 16933. Renewal granted to discharge treated wastewater to Lambs Creek, designated as cold water fishery, located at Richmond Township, **Tioga County**.

NPDES Permit No. PA0021652. Sewerage. **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833-0220. Renewal granted to the Authority to discharge treated wastewater from a facility located at Middlecreek Township, **Snyder County**.

NPDES Permit No. PA0111899. Sewerage. **William Them**, Jackson Realty Mobile Homes, Inc., R.R. 2, Wysox, PA 18854. Renewal granted to applicant to discharge from facility located at Wysox Township, **Bradford County**.

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

NPDES Permit No. PA0210943. Sewage, **Sali Dior Hott**, 276 Highland Ave., Pittsburgh, PA 15229, is authorized to discharge from a facility located in Jackson Township, **Mercer County** to Lake Latonka.

WQM Permit No. 1099403. Sewerage, **Albert G. Albanowski III, SRSTP**, 10 Wynne Ave., Pittsburgh, PA 15205. Construction of Albert G. Albanowski III SRSTP located in Jackson Township, **Butler County**.

WQM Permit No. 4399405. Sewerage. **Thomas J. George, SRSTP**, 410 Allenberry Dr., Pittsburgh, PA 15237. Construction of Thomas J. George SRSTP located in Coolspring Township, **Mercer County**.

WQM Permit No. 4399403. Sewerage, **George Zook, SRSTP**, 385 Vogan Dr., Mercer, PA 16137. Construction of George Zook SRSTP located in Lackawannock Township, **Mercer County**.

WQM Permit No. 4399404. Sewerage, **Travis M. Young, SRSTP**, 54 Seventh St., Sharpsville, PA 16150. Construction of Travis M. Young SRSTP located in South Pymatuning, **Mercer County**.

WQM Permit No. 2099402. Sewerage, **Robert E. Bayuk, SRSTP**, 15357 Sherretts Rd., Linesville, PA 16424. Construction of Robert E. Bayuk SRSTP located in Summit Township, **Crawford 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>
PAS10Q004-R	County of Lehigh 17 S. Seventh St. Allentown, PA 18101	Lehigh Co. S. Whitehall Twp.	Little Lehigh Creek
PAS10Q168	Daniel R. Kelly, II 135 Birdneck Rd. Barto, PA 19504	Lehigh Co. Upper Milford Twp.	Little Lehigh Creek
PAS10Q161	Laughlin Real Estate, Inc. 156 Tamarack Circle Skillman, NJ 08550	Lehigh Co. S. Whitehall Twp.	Little Cedar Creek

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101715	PA Dept. of Env. Prot. Bureau of Abandoned Mine Reclamation P. O. Box 8476 Harrisburg, PA 17105-8476	Bell Township Clearfield County	Lost and Laurel Run

INDIVIDUAL PERMITS

(PAR)

Approvals to use NPDES and/or Other General Permits

The following parties have submitted Notice 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 specific 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 Contract 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—PAG2

*Facility Location
County and
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Clearfield County Bradford Township	PAR101749	Correctional National Corp. One Riverwalk Place 700 St. Marys North Suite 1215 San Antonio, TX 78205	Sulpher Run	Clearfield County CD 650 Leonard St. Clearfield, PA 16830 814-765-2629
Northumberland County W. Chillisquaque Twp.	PAR104928	Ernest L. Wolfe RR 1, Box 405 Milton, PA 17847	Unt. Susquehanna River	Northumberland County CD RR 3, Box 238C Sunbury, PA 17801 570-988-4224
Union County Kelly Township	PAR106833	Albert Care Riverwoods 1 River Road Lewisburg, PA 17837-9230	Susquehanna River	Union County CD 60 Bull Run Crossing Lewisburg, PA 17837 570-523-8782
Union County Kelly Township	PAR106831	Dustin Hill Phase III Lot 1 Dustin Hill West Milton, PA 17886	Unt. Susquehanna River	Union County CD 60 Bull Run Crossing Lewisburg, PA 17837 570-523-8782
Lackawanna Co. Dickson City Bor./ City of Scranton	PAR-10N083	Nicholas J. Pasquerilla 1 Pasquerilla Plaza Johnstown, PA 15907-0879	Lackawanna River	Lackawanna CD 570-281-9495
Lehigh Co. Upper Saucon Twp.	PAR-10Q094	Animals-In-Distress Lois Gadek 10 Fashion Dr. Allentown, PA 18103	Saucon Cr.	Lehigh CD 610-391-9583
Lehigh Co. Whitehall Twp.	PAR-10Q117	Dale R. Dech, Inc. Dale Dech P. O. Box 157 Northampton, PA 18067	Coplay Cr.	Lehigh CD 610-391-9583
Northampton Co. City of Bethlehem	PAR-10U114	Dominic Villani Bethlehem Area Sch. Dist. 1516 Sycamore St. Bethlehem, PA 18017	Nancy Run	Northampton CD 610-746-1971

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Clarion County Monroe Township	PAR101519	PA Dept. of Transportation P. O. Box 429 Indiana, PA 15701	Brush Run	Northwest Region Water Mgt. Program Manager, 230 Chestnut St., Meadville, PA 16335-3481 814-332-6942
<i>General Permit Type—PAG-3</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Kingston Boro.	PAR802209	Biscontini Distribution Centers 232 Division Street Kingston, PA 18704	Toby Creek	Northeast Regional Office, Water Mgmt. Program, 2 Public Sq. Wilkes-Barre, PA 18711 570-826-2553
Lackawanna County Dunmore Boro	PAR602207	Apex Waste Services, Inc. 13 Peggy Parkway Dunmore, PA 18512	N/A	Northeast Regional Office, Water Mgmt. Program, 2 Public Sq. Wilkes-Barre, PA 18711 570-826-2553
Luzerne County Hanover Township	PAR-902202	Wyoming Valley San. Auth. P. O. Box 33A Wilkes-Barre, PA 18703-1333	N. Branch of Susquehanna River	Northeast Regional Office Water Mgmt. 570-826-2511
Luzerne County City of Hazleton	PAR-232209	KAMA Corp. 600 Dietrich Ave. Hazleton, PA 18201	Hazle Cr.	Northeast Regional Office Water Mgmt. 570-826-2511
Lackawanna County Scott Township and S. Abington Township	PAR-232222	Beloit Manhattan Product Center P. O. Box 155 Clark Summit, PA 18411	Ackerly Cr.	Northeast Regional Office Water Mgmt. 570-826-2511
Lackawanna County Scott Township and S. Abington Township	PAR-202224	Sandvik, Inc. P. O. Box 1220 Scranton, PA 18501-1220	Unnamed tribs. to Leggetts Cr.	Northeast Regional Office Water Mgmt. 570-826-2511
Lackawanna County Moosic Borough	PAR-142204	MActac Scranton Facility 300 E. Corey St. Moosic, PA 18505-3595	Lackawanna River Watershed	Northeast Regional Office Water Mgmt. 570-826-2511
Carbon County Parryville Borough	PAR-212216	Rock Hill Materials Co. 339 School St. Catasauqua, PA 18032-1832	Lehigh River	Northeast Regional Office Water Mgmt. 570-826-2511
Lehigh County Catasauqua Borough	PAR-212215	Rock Hill Materials Co. 339 School St. Catasauqua, PA 18032-1832	Catasauqua Cr.	Northeast Regional Office Water Mgmt. 570-826-2511
Schuylkill County Tamaqua Borough	PAR-212214	Rock Hill Materials Co. 339 School St. Catasauqua, PA 18032-1832	Panther Cr.	Northeast Regional Office Water Mgmt. 570-826-2511
Northumberland County Turbot Township	PAR804819	All American Plazas Inc. 1181 Harrisburg Pike Carlisle, PA 17013	Limestone Run	Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
<i>Facility Location County and Municipality</i> Sandy Township	PAR804848	<i>Applicant Name and Address</i> Sheetz Inc. 5700 Sixth Ave. Altoona, PA 16602	<i>Receiving Stream or Body of Water</i> Slab Run	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664
<i>General Permit Type—PAG4</i>				
<i>Facility Location County and Municipality</i> Summit Township	PAG048577	<i>Applicant Name and Address</i> Robert E. Bayuk 15357 Sherretts Rd. Linesville, PA 16424	<i>Receiving Stream or Body of Water</i> Unnamed Tributary of Conneaut Creek	<i>Contact Office and Telephone No.</i> Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942
<i>Facility Location County and Municipality</i> Township	PAG048576	<i>Applicant Name and Address</i> Travis M. Young 54 Seventh St. Sharpsville, PA 16150	<i>Receiving Stream or Body of Water</i> Tributary Shenango Reservoir	<i>Contact Office and Telephone No.</i> Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942
<i>Facility Location County and Municipality</i> Township	PAG048575	<i>Applicant Name and Address</i> George Zook 385 Vogan Dr. Mercer, PA 16137	<i>Receiving Stream or Body of Water</i> Harthegeg Run	<i>Contact Office and Telephone No.</i> Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942
<i>Facility Location County and Municipality</i> Township	PAG048578	<i>Applicant Name and Address</i> Thomas J. George 410 Allenberry Dr. Pittsburgh, PA 15237	<i>Receiving Stream or Body of Water</i> Lake Latonka	<i>Contact Office and Telephone No.</i> Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942
<i>Facility Location County and Municipality</i> Township	PAG048574	<i>Applicant Name and Address</i> Albert G. Albanowski III 10 Wynne Ave. Pittsburgh, PA 15205	<i>Receiving Stream or Body of Water</i> Unnamed Tributary to Breakneck Creek	<i>Contact Office and Telephone No.</i> Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 814-332-6942
<i>Facility Location County and Municipality</i> Township	PAG045051	<i>Applicant Name and Address</i> Robert D. Arnold R. R. 5, Box 526A Towanda, PA 18848	<i>Receiving Stream or Body of Water</i> Unnamed Tributary to Blacks Lake	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664
<i>Facility Location County and Municipality</i> Township	PAG044829	<i>Applicant Name and Address</i> Louise B. Soltys 2224 Laurel Drive Cinnaminson, NJ 08077	<i>Receiving Stream or Body of Water</i> Unnamed Tributary to Roaring Creek	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664
<i>Facility Location County and Municipality</i> Township	PAG045052	<i>Applicant Name and Address</i> Terry and Kathleen Keagle R. R. 1, Box 326 Linden, PA 17744-9767	<i>Receiving Stream or Body of Water</i> Unnamed Tributary to Pine Run	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664
<i>Facility Location County and Municipality</i> Township	PAG045058	<i>Applicant Name and Address</i> Joseph J. and Carol A. Bryer, R. D. 1, Box 13A Turbotville, PA 17772	<i>Receiving Stream or Body of Water</i> Storm drain to Warrior Run	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664
<i>Facility Location County and Municipality</i> Township	PAG045056	<i>Applicant Name and Address</i> John R. Lenker, R. D. 4, Box 240 Middleburg, PA 17842	<i>Receiving Stream or Body of Water</i> Unnamed tributary to Susquehecca Creek	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664
<i>Facility Location County and Municipality</i> Township	PAG045054	<i>Applicant Name and Address</i> David Eckroth R. D. 5, Box 498A Bloomsburg, PA 17815	<i>Receiving Stream or Body of Water</i> Cabin Run	<i>Contact Office and Telephone No.</i> Northcentral 208 W. Third St. Williamsport, PA 17701 570-327-3664

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

The Department of Environmental Protection (Department) has taken actions on municipal requests for Act 537 Plan Approval.

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 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 Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Southeast Regional Office: Sewage Planning Specialist Supervisor, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Plan Approval is granted for a revision to the Official Sewage Facilities Plan of **Upper Chichester and Bethel Townships, Delaware County** to provide for 1.5 million gallons per day (annual average) of existing flows currently treated at the New Castle County, Delaware Wastewater Treatment Facility to be diverted to the Delaware County Regional Authority Chester City Wastewater Treatment Facility. This will be accomplished by construction and operation of a 1.5-mgd (average annual) pump station and 2½ miles of force main as shown on Exhibit 19. The Department's review of the sewage facilities update has not identified any significant environmental impacts resulting from this approval. A Water Quality Part II permit is required for the facility.

The Plan Approval is granted for a revision to the Official Sewage Facilities Plan of **East Goshen Township, Chester County** to provide for the expansion of the Ridley Creek Wastewater Treatment Facility from 0.400 to 0.75 mgd to meet the existing and future needs of the service area. Approval of this discharge to Ridley Creek, designated as a High Quality Waters, is found to be consistent with 25 Pa. Code § 95.1(b and d). The municipality has provided documentation of social and economic justification for approval of this increased discharge. A Water Quality Part II permit is required for the facility.

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110.

Location: East Cocalico Township, Lancaster County, 100 Hill Road, Denver, PA 17517.

The approved plan provides for construction of a larger pump station and force main to redirect Township sewage flows generated in the Adamstown area from the Adamstown sewage treatment plant to the Ephrata Area system. The Department's review of the sewage facilities update revision has not identified any significant environ-

mental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Location: Derry Township, Dauphin County, 235 Hockersville Rd., Hershey, PA 17033.

The approved plan provides for extension of public sewer service into the Division Street/Quarry Road, Sand Hill Road/Roush Road and the Church Road areas of Derry Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-0530.

Location: Spring Creek Road between S. R. 550 in Fisherman's Paradise Fish Hatchery. Located in the eastern portion of Benner Township, Centre County.

Project Description: This sewage facilities plan update proposes gravity and pressure sewers to be extended to serve the Spring Creek Road and portions of adjoining roads. The sewer extension will convey the sewage to the Bellefonte Sewage Treatment Plant for processing.

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

SAFE DRINKING WATER

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

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

Permit No. 4698508. Public water supply. **Moyer Packing Company Beef Division**, P. O. Box 395, Souderton, PA 18964. A permit has been issued to the Moyer Packing Company granting permission to install an Anion Exchange Unit for the removal of nitrate from Wells No. 7 and No. 8 in Franconia Township, **Montgomery County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Brinjac Kambic and Associates, 114 North Second Street, Harrisburg, PA 17101-1401

Permit to Construct Issued: March 24, 1999

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

Permit No. 3196501. Public water supply. **Wood-Broad Top-Wells Joint Municipal Authority**, Wood, Broad Top and Wells Townships, **Bedford, Fulton and Huntingdon Counties**.

Responsible Official: Thomas Matthews, Chairperson, 3 Bedford Street, Wood, PA 16694.

Type of Facility: Installation of a new rapid sand filtration water treatment facility, raw water transmission main, two finished water storage tanks and water distribution system.

Consulting Engineer: William A. LaDieu, CET Engineering Services, 1240 N. Mountain Rd., Harrisburg, PA 17112.

Permit to Operate Issued: March 29, 1999.

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

Permit No. Minor Amendment. The Department issued a construction permit to **Consumers Pennsylvania Water Company-Susquehanna Division**, 204 East Sunbury Street, Shamokin, PA 17872-0909, Sayre Borough, **Bradford County**. The permit was issued for construction of a finished water storage tank and booster chlorination station.

Permit No. 4496031-MA7. The Department issued an operation permit to **Tulpehocken Spring Water Company**, RR1, Box 157, Sunbury, PA 17801-9746, Rockefeller Township, **Northumberland County**. The permit was issued for operation of Bruce Shoch Spring Water and labels.

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

Permit No. 0298505. Public water supply. **Western Allegheny County Municipal Authority**, 403 Virginia Drive, Oakdale, PA 15017-9105.

Type of Facility: Western Allegheny County Municipal Authority Booster Station.

Permit for Operation Issued: March 23, 1999.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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 reports:

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

Serena, Inc., Downingtown Borough, **Chester County**. Dean Seman, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

New Life Youth & Family Services, Lower Salford Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting Inc., 1232 Forty Foot Road, Kulpsville, PA 19443-3145, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Oslou Corporation, Lower Merion Township, **Montgomery County**. Terrence J. McKenna, P.E., Keating Environmental Management, Inc., 479 Thomas Jones Way, Suite J, Exton, PA 19341-2552, has submitted a revised Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Lancaster Dodge, formerly Stetler Auto, Manheim Township, **Lancaster County**. BL TETHYS LLC, 2407 Park Drive, 1st Floor, Harrisburg, PA 17110, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to the Statewide health standard.

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

St. George Crystal, Ltd., Jeannette and Grapeville, **Westmoreland County**. St. George Crystal, Ltd., Brown Avenue, Jeannette, PA 15644 and Susan Gonze, P. O. Box 709, Jeannette, PA 15644, have submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the site-specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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 plan or 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:

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Edward Hill Property (Creekside Market Place), Lower Saucon Township, **Northampton County**. Ann Logue, Project Manager, Del Val Soil & Environmental Consultants, Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901, submitted a Final Report (on behalf of her client, Edward Hill, 2025 Mountain Hill Lane, Hellertown, PA 18055) concerning the remediation of site soils found to have been contaminated with pesticides and arsenic. The report demonstrated attainment of the Statewide human health standard and was approved by the Department on March 25, 1999.

Former Addy Asphalt Property (84 Scott Street), City of Wilkes-Barre, **Luzerne County**. Rick A. Rose, Jr., Rose Camp, Inc., 454 South Main Street, Wilkes-Barre, PA 18711, has submitted a Final Report concerning the remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds and petroleum hydrocarbons. The report demonstrated attainment of the Statewide human health standard and was approved by the Department on April 5, 1999.

Moen of PA-Pine Grove Facility, Pine Grove Township, **Schuylkill County**. ENSR, 35 Nagog Park, Acton, MA 01720, submitted a Risk Assessment Report (on behalf of his client, Moen of PA, Rt. 645 and Roberts Road, Pine Grove, PA 17963-0098) concerning the remediation and subsequent risk assessment of site soils, groundwater and adjacent creek sediments found to have been contaminated with solvents (chlorinated volatile organic compounds). The report was approved by the Department on April 2, 1999. The Remedial Investigation Report was previously approved on April 14, 1998.

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 concerning remediation of site soil contaminated with zinc and VOCs. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on March 31, 1999.

St. George Crystal, LTD, Jeanette and Grapeville, **Westmoreland County**. St. George Crystal LTD, Brown Avenue, Jeannette, PA 15644 and Susan Gonze, P. O. Box 709, Jeannette, PA 15644, have submitted a final report concerning remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on March 8, 1999.

SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

Registration 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 Street, Harrisburg, PA 17101-2301.

Registration under General Permit No. WMGR024R001. MARPAC Parts Cleaner Service, 394 Amsterdam Road, Grove City, PA 16127. General Permit No. WMGR024 for the operation of processing of spent mineral spirit solvent with a flash point equal or greater than 140°F prior to beneficial use as recycled solvent by generators who produce the spent solvent. The approved processing is limited to filtration, distillation and solvent/water separation. The Department accepted the registration on April 6, 1999.

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. 602058. Philadelphia Water Department, ARA Tower, 1101 Market Street, Fourth Floor, Philadelphia, PA 19103. This permit has been revoked in response to the permittee's request to revoke the permit for agricultural utilization of municipal sewage sludges on the Neshaminy Soil Factory located in Bensalem Township, **Bucks County**. Permit revoked in the Southeast Regional Office on March 22, 1999.

Permit No. 400624. Grand View Hospital, 700 Lawn Avenue, Sellersville, PA 18960. This permit was revoked,

because the facility is no longer using their infectious waste incinerator, which is located in West Rockhill Township, **Bucks County**. Permit was revoked in the Southeast Regional Office on March 17, 1999.

Permit No. 601695. Philadelphia Water Department, ARA Tower, 1101 Market Street, Fourth Floor, Philadelphia, PA 19103. This permit has been revoked in response to the permittee's request to revoke the permit for agricultural utilization of municipal sewage sludges at the Eastern State Correctional Institute—Area A and E, C and E located in Skippack Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on March 22, 1999.

Permit No. 60262. Philadelphia Water Department, ARA Tower, 1101 Market Street, Fourth Floor, Philadelphia, PA 19103. This permit has been revoked in response to the permittee's request to revoke the permit for agricultural utilization of municipal sewage sludges at the Standhart Farm located in Douglass Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on March 22, 1999.

Permit No. 602759. Philadelphia Water Department, Room 1140, Municipal Services Building, 15th and JFK Boulevard, Philadelphia, PA 19102. This permit has been revoked in response to the permittee's request to revoke the permit for agricultural utilization of municipal sewage sludges on the Liberty Bell Track located in Bensalem Township, **Bucks County**. Permit revoked in the Southeast Regional Office on March 22, 1999.

Permit No. 602184. Philadelphia Water Department, ARA Tower, 1101 Market Street, Fourth Floor, Philadelphia, PA 19103. This permit has been revoked in response to the permittee's request to revoke the permit for agricultural utilization of municipal sewage sludges on the Arco Redevelopment Land Reclamation Site located in Tincum Township, **Delaware County**. Permit revoked in the Southeast Regional Office on March 22, 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. 101622. A permit modification to accept certain residual wastes at the Waste Treatment Corporation municipal waste processing facility was issued by the Regional Office on March 22, 1999, to **Waste Treatment Corporation**, 1 Harmar Street, Warren, PA 16365, located in the City of Warren, **Warren County**.

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.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

45-323-003G: United Steel Products, Inc. (P. O. Box 407, East Stroudsburg, PA 18301) issued March 19, 1999, for construction and operation of a burn-off oven at 830 Crowe Road, Stroudsburg Borough, **Monroe County**.

52-310-006G: Springbrook Enterprises, Inc. (HC-8 Box 8210, Hawley, PA 18428) issued March 19, 1999, for construction and operation of a portable crushing plant at Route 739 and Well Road, Blooming Grove, **Pike 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, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

25-00923: Norcon Power Partners, L. P. (P. O. Box 512, North East, PA 16428) issued March 26, 1999, to correct a typographical error in the original Title V Operating Permit issued with conflicting compliance certification dates in North East Borough, **Erie 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.

40-305-011A: Hudson Anthracite Co. (202 Main Street, Laflin, PA 18702) issued March 17, 1999, for minor modification of a coal preparation plant in Jenkins Township, **Luzerne County**.

De Minimis increases authorized under 25 Pa. Code § 127.450.

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

10-00001: Armco, Inc., Butler Operations (P. O. Box 832, Butler, PA 16003) in Butler, **Butler County**. This de minimis emissions increase is due to installation of an aqueous parts washer which contains a 250,000 Btu/hr. burner for the evaporator. The evaporator is estimated to be operated approximately 12 hours per year.

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

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

OP-23-0006A: Foamex International Inc. (1500 East Second Street, Eddystone, PA 19022) issued September 30, 1996, for operation of a Facility VOC/NOx RACT in Eddystone Borough, **Delaware County**.

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

OP-63-110B: Corning Consumer Products Co. (100 8th Street, Charleroi, PA 15022) issued April 1, 1999, for operation of glass melting tank 56 in Charleroi Borough, **Washington County**.

65-304-039: Derry Construction Co., Inc. (R. D. 5, Box 34, Latrobe, PA 15650) issued April 1, 1999, for operation of sand removal and screening in Latrobe Borough, **Westmoreland County**.

OP-65-00767: Westmoreland Waste LLC (1428 Delberts Drive Unit 2, Monongahela, PA 15063) issued April 1, 1999, for operation of municipal waste landfill at sanitary landfill in Monessen, **Westmoreland County**.

OP-11-289A: SCM Metal Products, Inc. (101 Bridge Street, Johnstown, PA 15902) issued April 1, 1999, for operation of three high-speed grinding mills at Johnstown Plant, **Cambria County**.

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

25-313-056: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) issued December 30, 1998, for a maleic plant blender in Erie, **Erie County**.

PA-61-016A: Pennzoil Quaker State Co. (2 Main Street, Rouseville, PA 16344) issued March 30, 1999, for a process vent in Cornplanter Township, **Venango County**.

PLAN APPROVALS

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

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

09-320-049: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) issued March 26, 1999, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

PA-09-0052: Giles & Ransome, Inc. (200 Rittenhouse Circle South, Bristol, PA 19007) issued March 26, 1999, for operation of a spray paint booth in Bristol Township, **Bucks County**.

46-329-015: Hale Products, Inc. (700 Spring Mill Avenue, Conshohocken, PA 19428) issued March 26, 1999, for operation of two pump test engines (D1 & R&D) in Conshohocken Borough, **Montgomery County**.

46-318-050: Neptune Chemical Pump Co., Inc. (204 DeKalb Pike, Lansdale, PA 19446) issued March 26, 1999, for operation of two spray paint booths and drum in Montgomery Township, **Montgomery County**.

PA-15-0015A: Sartomer Co., Inc. (610 South Bolmar Street, West Chester, PA 19382) issued March 26, 1999, for operation of an emergency generator in West Chester Borough, **Chester County**.

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

21-317-056A: ADM Milling Co. (Box 3100, Camp Hill, PA 17011) issued January 29, 1999, to authorize temporary operation for the grain processing plant covered under this Plan Approval until May 29, 1999, in Camp Hill Borough, **Cumberland County**.

21-317-058: The Quaker Oats Co. (P. O. Box 3040, Shiremanstown, PA 17011) issued March 31, 1999, to

authorize temporary operation for the high pressure no. 4 extrusion line covered under this Plan Approval until July 28, 1999, in Hampden Township, **Cumberland County**.

28-309-003: Tarco Roofing Materials, Inc. (8650 Molly Pitcher Highway North, Antrim, PA 17225) issued March 16, 1999, to authorize temporary operation for the asphalt saturated felt facility controlled by a high efficiency air filter and thermal oxidizer covered under this Plan Approval until July 15, 1999, in Antrim Township, **Franklin County**.

38-318-034: Conrad Enterprises, Inc. (P. O. Box 656, Cornwall, PA 17016) issued March 31, 1999, to authorize temporary operation of a spray paint booth controlled by dry filters covered under this Plan Approval until July 28, 1999, in Cornwall Borough, **Lebanon County**.

67-02008A: York International Corp. (P. O. Box 1592, York, PA 17405) issued March 23, 1999, to authorize temporary operation for one paint spray booth covered under this Plan Approval until July 20, 1999, at the Grantley Plant in Spring Garden Township, **York County**.

67-304-034B: R. H. Sheppard Co., Inc. (101 Philadelphia Street, Hanover, PA 17331) issued March 28, 1999, to authorize temporary operation for the ductile iron foundry covered by this Plan Approval until July 27, 1999, in Hanover Borough, **York County**.

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

PA-25-069B: Engelhard Corp. (1729 East Avenue, Erie, PA 16503) issued January 31, 1999, for a nickle plant fluid bed reactor in Erie, **Erie County**.

25-327-004: Spectrum Control, Inc. (8061 Avonia Road, Fairview, PA 16415) issued February 28, 1999, for open top vapor degreasers in Erie, **Erie County**.

25-327-005: Spectrum Control, Inc. (6000 West Ridge Road, Erie, PA 16506) issued February 28, 1999, for vapor degreasers in Erie, **Erie County**.

42-302-025: Allegheny MDF, Limited Partnership (RD 1, Hutchins Road, Kane, PA 16735) issued March 30, 1999, for a thermal fluid heat plant in Sargeant Township, **McKean County**.

42-399-025: Allegheny MDF, Limited Partnership (RD 1, Hutchins Road, Kane, PA 16735) issued March 30, 1999, for a medium density fiberboard, press line in Sargeant Township, **McKean County**.

PA-42-176A: Allegheny MDF, Limited Partnership (RD 1, Hutchins Road, Kane, PA 16735) issued March 30, 1999, for a standby gas fired hot oil heater in Sargeant Township, **McKean 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.

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

39-317-025: Windy Hill Pet Food Co., Inc. (6821 Ruppsville Road, Allentown, PA 18106) issued March 30, 1999, for construction of a pet food manufacturing process in Upper Macungie Township, **Lehigh County**.

40-313-034: HPG International, Inc. (6821 Crestwood Industrial Park, Mountaintop, PA 18707) issued March 19, 1999, for construction of a plastics calender line in Wright Township, **Luzerne County**.

48-309-105: Keystone Portland Cement Co. (Routes 329 and 987, P. O. Box A, Bath, PA 18252) issued March 24, 1999, for construction of a materials additive system in East Allen Township, **Northampton County**.

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

05-05003A: JLG Industries, Inc. (JLG Drive, McConnellsburg, PA 17233) issued March 31, 1999, for modification of the Bedford Facility on Weber Lane in Bedford Township, **Bedford County**.

06-03004A: Baldwin Hardware Corp. (841 East Wyomissing Blvd., Reading, PA 19612) issued March 31, 1999, for installation of a chrome plating process controlled by a dry scrubber in Reading City, **Berks County**. This source is subject to 40 CFR 63, Subpart N, Chromium Electroplating and Anodizing National Emission Standards for Hazardous Air Pollutants.

06-05063A: Boyertown Foundry Co. (Box G, New Berlinville, PA 19545) issued March 31, 1999, for modification of a gray iron cupola controlled by an afterburner and Venture scrubber at the Boyertown Foundry in Boyertown, **Berks County**.

21-303-001C: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) issued March 31, 1999, for modification of two asphalt plants in Lower Allen Township, **Cumberland County**.

22-05003: Stroehmann Bakeries, LC. (3996 Paxton Street, P. O. Box 4469, Harrisburg, PA 17111) issued April 5, 1999, for installation of the roll oven controlled by a catalytic oxidizer in Swatara Township, **Dauphin County**.

22-05037A: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for modification of the asphalt concrete/aggregate drying plant controlled by a knockout box and a fabric collector in Harrisburg City, **Dauphin County**.

28-310-002E: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) for modification of the limestone crushing plant in Guilford Township, **Franklin County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

PA 67-30352: Bimax, Inc. (212 Cockeyville Road, Cockeyville, MD 21030) issued March 29, 1999, for construction of a batch specialty chemical manufacturing operation at the Site 4 Industrial Lane in Springfield Township, **York County**.

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

PA-63-028C: Cerdec Corp. (P. O. Box 519, Washington, PA 15301) issued April 1, 1999, for operation of shuttle kiln at Drakenfeld Products in Canton Township, **Washington County**.

PA-56-025B: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) issued April 1, 1999, for aggregate crushing at Bakersville Crushing Plant in Jefferson Township, **Somerset County**.

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

PA-33-145A: Huntingdon Foam Corp. (P. O. Box 248, Brockway, PA 15824) issued March 17, 1999, for modification of the expandable resin molding plant in Brockway, **Jefferson 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).

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

Coal Permits Issued

26870107. Durant Excavating Company (18 North Ross Street, Masontown, PA 15461). Permit revised to add 19 acres to an existing bituminous surface mining site located in Nicholson Township, **Fayette County**, now affecting 82 acres. Receiving streams: unnamed tributaries to Jacobs Creek to the Monongahela River. Application received: December 30, 1998. Revision issued: April 1, 1999.

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

43820102. C & K Coal Company (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip and limestone removal operation in Pine, Liberty and Mercer Townships, **Mercer and Butler Counties** affecting 358.1 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to Swamp Run and two unnamed tributaries to Wolf Creek. Application received: February 3, 1999. Permit Issued: March 24, 1999.

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

Noncoal Permits Issued

37960301. Essroc Cement Corp. (P. O. Box 779, Bessemer, PA 16112). Transfer of an existing limestone operation from Atlantic States Limestone of PA, Inc. in North Beaver Township, **Lawrence County** affecting 308.0 acres. Receiving streams: Unnamed tributary to Mahoning River, unnamed tributary to Hickory Run. Application received: September 17, 1998. Permit Issued: March 24, 1999.

37910303. Essroc Cement Corp. (P. O. Box 779, Bessemer, PA 16112). Transfer of an existing limestone operation from McQuiston Coal Company in North Bea-

ver Township, **Lawrence County** affecting 29.0 acres. Receiving streams: Unnamed tributary to Mahoning River, unnamed tributary to Hickory Run and Hickory Run. Application received: September 17, 1998. Permit Issued: March 24, 1999.

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

8275SM1C2. Prospect Aggregates, Inc. (P. O. Box 7, East Petersburg, PA 17520), renewal of NPDES Permit No. PA0594601 in West Hempfield Township, **Lancaster County**, receiving stream—unnamed tributary to Chickies Creek. Renewal issued March 26, 1999.

6276SM4T. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), transfer of an existing quarry operation in Honeybrook and Caernarvon Townships, **Chester and Lancaster Counties**, affecting 163.0 acres, receiving stream—East Branch Brandywine Creek. Transfer issued April 2, 1999.

Knox District Office, P. O. Box 669, Knox, PA 16232.
Small Noncoal (Industrial Minerals) Permits Issued:

43990802. Griffin Excavating, Inc. (360 Sopher Road, Grove City, PA 16127). Commencement, operation and restoration of a small noncoal shale operation in Pine and Wolf Creek Townships, **Mercer County** affecting 4.5 acres. Receiving streams: None. Application received: February 22, 1999. Permit Issued: March 31, 1999.

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

49990801. Keith B. Crawford (RR 1, Box 321, Watsonstown, PA 17777), commencement, operation and restoration of a small quarry operation in Delaware Township, **Northumberland County** affecting 2.0 acres, receiving stream—none. Permit issued March 26, 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 permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rule 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 on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and 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.

E09-773. Encroachment Permit. Preit-Rubin and Warrington Township. The Bellevue, 200 South Broad Street, Philadelphia, PA 19102. To construct and maintain the proposed Town Road bridge structure over the Little Neshaminy Creek (WWF, MF). The proposed work will extend existing Titus Road to provide a connection between Easton Road (S. R. 611) and Street Road (S. R. 132), and also alleviate traffic congestion associated with access to the proposed Warrington Retail Center. The proposed prestressed concrete beam bridge will have a 120-foot long single span, reinforced concrete abutments and have minimum underclearance of approximately 9 feet. This project also includes placement of fill material in 0.54 acre of adjacent wetlands associated with the proposed road construction. Also to install a 4-inch sanitary sewer, a 12-inch water main and two PVC conduits to accommodate utility service lines which are to be attached to the bridge decking. The site is located at a point approximately 2,000 feet southeast of the intersection of Easton Road (S. R. 611) and Street Road (S. R. 132) (Ambler, PA Quadrangle N: 18.1 inches; W: 1.4 inches) in Warrington Township, **Bucks County**. The permittee shall provide 0.56 acre of wetland replacement on site.

E15-572. Encroachment Permit. Caln Township. 235 Municipal Drive, P. O. Box 149, Thorndale, PA 19372. To construct and maintain G. O. Carlson Boulevard from its existing terminus at North Bailey Road to Barley Sheaf Road (T-402) by placing fill, bituminous wearing course, cubing and subgrade within and along approximately 3,300 linear feet of the 100 year floodplain, 0.31 acre body of water (POW), and 0.95 acre of wetland (PFO) associated with Valley Run (TSF) work consists of: 1. Install 99 linear feet of 40.75 feet by 10.17 feet concrete arch roadway culvert in and along Valley Run, which includes stream channel changes to provide transitions to and from the proposed structure, at a location 460 feet west of North Bailey Road; 2. Install an 18 inch stormwater pipe outfall and type DW endwall (G6) in wetland 100 feet northeast of the proposed intersection of G. O. Carlson Boulevard and Buchanan Drive; 3. Install 55 linear feet of 16.17 feet by 4.33 feet box culvert in and along an unnamed tributary of Valley Run, located at the proposed intersection of G. O. Carlson Boulevard and Buchanan Drive; 4. Install an 18 inch stormwater pipe outfall and type DW endwall (G6) in the 100 year floodplain of Valley Run, located 1,400 feet west of North Bailey Road; 5. Install 95 linear feet of 40.75 feet by 10.17 feet concrete arch roadway culvert in and along Valley Run, which includes stream channel changes to provide transitions to and from the proposed structure, at a point about 1,700 feet west of North Bailey Road; 6. Install an 18 inch stormwater pipe outfall and type DW endwall (G12) in the 100 year floodplain of Valley Run, located 2,025 feet west of North Bailey Road; 7. Install 55 linear feet of

16.0 feet by 6.83 feet concrete arch roadway culvert in and along an unnamed tributary to Valley Run, which includes stream channel changes as transitions to and from the proposed structure and an 18 inch stormwater outfall pipe and type DW endwall (G15) at a location 2,500 feet west of North Bailey Road; 8. Relocate approximately 650 feet of Valley Run stream channel starting 3,100 feet west of North Bailey Road, by constructing 560 feet of stream channel, which will rejoin the existing channel at a point 2,550 feet west of North Bailey Road. The constructed stream corridor is a compound channel design which includes a 10-foot wide low flow stream channel which is 1 foot deep and a variable width floodplain terrace. Stone substrate will be provided along the low flow channel. 9. Install an 18-inch stormwater pipe outfall and endwall (G18) along Valley Run located 100 feet east of the G. O. Carlson Boulevard and Barley Sheaf Road; 10. Install approximately 80 linear feet of twin 40.75 feet by 10.17 feet concrete arch driveway culverts in and along Valley Run south of station 23+00 for private use.

The project also includes construction of 1.58 acres of wetland replacement, 590 linear feet of riparian corridor enhancement, and a 1.85 acre pond. The project is located in the 100 year floodplain of Valley Run (Coatesville, PA Quadrangle beginning at N: 21.50 inches; W: 3.3 inches and ending N: 21.50 inches; W: 1.65 inches) in Caln Township, **Chester County**.

E51-172. Encroachment Permit. **C.C.C. Associates, LP**, 1601 South Christopher Columbus Boulevard, Philadelphia, PA 19148-1402. To remove an existing earthen stockpile from the 100-year floodway of Cobbs Creek (TSF), to restore the existing 100-year floodway contours, and to redistribute material generated by the restoration activities outside of the floodway on property situated west of the intersection of Saybrook Avenue and Island Avenue, (Philadelphia, PA Quadrangle N: 7.7 inches; W: 17.0 inches) in the City of Philadelphia, **Philadelphia County**. This is a revised description for work published under Permit E51-172 on December 5, 1998. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E40-501. Encroachment. **Wlodzimierz Jaskiewicz**, 559 Spotswood-Englishtown Road, Jamesburg, NJ 08831. To construct and maintain two road crossings of wetlands, within the drainage basin of Big Wapwallopen Creek, along the proposed Aleksander Boulevard; a stormwater outfall within wetlands; and several sanitary sewer line crossings of wetlands, for the construction of the Polonia Estates subdivision. The total wetland impact for the project is approximately 0.78 acre. The project is located on the north side of S. R. 2042 (Nuangola Road), immediately west of the Rice Township/Wright Township boundary (Wilkes-Barre West, PA Quadrangle N: 3.8 inches; W: 5.8 inches) in Rice Township, **Luzerne County**. The permittee is required to provide 0.78 acre of replacement wetlands.

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

E06-516. Encroachment. **Brian O'Neil**, 37 Haas Road, Mertztown, PA 19539. To place fill in 0.04 acre of

wetlands adjacent to the channel of a tributary to the West Branch of Perkiomen Creek at a point upstream of Forge Dale Road (Manatawny, PA Quadrangle N: 8.8 inches; W: 1.6 inches) for the purpose of constructing a driveway in District Township, **Berks County**. This permit also includes 401 Water Quality Certification.

E22-396. Encroachment. **Richard Mortorf**, 721 Tourist Park Road, Halifax, PA 17032. To construct and maintain a bridge having a span of 15 feet and an underclearance of 8 feet across the channel of Gurdy Run (WWF) at a point approximately 2,000 feet downstream of Tourist Park Road (Millersburg, PA Quadrangle N: 1.7 inches; W: 5.4 inches) in Halifax Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E44-095. Encroachment. **Jeffrey Spickler**, 300 Twin Hollow Road, McVeytown, PA 17051. To remove three existing culverts constructed under General Permit No. 8 (Temporary Road Crossing) GP-08-44-97-105, and to construct and maintain a 8.0 foot diameter, 20 foot long, culvert in Musser Run (HQ-CWF) for the purpose of providing access to a private residential home site located about 300 feet south of US 22/322, about 0.6 mile south of its intersection with SR 4007 (Newton Hamilton, PA Quadrangle N: 17.1 inches; W: 5.1 inches) in Oliver Township, **Mifflin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E08-344. Encroachment. **McDonald's Corporation**, 15 British American Blvd., Latham, NY 12110. To construct a parking lot in the floodway of Sugar Creek for a new McDonald's restaurant. The parking lot will encroach on the floodway approximately 250 feet by 25 feet and this project is located on Route 6 across from Porter Road (Troy, PA Quadrangle N: 7.2 inches; W: 4.2 inches) in the Borough of Troy, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects."

E14-333. Encroachment. **Phillip Yanak**, RR1, Woodward, PA 16882. To remove the existing structure and to construct and maintain a single span bridge with a clear span of 14 feet and an underclearance of 28 inches over an unnamed tributary to Elk Creek located .75 mile south on Penn St. from the intersection of State Route 45, .25 mile east to Bear Alley (Millheim, PA Quadrangle, N: 2.1 inches; W: 13.7 inches) in Millheim Borough, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-186. Encroachment. **Columbia County Courthouse**, Box 380, Bloomsburg, PA 17815. To rehabilitate and maintain an existing single span wooden covered bridge by constructing a steel beam deck and two piers with a total span of 164 feet and underclearance of 24 feet across Fishing Creek, and to construct temporary access road, causeway and cofferdams. This bridge is located on Reading Street approximately 0.4 mile upstream of the mouth of Fishing Creek (Catawissa, PA Quadrangle N: 19.3 inches; W: 13.6 inches) in the Town of Bloomsburg and Montour Township, **Columbia County**.

E19-189. Encroachment. **Developers Realty Corporation**, P. O. Box 17335, West Hartford, CT 06117. To construct and maintain approximately 318 feet of 24 inch

diameter corrugated smooth bore plastic pipe culvert enclosure, 250 feet of twin 30 inch diameter corrugated smooth bore plastic pipe culvert enclosures in an unnamed tributary to Neals Run. The project is located on the north side of RT 11 approximately 3,500 feet east of the eastern boundary line of the Town of Bloomsburg (Bloomsburg, PA Quadrangle N: 1.6 inches; W: 6.9 inches) in Scott Township, **Columbia County**.

E60-136. Encroachment. **2244 Associates**, 148 Sheraton Drive, New Cumberland, PA 17070. To remove an existing structure and to construct, operate and maintain a road crossing an unnamed tributary to the West Branch, Susquehanna River for access to a commercial facility. The road crossing shall be constructed with two arched plate culvert pipes. Each culvert pipe shall have a minimum rise of 16.2-feet, a minimum span of 9.1-feet and a maximum length of 45.0-feet. The road crossing is located along the southern right-of-way of S. R. 0080 approximately 1,800 feet south of the intersection of S. R. 0015 and S. R. 0080 (Allenwood, PA Quadrangle N: 8.0 inches; W: 0.3 inch) in White Deer Township, **Union County**. This permit also authorizes the installation of 1,200 square feet of rip rap outlet protection. This permit was issued under section 105.13(e) "Small Projects."

E60-138. Encroachment. **Jim Mullan**, 1000 SE 10th Street, Deerfield Beach, FL 33441. To construct and maintain a 12 foot by 12 foot screened porch attached to the existing cabin located along Penns Creek on Wildwood Road (Middleburg, PA Quadrangle, N: 22.75 inches; W: 7 inches) in Limestone Township, **Union County**. This permit was issued under section 105.13(e) "Small Projects."

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

E26-249. Encroachment. **Fayette County Commissioners**, Courthouse—61 East Main Street, Uniontown, PA 15401-1030. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 17.0 meters and an underclearance of 2.56 meters across Meadow Run (HQ-CWF) for the purpose of improving transportation safety and roadway standards. The project is located on T-415, approximately 1.5 kilometers south of its intersection with S. R. 0381 (Fort Necessity, PA Quadrangle N: 15.5 inches; W: 1.18 inches) in Stewart Township, **Fayette County**.

E26-252. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To remove the existing Arch Street Bridge and to construct and maintain a concrete box culvert having a normal clear span of 4.65 meters and an underclearance of 1.57 meters (invert depressed 0.3 meter) in Connell Run (WWF) located on S. R. 1037, Section 10R. Also, to construct and maintain two outfall structures in Connell Run. The project is located approximately 700 feet upstream of confluence of said stream with Youghiogheny River (Connellsville, PA Quadrangle N: 2.8 inches; W: 12.7 inches) in the City of Connellsville, **Fayette County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E32-397. Encroachment. **William Beatty**, 403 Woodhaven Drive, Monroeville, PA 15146. To construct and maintain a 40-foot long, 8-foot diameter pipe culvert (invert depressed 6 inches) with a 50-foot wide, 1.5-foot deep overflow channel (the channel invert 6 inches above top of the pipe) in an unnamed tributary to South Branch

Plum Creek (HQ-CWF) for the purpose of constructing an access road. The project is located approximately 3.25 miles south of the intersection of S. R. 85 and S. R. 210 (Plumville, PA Quadrangle N: 1.5 inches; W: 1.55 inches) in Washington Township, **Indiana County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-718. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401-0459. To remove the existing structure and to construct and maintain two 0.305-meter depressed 2.495-meter × 1.585-meter elliptical concrete pipe culverts in an unnamed tributary to Sewickley Creek (WWF) for the purpose of improving the roadway standards. This permit also authorizes the construction and maintenance of 0.305-meter depressed R-7 rock lined aprons in an unnamed tributary to Sewickley Creek (WWF) extending 8.0 meters upstream and 10.0 meters downstream from the proposed culverts. The project is located on S. R. 3037, Segment 1030, Offset 2750, Station 1+500.000 (Smithton, PA Quadrangle N: 12.5 inches; W: 5.4 inches) in South Huntingdon Township, **Westmoreland 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.

E20-465. Encroachment. **One Ten Corporation**, 3939 West Ridge Road, Suite B20, Erie, PA 16506. To fill an area measuring approximately 130 feet long and 495 feet wide (1.4 acres) with an average depth of 5 feet and to construct and maintain a building measuring approximately 125 feet long by 80 feet wide attached to the north side of the existing Peebles Department Store within the mapped FEMA Floodway of French Creek for the construction of a retail store and associated parking area at the Park Avenue Plaza east of S. R. 6/19/322 (Geneva, PA Quadrangle N: 22.35 inches; W: 4.75 inches) located in Vernon Township, **Crawford County**.

E61-220. Encroachment. **Multi-Tech Communications**, 1717 French Street, P. O. Box 219, Sligo, PA 16255-0219. To install and maintain a television cable utility line inside a utility conduit bank within the superstructure of the Kennerdell Bridge carrying S. R. 3008 across the Allegheny River (Kennerdell, PA Quadrangle N: 2.5 inches; W: 12.5 inches) located in Clinton and Rockland Townships, **Venango County**.

WATER ALLOCATIONS

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

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

Permit No. WA36-1009. Water Allocation. **Leola Sewer Authority, Lancaster County**. The applicant was granted the right to purchase 220,000 gallons per day (gpd), based on a 30-day average, with a maximum daily flow of 310,000 gpd from the Metropolitan Lancaster Water Authority. *Permit Issued:* March 29, 1999.

Permit No. WA 67-470D. Water Allocations. **Wrightsville Borough Municipal Water Authority,**

York County. The applicant was granted the right to withdraw a maximum of 1.1 million gallons per day (mgd) from the Susquehanna River, in Hellam Township for discharge to their water treatment plant and Miller Lake. *Permit Issued:* March 29, 1999.

SPECIAL NOTICES

SETTLEMENT

Atlantic Coast Demolition and Recycling, Inc.

Philadelphia, PA

Southeast Regional Office, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.

The Department of Environmental Protection (Department), under the authority of the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) (SWMA), hereby gives notice that on March 25, 1999, it entered into a Stipulated Order (SO) with Atlantic Coast Demolition and Recycling, Inc. (Atlantic) and Global Eco-Logical Services, Inc. (GES) associated with the Atlantic solid waste transfer facility located at 1107 South 34th Street, Philadelphia, PA 19146 (Facility).

On March 3, 1999, the Department issued to Atlantic a Civil Penalty Assessment for violations at the Facility. The Civil Penalty Assessment required Atlantic to pay to the Department \$74,000 in penalties.

Atlantic and GES appealed the Civil Penalty Assessment to the Environmental Hearing Board and sought supersedeas pending its full hearing. Under the terms of a Stipulated Order, within 45 days of the SO, Atlantic and GES will pay to the Department \$74,000 in satisfaction of the March 3, 1999, Civil Penalty Assessment against Atlantic.

This notice is being provided under section 616 of the SWMA. The Department will provide a 30 day public comment period on the SO from the date of publication of this notice. The SO may be examined from 8 a.m. to 4 p.m. in the Department's Southeast Field Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Interested persons may contact Thomas Storrer at (610) 832-6218, or Paul M. Schmidt, at (610) 832-6300. Persons may submit written comments to Tom Storrer at the previous address.

The Department issued a March 3, 1999, Order which revoked Atlantic's solid waste permit, required the removal of all solid waste within 4 days, and required closure of the facility within 10 days. On March 16, 1999, the Department issued to Atlantic a letter of Bond Forfeiture which forfeited Atlantic's bond for the Facility. Atlantic and GES also appealed those Department actions to the Environmental Hearing Board and sought supersedeas of them pending their full hearing. Under the SO, those actions are not resolved; however, supersedeas of the March 3, 1999, Order and the March 16, 1999, Bond Forfeiture is granted for a period of 90 days. Atlantic and GES are required to submit to the Department within 45 days of the SO documents responsive to the November 19, 1998, Order and documents responsive to a November 19, 1998, information request letter from the Department. Following review of those documents, the Department will notify the Board 90 days after the SO whether it agrees to withdraw its March 3, 1999, Order and March 16, 1999, Bond Forfeiture. The SO also requires Atlantic and GES to pay to the Department \$135,000 in satisfaction of an unappealed November 19, 1998, Civil Penalty Assessment by the Department against Atlantic.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of March 1999, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23-RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Eric Abraham Kleeman Associates, Inc.	1500 South Delaware Ave., Suite 200 Philadelphia, PA 19147	Testing
James Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Kimberly Applebach	P. O. Box 4214 Lancaster, PA 17604	Testing
Alan Aulson William Melendez The Aulson Co., Inc.	49 Danton Drive Methuen, MA 01844	Testing
Rebekah Bibbens	518 Westfield Drive Exton, PA 19341	Testing
Willis Bortmas, III Keystone Building Inspectors	370 Red Dog Road Butler, PA 16001	Mitigation
Mark Dolph	RR 8, Box 8320 Moscow, PA 18444	Testing
Scott Hagan	78 Hamilton Drive Abbottstown, PA 17301	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Haushalter, Jr. Volz Environmental Services, Inc.	1200 Gulf Lab Road Pittsburgh, PA 15238	Testing
James Hetrick	766 Magaro Road Enola, PA 17025	Mitigation
Robert Hoffman	218-D West Main Street Leola, PA 17540	Mitigation
John Jenkins, Jr.	165 Darling Street Wilkes-Barre, PA 18701	Testing
Ludwig Kubli, Jr.	1090 Aerie Drive North Huntingdon, PA 15642	Testing
George Loudon	4694 Lower Cherry Valley Road Stroudsburg, PA 18360	Testing
Tuan Nguyen American Radon Solutions	125 Brindle Road Mechanicsburg, PA 17055	Mitigation
Michael Robinson	209 East Ninth Street Oil City, PA 16301	Testing
Keith Rutherford	6301 Evelyn Street Harrisburg, PA 17111	Testing
Chris Snyder	2231 Bulls Sawmill Road Freeland, MD 21053	Testing
Chris Willig	805 Estelle Drive, Suite 107 Lancaster, PA 17601	Testing
John Yarnall	P. O. Box 102, Bridge Street Forksville, PA 18616	Mitigation

[Pa.B. Doc. No. 99-620. Filed for public inspection April 16, 1999, 9:00 a.m.]

Plan Approval and Operating Permit Exemptions

Under 25 Pa. Code § 127.14, the Department of Environmental Protection (Department) may determine sources or classes of sources to be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127. Proposed changes to the lists of these exemptions were published at 29 Pa.B. 373 (January 16, 1999). During the 30-day comment period, a single comment was received. This comment supported the changes but pointed out a typographical error which occurred in Item 3 of the list of proposed changes. Item 3 stated that the plan approval exemptions for sources of VOCs previously described in Categories 29 and 29 were being combined into Category 28 (these categories are actually combined into the new Category 29).

A complete copy of the Plan Approval and Operating Permit Exemptions lists follows.

Listing of Plan Approval Exemptions

Section 127.14(a) Exemptions

In accordance with 25 Pa. Code § 127.14(a), approval is not required for the construction, modification, reactivation or installation of the following:

1. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.
2. Combustion units rated at 2.5 million or less Btus per hour of heat input.
3. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by a public utility or by commercial fuel oils that are No. 2 or lighter-viscosity less than or equal to 5.82 C St—and which meet the sulfur content require-

ments of § 123.22 (relating to combustion units). Combustion units converting to fuel oils which are No. 3 or heavier-viscosity greater than 5.82 C St or contain sulfur in excess of the requirements of § 123.22 require approval. For the purpose of this section, commercial fuel oil shall be virgin oil that contains no reprocessed, recycled or waste material added.

4. Sources used in residential premises designed to house four or less families.
5. Space heaters which heat by direct heat transfer.
6. Mobile sources.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Other sources and classes of sources determined to be of minor significance by the Department.

Section 127.14(a)(8) Exemptions

The following is a list of those sources and classes of sources determined, in accordance with § 127.14(a)(8), to be exempt from the Plan Approval requirements of 25 Pa. Code §§ 127.11 and 127.12. Unless labeled otherwise, emission rates are to be considered actual ton per year (tpy). Note that certain exceptions and qualifications regarding this list are contained in the discussion that follows the list.

1. Incinerators with rated capacities less than 75 lb per hour burning a municipal or residual waste as defined by the Bureau of Land Recycling and Waste Management.
2. Shot blast and sand blasting units with appropriately designed fabric collectors, cartridge collectors or scrubbers manufactured as an integral part of the design and which have exhaust volumes equal to or smaller than 5,000 scfm.

3. Coal handling facilities processing less than 200 tons per day. (Thermal coal dryers and pneumatic coal cleaners remain subject to the requirements of § 127.11).

4. Combustion turbines rated at less than 1,000 horsepower or 10.7 gigajoules per hour.

5. Internal combustion engines rated at less than 100 brake horsepower. Note Category 36 addresses oil and gas facilities.

6. Natural gas-fired heat treating furnaces with less than 10 million Btus per hour heat input (fuel burning emissions only).

7. Steam aspirated vacuum degassing of molten steel.

8. Wet sand and gravel operations (screening only) and dry sand and gravel operations with a capacity of less than 150 tons per hour of unconsolidated materials.

9. Concrete batch plants and associated storage vessels which are equipped with appropriately designed fabric collectors.

10. Bulk material storage bins, except those associated with a production facility with total actual facility particulate emissions greater than 10 tpy.

11. Storage vessels for volatile organic compounds [which do not contain hazardous air pollutants (HAPs)] which have capacities less than 40 m³ (10,000 gallons) based on vessel dimensions, unless subject to § 129.59 (bulk gasoline terminals) or § 129.60(b) and (c) (bulk gasoline plants).

12. Storage vessels containing non-VOC or non-hazardous air pollutant materials and compounds.

13. Diesel fuel, Nos. 2, 4 and 6 fuel oils, or kerosene and jet fuel storage and dispensing facilities as long as the stored or dispensed product has a vapor pressure less than 1.5 psia.

14. Covered waste water transfer systems such as covered junction boxes, sumps tanks at industrial sites.

15. Plastic bead or pellet milling, screening and storage operations (does not include handling and storage of resin powders).

16. Plastic parts casting ovens and injection molding processes.

17. Tire buffing.

18. Paper trimmers/binders.

19. Vocational education shops. Chemistry laboratories at schools and colleges.

20. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.

21. Research and development activities with annual emission rates:

- i. less than or equal to 20 tpy of CO;
- ii. less than or equal to 0.12 tpy of lead;
- iii. less than or equal to 3 tpy of PM₁₀;
- iv. less than or equal to 8 tpy of SO₂ or VOC;
- v. less than or equal to 10 tpy of NO_x;
- vi. less than or equal to one tpy of a single HAP or 2.5 tpy of a combination of HAPs.

22. Woodworking facilities such as sawmills and pallet mills which process green wood; or, small woodworking facilities processing kiln-dried wood or wood products

(flakeboard, particleboard, and the like) associated with pattern shops, retail lumber yards, shipping and packing departments, and the like. This exemption includes woodworking facilities of any size processing kiln-dried wood or wood products which are equipped with appropriately designed fabric collectors.

This exemption does not apply to woodworking facilities processing wood that has been treated with a wood preservative of any kind. The term "woodworking facilities" refers only to operations in which wood or a wood product is sawed, sanded, planed, or similarly shaped or reshaped. The term does not include such activities as painting, finishing, hardboard manufacturing, plywood manufacturing, and the like.

23. Smokehouses.

24. Slaughterhouses (rendering cookers remain subject to the requirements of § 127.11).

25. Restaurant operations.

26. Cold degreasers, except those emitting more than one tpy of a HAP or 2.5 tpy of a combination of HAPs. These units are still subject to § 129.63(a).

27. Vapor degreasers with cross sectional areas at the liquid-vapor interface, equal to or less than 10 square feet, except those emitting more than one tpy of a HAP or 2.5 tpy of a combination of HAPs.

28. Detergent washing of metal parts, except those using VOCs or HAPs.

29. Sources of uncontrolled VOC emissions not addressed elsewhere in this listing, new or modified, if emission increases are less than 2.7 tpy. Facilities claiming this exemption must provide a 15-day prior written notification to the Department and limit VOC emission increases to less than 2.7 tpy.

30. Dry-cleaning facilities which are not subject to NSPS, MACT (area MACT sources are currently deferred from plan approval and operating permit requirements), PSD or NSR requirements.

31. Retail gasoline stations and vehicle-fueling operations at industrial plant sites.

32. Sources of particulate matter (not subject to NESHAPS, NSPS, PSD or major source requirements) which are controlled by a baghouse, have an emission rate which meets the limits of Chapter 123, and are exhausted indoors and cannot be bypassed to exhaust to the outdoor atmosphere. These sources should not emit more than 0.12 tpy of lead, one tpy of a single HAP or 2.5 tpy of a combination of HAPs. Multiple sources within this category may be exempt from plan approval requirements.

33. Sources emitting inert gases only, such as argon, helium, krypton, neon and xenon; pure constituents of air such as nitrogen, oxygen or carbon dioxide; or, methane or ethane.

34. Source(s) qualifying under § 127.449 as de minimis emission increases.

35. Sources that exhaust to a filter/baghouse and have particulate loading (before control) below limits specified in Chapter 123.

36. Oil and gas exploration and production facilities and operations which include wells and associated equipment and processes used either to drill or alter oil and gas wells, to extract, process and deliver crude oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and

dispose of associated wastes. This exemption includes petroleum liquid storage tanks which are used to store produced crude oil and condensate prior to lease custody transfer, but does not include gas compressor station engines equal to or greater than 100 HP or gas extraction wells at landfills. (Multiple sources within this subcategory may be exempt from plan approval requirements.)

37. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by an independent gas producer. (Sources firing natural gas supplied by an independent producer shall be given the same consideration given sources that fire natural gas provided by a public utility.)

38. Any source qualifying for exemption based on criteria contained in a general permit developed in accordance with the procedures described in 25 Pa. Code §§ 127.601—127.642.

39. Powdered metal sintering furnaces using only organic lubricants equal to or less than 0.75% organic lubricant by weight. The furnace atmosphere must contain hydrogen (H₂) at 3% or greater. The furnace must also maintain an operating flame curtain between the part entry and pre-heat zone. In the absence of an operating flame curtain, the furnace must operate an afterburner. A furnace sintering metal lubricated parts may be exempted if the furnace emits particulate matter not exceeding 0.15 lb./hr. (determined by mass balance or stack tests). Note, for mass balance purposes, the following conversion factors are to be used:

Zinc Stearate to Zinc Oxide particulate matter = 0.129,

Lithium Stearate to Lithium Carbonate particulate matter = 0.15.

The Department may approve alternate conversion factors provided a satisfactory justification is submitted to the Department.

A sintering furnace using organic lubricants and operating outside the limitations specified above, may be exempted under a case-by-case determination through the execution of a Request for Determination of Requirement for Plan Approval Application form. The owner/operator of a sintering furnace exempt from permitting requirements must notify the Department within 30 days of the furnace installation. For sintering furnaces using metal containing lubricants, records must be maintained to demonstrate compliance with the particulate matter emission limit of 0.15 lb/hour for each product. This exemption does not apply to sintering furnaces used to sinter parts which are treated with oil.

40. Any source granted an exemption by the Department through the execution of a Request for Determination of Requirement for Plan Approval form.

Further Qualifications Regarding Plan Approval Exempted Sources:

1. This notice shall not be construed to exempt facilities which include multiple sources of air contaminants, unless specifically stated in the source category.

2. The addition of any source that would subject the facility to major source New Source Review or Prevention of Significant Deterioration, Title V or Reasonably Available Control Technology (RACT) requirements shall comply with plan approval requirements, even if such sources are within a category in the above list.

3. Sources exempt from plan approval may be required to be included in the operating permit if the source is not included in the trivial activity listing.

The above-listed sources or source categories are not exempted from compliance with the emission limitations, work practice, and other applicable requirements contained in 25 Pa. Code Chapters 121, 122, 123, 124, 127, 129 and 135. Although a source may be exempt from the plan approval and operating permit requirements of 25 Pa. Code Chapter 127, the source is subject to all other applicable air quality regulations. For example, combustion units exempt from the requirements of Chapter 127 are not exempt from the opacity limitations of § 123.41 or the emission limitations of § 123.22. Storage vessels for organic compounds with capacities between 2,000 gallons to 40,000 gallons, not subject to the requirements of Chapter 127, must install pressure relief valves in accordance with the requirements of § 129.57. (Note: Storage vessels in this size range would also not be subject to the requirements of §§ 129.59 and 129.60.)

The Department may order the installation of additional air cleaning devices if it is determined that any source within the above list is causing air pollution in violation of section 8 of the Air Pollution Control (35 P. S. § 4008) or 25 Pa. Code § 121.7. In these cases, plan approvals and operating permits may be required.

Requests for exemptions from the plan approval requirements of Chapter 127 for multiple source facilities must be considered on a case-by-case basis.

As noted in Category 40 of the list, additional exemptions, when appropriate, may be obtained through the submission of a completed Request for Determination of Requirement for Plan Approval Application form. These forms are available from any of the Department's Air Quality Offices.

Physical Changes Qualifying for Exemption Under § 127.14(a)(9)

In accordance with § 127.14(a)(9), the Department has determined that the following physical changes qualify for plan approval exemption if the change: a) would not violate the terms of an operating permit, the Air Pollution Control Act, the Clean Air Act or the regulations adopted under the acts; b) would not result in emission increases above the allowable in the operating permit; and, c) would not result in an increased ambient air quality impact for an air contaminant. These changes may be made without notification to the Department.

Caution: Do not make determinations regarding the following list without consideration of the preceding criteria.

1. Changes in the supplier or formulation of similar raw materials, fuels, paints and other coatings which do not affect emissions and which meet all applicable standards and limitations.

2. Changes in product formulations that do not affect air emissions.

3. Changes that result in different speciation of pollutants but fall within permit limitations.

4. Changes in the method of raw material addition.

5. Changes in the method of product packaging.

6. Changes in temperature, pressure or other operating parameters which do not adversely affect air cleaning device performance or air emissions.

7. Additions of or changes to sampling connections used exclusively to withdraw materials for testing and analysis including air contaminant detection and vent lines.

8. Changes to paint drying oven length designed to alter curing time, so long as capture efficiencies of control equipment are not altered.

9. Routine maintenance, inspection and cleaning of storage tanks and process vessels or the closure or dismantling of a storage tank or process.

10. Changing water sources to air cleaning devices when there is no effect on air cleaning device performance or air emissions.

11. Moving a source from one location to another at the same facility with no change in operation or controls.

12. Installation of an air cleaning device that is not installed to comply with regulatory requirements and will not be used to generate emission reduction credits.

13. Repairing, replacing, upgrading, maintaining or installing pollution control device instrumentation or component equipment including pumps, blowers, burners, filters, filter bags, devices for measuring pressure drop across an air cleaning device or a filter breakage detector for a baghouse, provided such changes would not violate an operating permit term or condition.

14. Installing a fume hood or vent system for industrial hygiene purposes or in a laboratory.

15. The temporary (no longer than 6 months) replacement of a source with a source of equal or less emission potential.

16. Repairing, replacing, upgrading, maintaining or installing equipment and processes at oil and gas extraction and production facilities and operations, including equipment or processes which are used either to drill or alter oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and dispose of associated wastes.

In accordance with § 127.14(c), additional physical changes may be determined to be of minor significance and not subject to plan approval requirements through the following procedure:

1. If the changes do not involve the installation of equipment, the changes may be made within 7 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 7-day period.

2. If the changes involve the installation of equipment, the changes may be made within 15 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 15-day period.

3. If the change would violate the terms of an operating permit the plan approval exemption may be processed contemporaneously with the minor operating permit modification under the procedures described in § 127.462.

Exemption Criteria for Operating Permits

A Title V operating permit is needed by all facilities which have the potential to emit (PTE) exceeding the levels described in the definition of "Title V facility." A state-only operating permit is needed for facilities which do not have a PTE which exceeds the Title V facility thresholds, but which has actual emissions equal to or exceeding the facility levels summarized below. An existing facility which does not have a PTE exceeding the Title V facility thresholds and which does not have actual emissions exceeding the levels shown below, is exempt from the requirement to obtain an operating permit.

State-Only Operating Permit Facility Exemptions

Pollutant	PTE<	Actual Emission Rate<
CO	100 TPY	20 TPY
NO _x	100 TPY*	10 TPY
SO _x	100 TPY	8 TPY
PM ₁₀	100 TPY	3 TPY
VOCs	50 TPY*	8 TPY
Single HAP	10 TPY	1 TPY
Multiple HAPs	25 TPY	2.5 TPY

*25 tpy for Severe Ozone NA areas including Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.

Sources listed in the plan approval exemptions list should be included in an operating permit application unless it is also identified in the listing of trivial activities. Presently, residential wood stoves and asbestos demolition/renovation sites are only two permanently exempted source categories. [Ref. 25 Pa. Code § 127.504(d)]

Deferral of Operating Permit Requirements for Area Sources

Sources subject to MACT standards are not exempted from operating permit requirements. However, the permitting of MACT area sources will be deferred at this time. MACT area sources include nonmajor facilities containing: perchloroethylene dry cleaning, halogenated solvent cleaning, ethylene oxide commercial sterilization and fumigation operations, hard and decorative chromium electroplating, chromium anodizing tanks and secondary lead smelters. Nonmajor facilities emit or have the PTE less than 10 tpy of any hazardous air pollutants. These nonmajor facilities are still required to meet all applicable emission control requirements established by the respective MACT. The owner or operator of a MACT area source shall submit an operating permit application on or before December 9, 2000. Retail gasoline stations will continue to be deferred from operating permit requirements until further notice.

Trivial Activities

Trivial activities are those located within a facility which do not create air pollution in significant amounts. These trivial activities need not be described in a Title V or state-only operating permit application. Also, these activities do not require a plan approval. Sources listed in the plan approval exemptions list should be included in an operating permit application unless it is also identified as a trivial activity.

1. Combustion emissions from propulsion of mobile sources. The term "mobile" means the source is capable of moving by its own power. The term does not include a source mounted on a vehicle, whether the mounting is permanent or temporary, which source is not used to supply power to the vehicle. Examples might include lawn mowers, tow and lift vehicles, and the like.

2. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process.

4. Electric space heaters. Propane and gas fired space heaters with a plant-wide capacity less than 2.5 million Btus per hour heat input and which have not been subject to RACT requirements.

5. Electrically heated furnaces, ovens and heaters, and other electrically operated equipment from which no emissions of air contaminants occur.

6. Noncommercial food preparation.
7. Use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.
8. Any equipment, machine or device from which emission of air contaminant does not occur.
9. Janitorial services and consumer use of janitorial products.
10. Internal combustion engines used for landscaping purposes.
11. Garbage compactors and waste barrels.
12. Laundry activities, except for dry-cleaning and steam boilers.
13. Bathroom/toilet vent emissions.
14. Emergency (backup) electrical generators at residential locations.
15. Tobacco smoking rooms and areas.
16. Blacksmith forges.
17. Plant maintenance and upkeep activities (for example, grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.¹
18. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.
19. Portable electrical generators that can be moved by hand from one location to another².
20. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.
21. Brazing, soldering and welding equipment, and cutting torches related to maintenance and construction activities that do not result in emission of HAP metals.³
22. Air compressors and pneumatically operated equipment, including hand tools.
23. Batteries and battery charging stations, except at battery manufacturing plants.
24. Storage tanks, vessels and containers holding or storing liquid substances that will not emit any VOCs or HAPs.
25. Propane or natural gas tanks and containers.
26. Storage tanks, reservoirs and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
27. Equipment used to mix and package, soaps, vegetable oil, grease, animal fat and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
28. Drop hammers or hydraulic presses for forging or metalworking.
29. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators and electrical power generating equipment.
30. Vents from continuous emissions monitors and other analyzers.
31. Natural gas pressure regulator vents.
32. Hand-held applicator equipment for hot-melt adhesives with no VOCs in the adhesive formulation.
33. Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOCs or HAPs.
34. CO₂ lasers, used only on metals and other materials which do not emit HAP in the process.
35. Consumer use of paper trimmers/binders.
36. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.
37. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.
38. Laser trimmers using dust collection to prevent fugitive emissions.
39. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.
40. Sources emitting inert gases only, such as argon, helium, krypton, neon and xenon; pure constituents of air such as nitrogen, oxygen or carbon dioxide; or the organic aliphatic hydrocarbon gases methane and ethane.
41. Routine calibration and maintenance of laboratory equipment or other analytical instruments.
42. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
43. Hydraulic and hydrostatic testing equipment.
44. Environmental chambers not using hazardous air pollutant gasses.
45. Shock chambers.
46. Humidity chambers.
47. Solar simulators.
48. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.
49. Process water filtration systems and demineralizers, but not including air strippers.
50. Demineralized water tanks and demineralizer vents.
51. Boiler water treatment operations, not including cooling towers.
52. Oxygen scavenging (de-aeration) of water.
53. Potable water treatment systems.

¹ Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit.

² "Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

³ Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

54. Ozone generators.
55. Fire suppression systems and activities involved in fire protection training, first aid or emergency medical training.
56. Emergency road flares.
57. Steam vents and safety relief valves.
58. Steam leaks.
59. Steam cleaning operations.
60. Steam sterilizers.
61. Oil and gas exploration and production facilities and operations which include wells and associated equipment and processes used either to drill or alter oil and gas wells, to extract, process and deliver crude oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and dispose of associated wastes. This does not include gas compressor engines or gas extraction wells at landfills.
62. Typesetting, image setting and plate making equipment used in the preparatory phase of printing.

If an applicant conducts an activity that is believed trivial but not covered by this listing, the applicant may list the activity in an operating permit application and provide a justification for listing the activity as trivial. If the Department accepts the applicants justification then no further information will be required on the activity. If the Department rejects the justification, then the applicant must submit operating permit information concerning the proposed activity.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-621. Filed for public inspection April 16, 1999, 9:00 a.m.]

Proposed General Plan Approval and General Operating Permit (BAQ-GPA/GP-8)

Powder Metal Sintering Furnaces

1. *Statutory Authority and General Description*—Under section 6.1(f) of the Air Pollution Control Act (35 P. S. § 4006.1) and 25 Pa. Code § 127.611, the Department of Environmental Protection (Department) hereby issues this general plan approval and general operating permit for powder metal sintering furnaces (hereinafter referred to as Sintering Furnaces General Permit).

2. *Applicability/Source Coverage Limitations*—This Sintering Furnaces General Permit is designed to serve as either a plan approval or an operating permit for sintering furnaces used exclusively in powder metals industries designed to sinter parts with metal containing lubricants such as zinc and lithium stearates.

Operating Permit

Sintering furnaces are exempted from the permitting requirements of 25 Pa. Code § 127.402 if the furnace emits particulate matter less than or equal to 0.15 pound/hour as determined by mass balance calculations, or stack testing, using maximum metal throughput and the associated maximum percent lubricant. The company claiming exemption from the § 127.402 permitting requirements shall maintain records to demonstrate that the furnaces particulate matter emissions are less than 0.15 pounds per hour. This general permit is intended for

use by sintering furnaces with particulate matter emissions from each furnace greater than 0.15 pound per hour.

Plan Approval

Sintering furnaces equipped with particulate matter control systems (other than flame curtains or afterburners) may not operate under this general permit. These furnaces shall comply with the plan approval and operating permit requirements of 25 Pa. Code §§ 127.11 and 127.402. Powder metal sintering furnaces using only organic lubricants equal to or less than 0.75% organic lubricant by weight are exempt from plan approval requirements. The atmosphere in each furnace atmosphere shall contain hydrogen (H₂) at 3% or greater and maintain an operating flame curtain between part entry and pre-heat zone. In the absence of an operating flame curtain, the furnace must be operated with an afterburner. A sintering furnace using higher than 0.75% organic lubricant or lower than 3% hydrogen may be considered for an exemption from permitting requirements by submitting a Request for Determination to the Department according to the procedures described in § 127.14 (c).

The owner/operator of a sintering furnace that sinters oil-treated parts may not operate under this Sintering Furnaces General Permit.

3. *Application for Use*—Any person proposing to construct, modify or operate a source under this Sintering Furnaces General Permit shall receive prior written approval from the Department according to 25 Pa. Code § 127.621 (relating to application for use of general plan approvals and general operating permits). Any applicant requesting authorization to operate under the general permit shall submit a complete Sintering Furnaces General Permit Application to the Department. The Department will take action on the application within 30 days of receipt.

4. *Compliance*—Any sintering furnaces operating under this Sintering Furnaces General Permit shall comply with the terms and conditions of the general permit. The sintering furnaces shall be:

a. Operated in such a manner as not to cause air pollution.

b. Operated and maintained in a manner consistent with good operating and maintenance practices.

c. Operated and maintained in accordance with the manufacturer's specifications and the applicable terms and conditions of this Sintering Furnaces General Permit.

5. *Permit Modification, Suspension and Revocation*—This Sintering Furnaces General Permit may be modified, suspended or revoked if the Department determines that affected sintering furnaces cannot be regulated under this general permit. Authorization to use this Sintering Furnaces General Permit shall be suspended or revoked if the permittee fails to comply with applicable terms and conditions of the Sintering Furnaces General Permit.

The approval herein granted to operate the sintering furnaces shall be suspended, if, at any time, the permittee causes, permits or allows any modification (as defined in 25 Pa. Code § 121.1) of the sintering furnaces without Department's approval. Upon suspension of the general permit, the permittee may not continue to operate or use said sintering furnaces until the Department issues written approval to operate the sintering furnace. When warranted, the Department will require that the sintering

furnaces be permitted under the applicable operating permit or Title V operating permit requirements in 25 Pa. Code Chapter 127.

6. *Notice Requirements*—The permittee shall submit applications and notifications required by 25 Pa. Code § 127.621 to the appropriate Regional Office responsible for issuing general permits in the county in which the sintering furnaces are, or will be, located. Under § 127.621(b), the application shall be either hand delivered or transmitted by certified mail return receipt requested.

The permittee shall notify the Department, in writing, of any sintering furnace malfunctions that result in, or may result in, the emission of air contaminants in excess of the limitations specified in, or established pursuant to provisions in 25 Pa. Code, Subpart C, Article III (relating to air resources). The written notices shall be submitted to the Department within 24 hours of the discovery of a malfunction during a business day or no later than 5 p.m. on the first business day following discovery of any malfunction that occurred during a weekend or holiday.

7. *Sampling and Testing*—The permittee shall conduct source testing requested by the Department to determine a source's actual emission rate(s) if the Department has cause to believe that the emission of air contaminants from a sintering furnace operating under this Sintering Furnaces General Permit exceed limitations established under provisions in 25 Pa. Code Article III.

The permittee shall perform the testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) and in accordance with any restrictions or limitation established by the Department at the time the permittee is notified, in writing, of the testing requirement.

8. *Monitoring, Recordkeeping, and Reporting*—The permittee shall comply with the applicable monitoring, recordkeeping and reporting requirements in 25 Pa. Code Chapter 139 (relating to sampling and testing), the Air Pollution Control Act, the Clean Air Act and the applicable regulations adopted under the Acts. The records kept to demonstrate compliance with the requirements of this general permit shall be retained at the facility for at least 5 years and shall be made available to the Department upon request. The records shall include information that indicates the amount of powder metal mix processed and percent by weight of metal containing lubricant in the mix for each product for each sintering furnace.

9. *Term of Permit*—This Sintering Furnaces General Permit is issued for a fixed term of 5 years. The Department will notify each applicant, by letter, when approval to operate under this general permit is granted.

10. *Permit and Administrative Fees*—The Sintering Furnaces General Permit establishes the following application and renewal fees payable every 5 years if no equipment changes occur:

- a. Two hundred fifty dollars during the 1999 calendar year.
- b. Three hundred dollars during the 2000-2004 calendar years.
- c. Three hundred seventy-five dollars beginning in the 2005 calendar year.

The owner/operator of a facility using this Sintering Furnaces General Permit will be required to submit a new general permit application, along with the appropriate fees, prior to the installation of new sintering furnaces.

11. *Expiration and Renewal of Permit*—The permittees right to operate under this Sintering Furnaces General Permit terminates on the date of expiration of this permit unless a timely and complete renewal application is submitted to the Department at least 30 days prior to the permit expiration date.

Upon receipt of a complete and timely application for renewal, the sintering furnaces may continue to operate subject to final action on the renewal application by the Department. This protection shall cease to exist if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by the Department any additional information required by the Department to process the renewal application.

The Sintering Furnaces General Permit application for renewal shall include the identity of the owner or operator, location of the sintering furnaces, current permit number, description of source category, the appropriate renewal fee listed in Condition 10 and any other information requested by the Department. At a minimum, the permit renewal fee shall be submitted to the Department at least 30 days prior to the expiration of the Sintering Furnaces General Permit.

12. *Applicable Laws*—Nothing in this Sintering Furnaces General Permit relieves the permittee from its obligation to comply with all applicable Federal, State and local laws and regulations.

13. *Prohibited Use*—Any air contamination source that is subject to the provisions in 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration), Subchapter E (relating to new source review), Subchapter G (relating to Title V operating permits), or 25 Pa. Code § 129.91 (relating to control of major sources of NO_x and VOCs), may not operate under this Sintering Furnaces General Permit. The owners/operators of Title V facilities may use this Sintering Furnaces General Permit as a plan approval when the major new source review and prevention of significant deterioration review requirements are not applicable.

14. *Transfer of Ownership or Operation*—The permittee may not transfer the Sintering Furnaces General Permit except as provided in 25 Pa. Code § 127.464 (relating to transfer of operating permits).

15. *Plan Approval*—This Sintering Furnaces General Permit authorizes the construction of new sintering furnace(s) that meet the best available technology (BAT) required under 25 Pa. Code §§ 127.1 and 127.12(a)(5). For purposes of this general permit, BAT for sintering furnaces are the emission limits specified in Condition 16 of this permit.

This permit also authorizes the operation of the source provided the estimated airflow included in the general plan approval application is verified using Department approved methods within a period of 180 days from the date of commencement of operation of the sintering furnace(s). The permittee shall provide written notice to the Department and allow inspection of the furnace, if necessary, at least 5 working days prior to commencing operation.

16. *Emission Limitations*—The operation of a sintering furnace may not at any time result in the emission of:

- a. Particulate matter emissions, as determined by mass balance calculations or stack testing, in excess of 0.04 gr/dscf as specified in 25 Pa. Code § 123.13(c).
- b. Visible emissions from sintering furnace stacks in excess of the following limitations:

- i. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.
- ii. Equal to or greater than 60% at any time.
- c. Sulfur compound emissions in excess of 500 parts per million, by volume, dry basis, as specified in 25 Pa. Code § 123.21.
- d. Odors in such a manner that malodorous air contaminants are detectable outside the property of the person on whose land the furnace is being operated. See 25 Pa. Code §§ 121.1 and 123.31 (relating to definitions and limitations).

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-622. Filed for public inspection April 16, 1999, 9:00 a.m.]

Proposed General Plan Approval and General Operating Permit (BAQ-GPA/GP-8)

Sintering Furnaces in Powder Metallurgy Facilities

The Department of Environmental Protection (Department) proposes to issue general plan approvals and operating permits for sintering furnaces in powder metallurgy facilities (hereinafter referred to as "Sintering Furnaces General Permit").

The proposed general plan approval and operating permit contains terms and conditions which prescribe applicable performance standards, emission limits, monitoring, recordkeeping and reporting requirements for sintering furnaces at a powder metallurgy facility. The proposed Sintering Furnaces General Permit may also be used to authorize the construction of new sintering furnaces.

Prior to operating under the Sintering Furnaces General Permit, the owner or operator of the source must notify the Department and receive prior written approval from the Department before commencing to operate the affected facility. Notification of the facility's intent to use the general permit must be submitted on a form provided by the Department. The owners/operators of sintering furnaces operating under this general permit must comply with the terms and conditions of the Sintering Furnaces General Permit.

Authorization to operate under the Sintering Furnaces General Permit will be valid for a term of 5 years. A plan approval application fee is required each time the permittee constructs any sintering furnace. The Department proposes to establish the plan approval application, operating permit application and operating permit renewal fees for those sintering furnaces constructed, modified or operated in accordance with the Sintering Furnaces General Permit:

- a. Two hundred fifty dollars during the 1999 calendar year.
- b. Three hundred dollars during the 2000-2004 calendar years.
- c. Three hundred seventy-five dollars beginning in the 2005 calendar year.

Within 30 days of the expiration date of the authorization to operate under the Sintering Furnaces General Permit, the permittee must obtain a renewal of its

authorization, if the facility owner/operator intends to continue to operate under the general permit.

A complete copy of the proposed Sintering Furnaces General Permit may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the general permit at <http://www.dep.state.pa.us>.

The Department requests written comments on the proposed general plan approval and operating permit for sintering furnaces at powder metallurgy facilities. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Douglas L. Leshner, Chief, Title V/NSR Section, Division of Permits, Bureau of Air Quality, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed Sintering Furnaces General Permit. Public comments must be submitted to the Department by June 1, 1999. Comments received by facsimile will not be accepted.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-623. Filed for public inspection April 16, 1999, 9:00 a.m.]

Solicitation—Fuel Cell Technology Demonstration in Vehicles

The Department of Environmental Protection (Department), Bureau of Air Quality (BAQ) is soliciting letters of interest from applicants willing to partner with the Department to field test and evaluate the use of fuel cell technology as a potential replacement for internal combustion engines in passenger cars, trucks, buses or other vehicles. The BAQ is interested in applicants who are willing to partner with Nationally recognized fuel cell manufacturers and vehicle manufacturers to demonstrate the operation of fuel cell powered vehicles in any or all of the following regions: in southeastern Pennsylvania—Bucks, Chester, Delaware, Montgomery, Philadelphia, Lehigh, Northampton and Berks counties; in central Pennsylvania—Dauphin, Cumberland, Lebanon, Lancaster and York counties, and in southwestern Pennsylvania—Allegheny, Beaver, Westmoreland, Washington, Fayette, Armstrong and Butler counties. The demonstration of hybrid and dedicated electric vehicles is also eligible for funding. The BAQ is particularly interested in projects that utilize domestically produced alternative fuels such as natural gas, methanol and hydrogen.

Funding for projects is available from the State's Alternative Fuel Incentive Grant (AFIG) fund. The Department will assist applicants with identifying other potential funding sources such as the United States Department of Energy and the manufacturers of original equipment. For more information, contact Susan K. Summers, DEP, Bureau of Air Quality at susan@dep.pa.state.us or (717) 783-9242. The deadline for submittal of letters of interest is August 1, 1999, and should be mailed to Department of Environmental Protec-

tion, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, Attention: Fuel Cell Demonstration.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 99-624. Filed for public inspection April 16, 1999, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Office of Medical Assistance Programs; Payments to Nursing Facilities

The purpose of this announcement is to provide advance notice under 42 CFR 447.205 that the Department of Public Welfare (Department) intends to make changes in its methods and standards for setting payment rates for nursing facilities to authorize capital component payments for existing post-moratorium beds in a facility. The Department also intends to clarify the circumstances under which it has permitted capital component payments to nursing facilities that were granted waivers under prior regulations.

Under the proposed new policy, the Department will have discretion to make capital component payments if: a) an equal or greater number of pre-moratorium beds currently receiving capital component payments are simultaneously closed and decertified; b) an entire licensed and medical assistance (MA) certified nursing facility is closed and decertified; c) the existing post-moratorium beds that will become eligible for capital component payments will draw residents from the same service area as the beds to be closed; d) any residents that are displaced by the closure of an entire facility are transferred to the facility that will receive the capital cost reimbursement waiver unless the resident requests transfer to another facility that is able to meet the individual's needs; e) the MA Program will experience an overall cost savings; and f) the proposal is otherwise in the best interests of the Department.

The primary purpose of this proposed change is to reduce MA nursing facilities and beds in areas of this Commonwealth where an MA need for those beds does not exist. Such a reduction will serve the dual purpose of reducing the cost to the MA Program and encouraging the growth of home and community-based services available to MA recipients. Although the Department is unable to accurately predict the number of MA nursing facility beds that will be taken out of service as a result of this policy, the Department estimates that the annual aggregate decrease in MA expenditures will be approximately \$24,246 for each bed taken out of service.

A draft Statement of Policy authorizing capital component payments is available for review through the Bulletin Board System (BBS) at (800) 833-5091, at the local County Assistance Offices throughout the Commonwealth, or by contacting Connie Pretz in the Long Term Care Policy Section at (717) 772-2570. The Department invites interested persons to submit written comments about the Statement of Policy to the Department within 30 days. Comments should be addressed to: Department of Public Welfare, Office of Medical Assistance Programs, Attention: Policy Section, P. O. Box 8025, Harrisburg, PA 17105.

The Department will also discuss and solicit input on the proposed change in payment methods and standards

at meetings that will be held in Room 327, Health and Welfare Building, Harrisburg, at the Long Term Care Subcommittee of the Medical Assistance Advisory Committee (MAAC) on April 14, 1999 at 10:30 a.m.; the Consumer Subcommittee of the MAAC on April 21, 1999 at 1 p.m.; and the MAAC meeting on April 22, 1999 at 10 a.m. These meetings are open to the public.

Following review and consideration of any comments received during this public review process, the Department intends to publish a final statement of policy in the *Pennsylvania Bulletin* announcing the final criteria for authorizing these capital component payments and to submit a State Plan Amendment incorporating the final criteria into the Commonwealth's approved Medicaid State Plan. Payment under these proposed changes are conditioned upon the publication of the statement of policy and the Health Care Financing Administration's approval of the State Plan Amendment.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice Users). If another alternative is required, please contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-199. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-625. Filed for public inspection April 16, 1999, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fast Cash 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 Fast Cash.

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

3. *Play Symbols:* Each Pennsylvania Fast Cash instant lottery game ticket will contain one play area featuring one "Lucky Symbol" area and five "Your Symbol" areas. The play symbols and their captions located in the "Lucky Symbol" area and the five "Your Symbol" areas are: Coins Symbol (COINS), Bag of Money Symbol (BAG), Dollar Bills Symbol (BILLS), Jewel Symbol (JEWEL), Piggy Bank Symbol (BANK) and Gold Bar Symbol (BAR).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the five "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY) and \$100 (ONE HUN).

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

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,240,000 tickets will be printed for the Pennsylvania Fast Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$100.

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

(c) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(d) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(e) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play

symbol and a prize play symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(f) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$3⁰⁰ (THR DOL) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(g) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(h) Holders of tickets upon which any one of the "Your Symbol" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "Your Symbol" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Match Any Of Your Symbols To The Lucky Symbol And Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
\$1	\$1	1:9.09	686,400
\$1 x 2	\$2	1:18.75	332,800
\$2	\$2	1:100	62,400
\$1 x 3	\$3	1:100	62,400
\$3	\$3	1:300	20,800
\$1 x 4	\$4	1:150	41,600
\$2 x 2	\$4	1:214.29	29,120
\$4	\$4	1:500	12,480
\$1 x 5	\$5	1:300	20,800
\$2 + \$3	\$5	1:300	20,800
\$5	\$5	1:300	20,800
\$2 x 5	\$10	1:250	24,960
\$5 x 2	\$10	1:250	24,960
\$10	\$10	1:500	12,480
\$3 x 5	\$15	1:300	20,800
\$4 x 5	\$20	1:750	8,320
\$10 x 2	\$20	1:1,500	4,160
\$5 x 3 + \$3 + \$2	\$20	1:1,500	4,160
\$20	\$20	1:1,500	4,160
\$20 x 5	\$100	1:15,000	416
\$100	\$100	1:30,000	208

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fast Cash 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 Fast Cash, prize money from winning Pennsylvania Fast Cash 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 Fast Cash 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 Fast Cash or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-626. Filed for public inspection April 16, 1999, 9:00 a.m.]

Pennsylvania Lucky Streak Doubler 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 Streak Doubler.

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

3. *Play Symbols:* Each Pennsylvania Lucky Streak Doubler instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$8.⁰⁰ (EGT DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$250 (TWO FTY), \$5,000 (FIV THO) and a Lightning Bolt Symbol (BOLT).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$250, \$500 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Lucky Streak Doubler instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$5,000 (FIV THO) in the play area, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with two matching play symbols of \$250 (TWO FTY), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with three matching play symbols of \$250 (TWO FTY) in the play area, on a single ticket, shall be entitled to a prize of \$250.

(d) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets with two matching play symbols of \$40\$ (FORTY), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with two matching play symbols of \$20\$ (TWENTY), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with two matching play symbols of \$10.⁰⁰ (TEN DOL), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with three matching play symbols of \$10.⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with two matching play symbols of \$5.⁰⁰ (FIV DOL), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with three matching play symbols of \$8.⁰⁰ (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(m) Holders of tickets with two matching play symbols of \$4.⁰⁰ (FOR DOL), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets with three matching play symbols of \$5.⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with three matching play symbols of \$4.⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with two matching play symbols of \$2.⁰⁰ (TWO DOL), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with three matching play symbols of \$2.⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with two matching play symbols of \$1.⁰⁰ (ONE DOL), and a Lightning Bolt play symbol (BOLT) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with three matching play symbols of \$1.⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
3-\$1	\$1	1:9.38	768,000
2-\$1 + Bolt	\$2	1:18.75	384,000
3-\$2	\$2	1:27.27	264,000
2-\$2 + Bolt	\$4	1:100	72,000

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
3-\$4	\$4	1:300	24,000
3-\$5	\$5	1:250	28,800
2-\$4 + Bolt	\$8	1:300	24,000
3-\$8	\$8	1:300	24,000
2-\$5 + Bolt	\$10	1:300	24,000
3-\$10	\$10	1:300	24,000
2-\$10 + Bolt	\$20	1:500	14,400
3-\$20	\$20	1:750	9,600
2-\$20 + Bolt	\$40	1:3,000	2,400
3-\$40	\$40	1:4,000	1,800
2-\$40 + Bolt	\$80	1:10,000	720
3-\$80	\$80	1:12,000	600
3-\$250	\$250	1:60,000	120
2-\$250 + Bolt	\$500	1:80,000	90
3-\$5,000	\$5,000	1:514,286	14

Bolt = Double the prize shown

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Streak Doubler, prize money from winning Pennsylvania Lucky Streak Doubler 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 Streak Doubler 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.

10. *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.

11. *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 Streak Doubler or through normal communications methods.

ROBERT A. JUDGE, Sr.
Secretary

[Pa.B. Doc. No. 99-627. Filed for public inspection April 16, 1999, 9:00 a.m.]

Pocono 500/Pennsylvania 500 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 Pocono 500/Pennsylvania 500. The name appearing on the tickets will

alternate between Pocono 500 and Pennsylvania 500. There will be no difference in game play method or second chance drawing eligibility between Pocono 500 and Pennsylvania 500.

2. *Price:* The price of a Pocono 500/Pennsylvania 500 instant lottery game ticket is \$1⁰⁰.

3. *Play Symbols:* Each Pocono 500/Pennsylvania 500 instant lottery game ticket will contain one play area featuring one "Pole Speed" area and three "Your Speed" areas. The three "Your Speed" areas are also known as "Lap 1," "Lap 2" and "Lap 3." Each "Lap" is played separately. The play symbols and their captions located in the "Pole Speed" area are: 150 (HUNFTY), 160 (HUNSXY), 170 (HUNSTY), 180 (HUNETY), 190 (HUNNTY), 200 (TWOHUN), 210 (TWOTEN), 220 (TWOTWY), 230 (TWOTRY), 240 (TWOFRY), 250 (TWOFTY), 260 (TWOSSXY), 270 (TWOSSVY), 280 (TWOETY) and 290 (TWONTY). The play symbols and their captions located in the three "Your Speed" areas are: 160 (HUNSXY), 170 (HUNSTY), 180 (HUNETY), 190 (HUNNTY), 200 (TWOHUN), 210 (TWOTEN), 220 (TWOTWY), 230 (TWOTRY), 240 (TWOFRY), 250 (TWOFTY), 260 (TWOSSXY), 270 (TWOSSVY), 280 (TWOETY), 290 (TWONTY) and 300 (THRHUN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Speed" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$100 (ONE HUN) and \$500 (FIV HUN).

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

6. *Second Chance Drawing:* The Pennsylvania Lottery will conduct Second Chance Drawings for non-winning Pocono 500/Pennsylvania 500 instant lottery tickets as provided for in paragraph 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pocono 500/Pennsylvania 500 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$500 (FIV HUN) appears under that Lap, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$100 (ONE HUN) appears under that Lap, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under that Lap, on a single ticket, shall be entitled to a prize of \$20.

(d) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under that Lap, on a single ticket, shall be entitled to a prize of \$10.

(e) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under that Lap, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol

and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under that Lap, on a single ticket, shall be entitled to a prize of \$4.

(g) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$3⁰⁰ (THR DOL) appears under that Lap, on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under that Lap, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets upon which any one of the "Your Speed" play symbols exceeds the "Pole Speed" play symbol and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under that Lap, on a single ticket, shall be entitled to a prize of \$1.

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

<i>When Your Speed Is Faster Than the Pole Speed Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$1	\$1	1:7.89	912,000
\$1 x 2	\$2	1:20	360,000
\$2	\$2	1:75	96,000
\$1 x 3	\$3	1:100	72,000
\$3	\$3	1:300	24,000
\$1 x 2 + \$2	\$4	1:187.50	38,400
\$2 x 2	\$4	1:300	24,000
\$4	\$4	1:750	9,600
\$1 x 2 + \$3	\$5	1:150	48,000
\$2 + \$3	\$5	1:375	19,200
\$5	\$5	1:500	14,400
\$4 x 2 + \$2	\$10	1:750	9,600
\$5 x 2	\$10	1:750	9,600
\$10	\$10	1:1,500	4,800
\$5 x 3	\$15	1:300	24,000
\$5 x 2 + \$10	\$20	1:500	14,400
\$10 x 2	\$20	1:1,500	4,800
\$20	\$20	1:1,500	4,800
\$100	\$100	1:7,059	1,020
\$500	\$500	1:30,000	240

10. *Second Chance Drawing Eligibility Requirements:*

(a) To be eligible for one of the Second Chance Drawings, a player must mail exactly three non-winning Pocono 500/Pennsylvania 500 instant lottery tickets in an envelope no larger than 4 1/8 by 9 1/2 inches addressed to Pennsylvania Lottery, Pocono 500/Pennsylvania 500 Drawing, P. O. Box 999, Middletown, PA 17057.

(b) Envelopes containing less than or more than three non-winning Pocono 500/Pennsylvania 500 instant lottery tickets shall be disqualified.

(c) Non-winning Pocono 500/Pennsylvania 500 instant lottery tickets received in an envelope larger than 4 1/8 by 9 1/2 inches shall be disqualified.

(d) The back of each non-winning Pocono 500/Pennsylvania 500 instant lottery ticket entered in the Second Chance Drawing must be completed by the same player in a legible manner, including the player's name,

street address, city, state, zip code and signature. Incomplete tickets shall be disqualified.

(e) Winning lottery tickets submitted to the Pocono 500/Pennsylvania 500 Drawing address will not be paid or honored.

(f) Non-winning Pocono 500/Pennsylvania 500 instant lottery tickets must be received by the Pennsylvania Lottery no later than June 30, 1999, to be eligible for the last Second Chance Drawing to be held the week of July 3, 1999.

11. *Second Chance Drawing Procedures:*

(a) Frequency. The first five Second Chance Drawings will be held at Lottery Headquarters beginning the week of May 1, 1999, continuing weekly through the week of May 29, 1999. The second five Second Chance Drawings will be held at Lottery Headquarters beginning June 5, 1999, continuing weekly through the week of July 3,

1999. The odds of an entry being selected in a Second Chance Drawing depend upon the number of entries received.

(b) Eligibility for Second Chance Drawings. To be eligible for a Second Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each Second Chance entry is entered into one of the Second Chance Drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into a Second Chance Drawing.

(2) A Second Chance entry is eligible for only one Second Chance Drawing. An entry that is not in one eligible group, may, at the discretion of the Director, remain eligible for a subsequent Second Chance Drawing.

(3) If a Second Chance entry is rejected during or following a Second Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

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

(c) Manner of conducting the Second Chance Drawings.

(1) By use of a mechanical device, 20 containers of Pocono 500/Pennsylvania 500 entries will be selected. From each of these 20 containers, five finalist entries will be drawn. As each finalist entry envelope is opened, its contents will be validated according to the requirements of section 10. If the finalist entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. The 100 validated finalist entries drawn will each win a Pocono Raceway jacket, and will be eligible for a Grand Prize Finalist Drawing. There is no cash equivalent for the Pocono Raceway jacket prize.

(2) This procedure will be repeated for each of the Second Chance Drawings set forth in subsection (a).

(d) Manner of conducting the two Grand Prize Finalist Drawings.

(1) The Pocono 500 Grand Prize Drawing.

(i) The 500 validated finalist entries selected in the five Second Chance Drawings beginning the week of May 1, 1999, and continuing weekly through the week of May 29, 1999, shall be placed in a mechanical device. Five finalist entries will be selected as Grand Prize finalists. The five Grand Prize finalists shall each win \$5,000 and will be eligible to win a replicated Pocono Raceway Pace car, as described in section 12(b), at the Grand Prize Drawing to be held at the Pocono 500 Race.

(ii) At the Pocono 500 Race, the five Grand Prize finalists, in order of their selection, will randomly select an envelope containing an ignition key. The finalist who has the key that starts the replicated Pocono Raceway Pace car wins the car. There is no cash equivalent for the replicated Pocono Raceway Pace car prize.

(2) The Pennsylvania 500 Grand Prize Drawing.

(i) The 500 validated finalist entries selected in the five Second Chance Drawings beginning the week of June 5, 1999, continuing weekly through the week of July 3, 1999, shall be placed in a mechanical device. Five finalist entries will be selected as Grand Prize finalists. The five Grand Prize finalists shall each win \$5,000 and will be eligible to win a replicated Pocono Raceway Pace car, as described in section 12(b), at the Grand Prize Drawing to be held at the Pennsylvania 500 Race.

(ii) At the Pennsylvania 500 Race, the five Grand Prize finalists, in order of their selection, will randomly select an envelope containing an ignition key. The finalist who has the key that starts the replicated Pocono Raceway Pace car wins the car. There is no cash equivalent for the replicated Pocono Raceway Pace car prize.

(e) The payment of the prize awarded in the Second Chance drawing to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

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

(g) Winners of the replicated Pocono Raceway Pace cars will be responsible for any Federal income tax due and any sales tax, title and registration fees.

12. *Second Chance Prize Descriptions.*

(a) Pocono Raceway jacket. The Pocono Raceway jacket will be awarded to the 1,000 finalists eligible for the two Grand Prize Drawings. The jacket will contain the Pocono Raceway and Pennsylvania Lottery logos.

(b) Replicated Pocono Raceway Pace car. The replicated Pocono Raceway Pace car is a 1999 Grand Prix GTP Coupe with a decal package, 3.8 liter, 3800 Srs II Supercharged V6 engine, 4-speed automatic transmission with 16 inch aluminum wheels.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pocono 500/Pennsylvania 500 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pocono 500/Pennsylvania 500, prize money from winning Pocono 500/Pennsylvania 500 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 Pocono 500/Pennsylvania 500 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.

15. *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.

16. *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 Pocono 500/Pennsylvania 500 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 99-628. Filed for public inspection April 16, 1999, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Delaware County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to install median barrier and construct protected left turn lanes and a five lane roadway with a continuous center turn lane, resurface the roadway, repair and reconstruct shoulders, and improve drainage for S.R. 0001, Section H05. This project is in Birmingham and Concord Townships, Delaware County. This project will require the acquisition of right-of-way from the adjacent Brandywine Battlefield National Historic Landmark and the Chadds Ford Historic District. The effect of this project on the Brandywine Battlefield National Historic Landmark and the Chadds Ford Historic District will be mitigated by the following measures to minimize harm to the resources:

1. To coordinate with the historic, rural and scenic setting of the project area, the proposed median barrier will be installed with a visually aesthetic stone facing which is similar to the facing installed along Route 1 to the south in Chester County.

2. Clearing and grubbing along the corridor will be minimized to retain as much of the existing vegetative appearance of the roadway as possible.

3. Battlefield signing enhancements, construction of a southbound right turn lane, realigning the Brandywine Battlefield State Park entrance for bus traffic, adding protected left turn lanes for traffic turning from Route 1 into the Park, enclosing the nearby stream to allow for removal of existing guide rail, and regrading and reseeding existing paved areas not included as part of the revised entrance will be incorporated into the project.

4. Coordination with the Pennsylvania Historic and Museum Commission and the Brandywine Battlefield will continue through final design.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and that all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the construction of this highway project.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-629. Filed for public inspection April 16, 1999, 9:00 a.m.]

Retention of Engineering Firms

**Lackawanna, Luzerne, Pike, Susquehanna,
Wayne and Wyoming Counties
Project Reference No. 08430AG2332**

The Department of Transportation will retain an cultural resource firm for an Open-End Contract to perform all phases of Cultural, Historical and Archeological work

associated with the Department Planning, Design and Construction of Transportation projects throughout Engineering District 4-0, that is Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties. The area of study may include cultural, historic, Section 4(f), Section 106 and historic and pre-historic archaeology.

The Contract will be for a period of sixty (60) months from the date of execution with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the Letters of Interest. Technical proposals will not be requested prior to the establishment of the ranking.

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

a. Specialized experience and technical competence of the firm.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts. The specific experience of individuals employed by the firm shall be considered.

c. Available staffing for this assignment and the ability to meet the Department's needs.

d. Location of consultant in respect to the District.

The selected firm will be required to provide all necessary professional, historic and archaeological services, including field survey work and materials and equipment necessary to collect, analyze and organize data, prepare reports and develop mitigation plans.

The reports and other written and graphic materials to be prepared may include, but not be limited to the following:

Phase 1 Survey and Report; Phase 2 Survey and Report; Phase 1 and 2 Management Summaries and Reports; Phase 3 (Mitigation); Geomorphological Reports; Phase 2 and 3 Work Plans; Historic Resources Survey; Determination of Effect Reports (Section 106); Eligibility Reports; Section 4F Reports; Section 2002 reports on Non-Federal Projects; MOA's; MOU's; HABS/HAER Recordations; Mitigation Plans; and Project Status Reports.

The Cultural Resource Studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest, required information, and additional resumes, if applicable, for this project must be received within twenty (20) calendar days of this Notice.

The Deadline for receipt of a letter of interest at the address listed below is 4:30 P.M. prevailing time on the twentieth day.

The letter of interest and required information (see general requirements and information section) shall be sent to: Mr. Charles M. Mattei, P.E., District Engineer, District 4-0, O'Neill Highway, Dunmore, PA 18512/P. O. Box 111, Scranton, PA 18501.

Any technical questions concerning the requirements for this project should be directed to: Mr. George J. Roberts, P.E. District 4-0, at (570) 963-4064.

**Tioga County
Project Reference No. 08430AG2333**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately twenty-two (22) inspectors, under the Department's Inspector(s)-in-Charge, for the construction inspection and documentation services on the following projects in Tioga County, S.R. 0015, Section F13; S.R. 0015, Section F12; S.R. 6015, Section E61.

This project consists of the widening of approximately 16.9 kilometers (10.5 miles) of roadway from two (2) lanes to four (4) on limited access sections of S.R. 6015 and 0015 in Tioga County. These limited access sections include 5.8 kilometers (3.6 miles) of S.R. 6015, Section E61 from Canoe Camp to Kellytown (also known as the Mansfield Bypass) and 11.1 kilometers (6.9 miles) of S.R. 0015, Section F12 from Kellytown to the T-712 (Pine Hill Road) overpass. S.R. 0015, Section F13 consists of the construction of a companion structure to the existing eight-span, 457.2 meters (1500 feet) long bridge over Mill Creek. Mill Creek is part of the Tioga Flood Control Reservoir at this site. Five (5) piers were constructed in the Tioga Flood Control Reservoir in preparation for the proposed companion structure downstream of or west of the existing S.R. 0015, Section F13 structure. In addition to the widening, rehabilitation to the existing S.R. 6015, Section E61 is planned. Project limits begin immediately north of the Tioga River crossing in Canoe Camp and extend northward to the T-712 (Pine Hill Road) overpass.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

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

- a. Review of inspectors' resumes with the emphasis on construction inspection, capabilities and specialized experience in structures, asphalt paving, drainage, CPM scheduled usage, construction documentation system, soils erosion and sedimentation control and wetlands.
- b. Understanding of Department's requirements, policies, and specifications.
- c. Number of available inspectors in each payroll classification.
- d. Number of NICET certified inspectors in each payroll classification.

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

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the

following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	7 (7)
Transportation Construction Inspector - Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	9 (6)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	3 (0)

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

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

Three inspectors in the TCIS and TCI classification must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as a Field Technician.

Since a large bridge is included in this project, two (2) TCIS's and two (2) TCI's to be assigned to the bridge must have a climbing ability. This bridge is approximately 100 ft above the water surface.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1999:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$46.27
(TCIS)	\$40.54
(TCI-Materials)	\$36.55
(TCI)	\$35.47
(TA)	\$24.39

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

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

The firm selected may be required to attend a pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

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

- 1 Nuclear Densometer Gauge/License *
- 1 Vehicle for the Transportation of Nuclear Gauge *

* at point of need when needed

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

This project is a non-complex project.

The letter of interest will be a maximum of three (3) pages, 8 1/2 x 11, one sided, plus an organizational chart, up to 11 x 17 size.

The letter of interest, required information, and additional resumes, if applicable, for this project must be received within twenty (20) calendar days of this Notice.

The Deadline for receipt of a letter of interest at the address listed below is 4:30 P.M. prevailing time on the twentieth day.

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

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	3
TCIS	9
TCI-M	2
TCI	11

No resumes are required for the TA Classification.

The letter of interest, required forms, resumes, and authorization letters (see general requirements and information section) shall be sent to: Mr. Paul E. Heise, P.E. District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Any technical questions concerning the requirements for this project should be directed to: Mr. John P. Ryan, P.E., District 3-0, at (570) 368-4233.

General Requirements and Information

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

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that requests engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit a Letter of Interest on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they are defined prior to the act, WBEs or combinations thereof).

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

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 99-630. Filed for public inspection April 16, 1999, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of Meeting

The April 20, 1999, Environmental Quality Board meeting has been canceled. The next meeting is scheduled for May 19, 1999, at 10 a.m. in Room 105 of the Rachel Carson State Office Building (RCSOB), Harrisburg.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 99-631. Filed for public inspection April 16, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

Notice of Public Hearings/Meetings

On February 27, 1999, the Fish and Boat Commission (Commission) published a notice of proposed rulemaking (Regulation No. 48A-95) at 29 Pa.B. 1085 (February 27, 1999), seeking public comments, objections or suggestions on a proposal to reduce the Statewide daily creel limit of trout from eight to five during the regular season. The Commission invited interested persons to submit written comments, objections or suggestions about the proposal within 60 days after publication of the notice.

The Commission is extending the public comment period for the proposed amendments until May 31, 1999. Interested persons are invited to submit written comments, objections or suggestions about the proposal to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on or before May 31, 1999. 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 electronic mail transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The Commission will hold two public hearings/meetings on this proposal. The first will be held on Tuesday, May 4, 1999, at 7 p.m. at the Pennsylvania Game Commission,

2001 Elmerton Avenue, Harrisburg. The second will be held on Thursday, May 6, 1999, at 7 p.m. at the Palace Inn, Routes 22 and 48, Monroeville.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 99-632. Filed for public inspection April 16, 1999, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (P. L. 744, No. 222) announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing under section 9(e)—(g) of the act, in the following cases:

Michael Kiel v. Wes Stezak; Doc. No. H6480; (Pennsylvania Human Relations Commission, March 30, 1999); Disability-based refusal to rent; Ruling for Complainant, 11-0 decision; 31 pages.

Charles Flenory and Tallulah Flenory v. Karen Stephens and Mike Stephens; Doc. No. H5293; (Pennsylvania Human Relations Commission, March 30, 1999); Familial status-based eviction and race discrimination; Ruling for Respondent, 11-0 decision; 28 pages.

The final orders in the above-listed cases are subject to appeal to Commonwealth Court, and if appealed are subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 10 cents per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 99-633. Filed for public inspection April 16, 1999, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based

upon the criteria contained in section 5a(h) and (i) of the Regulatory Review Act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted by the dates indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
16A-560	State Real Estate Commission General Provisions (Notice of proposed rulemaking published at 29 Pa.B. 565 (January 30, 1999))	4/1/99	3/1/01
63-06	Lobbying Disclosure Committee Lobbying Disclosure (Notice of proposed rulemaking published at 29 Pa.B. 548 (January 30, 1999))	4/1/99	3/1/01

*State Real Estate Commission Regulation No. 16A-560
General Provisions*

April 1, 1999

We have reviewed this proposed regulation from the State Real Estate Commission (SREC) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. *Section 35.327. Procedure when entitlement to money held in escrow is disputed—Statutory Authority and Reasonableness.*

Paragraph (a).

This paragraph provides the following:

(a) In the event of a dispute over the return or forfeiture of any earnest money deposit held by a broker, the broker shall continue to hold the deposit in escrow until a written *release* is obtained from all parties consenting to its disposition or until a civil action is filed to determine its disposition, at which time the broker may petition the county court having jurisdiction in the matter to interplead the rival claimants. *The costs incurred by the broker to interplead the rival claimants may, with written notice to the parties, be deducted from the funds being held in escrow.* (emphasis added)

We have two concerns with this provision. First, SREC lacks the statutory authority to permit the broker to deduct costs from the escrow account. Section 604(5)(iv) of the Real Estate Licensing and Registration Act (act) (63 P. S. § 455.604(5)(iv)) provides the following:

Every broker shall immediately deposit such moneys, of whatever kind or nature, belonging to others, in a separate custodial or trust fund account maintained by the broker with some bank or recognized depository until the transaction involved is consummated or terminated, at which time the broker shall account for the *full amount received*. *Under no circumstances shall a broker permit any advance payment of funds*

belonging to others to be deposited in the broker's business or personal account, or to be commingled with any funds he may have on deposit; (emphasis added)

The act does not authorize the broker to deduct costs for interpleading the rival claimants. SREC should delete the last sentence of § 35.327(a).

Our second concern relates to the use of the term "release." In its comments, the Pennsylvania Association of Realtors (PAR) notes that a "release" typically refers to a document drafted by legal counsel which addresses a waiver of rights, entitlement and other obligations of the parties. PAR also states that an agreement over the distribution of escrow funds is an integral part of a sale transaction which can be drafted by the broker.

We agree that the term "release" is a legal term indicating a waiver of certain rights. Furthermore, it is reasonable for the broker to draft an agreement for the disposition of funds in escrow, rather than retaining an attorney to draft a "release." We suggest SREC replace "release" in Paragraph (a) with "agreement regarding its disposition."

Paragraphs (b), (b)(1), (b)(2) and (c).

These paragraphs provide the options available to a broker if the parties to a dispute over funds held in escrow have not released the broker and a civil action has not been filed 180 days after the settlement date. The broker has the option of returning the money to the payor-buyer, if the broker believes the payor-buyer is entitled to the money because a contingency in the purchase agreement has not been met. Alternatively, the broker may pay out the money to the seller, if the broker believes the payor-buyer has abandoned any claim to it. Under paragraph (c), the broker will not be subject to disciplinary action by SREC for returning the money to either party.

Section 455.604(a)(5)(i) of the act (63 P. S. § 455.604(a)(5)(i)) provides the following:

(i) all deposits or other moneys accepted by every person, holding a real estate broker license under the provisions of this act, shall be retained by such real estate broker pending *consummation or termination* of the transaction involved, and shall be accounted for in the full amount thereof at the time of consummation or termination; (emphasis added)

If at the end of 180 days there is no consent between the parties for disposition of the money and no civil action filed to resolve the dispute, the transaction is neither consummated nor terminated. Consequently, we find no authority in the act for the provisions in paragraphs (b), (b)(1), (b)(2) and (c). SREC should delete these paragraphs or explain its statutory authority for these provisions.

2. *Section 35.322. Transfer of escrow funds—Need.*

This section provides the following:

The buyer and the seller or the lessor and the lessee may, at any time, by *separate* written agreement, direct the broker to transfer escrow funds to either the buyer or the seller, the lessor or the lessee or a bona fide escrow agent—for example, an attorney, a title company or a real estate brokerage company. (emphasis added)

In its comments, PAR questions the need for a separate written agreement. PAR asserts the agreement for transfer of escrow funds can be included in the parties'

Agreement of Sale. We agree that requiring a separate written agreement creates an unnecessary paperwork burden since the agreement to transfer escrow funds could be part of the transaction in question. Consequently, SREC should delete "separate" from § 35.322.

3. *Section 35.222. Licensure as broker—Clarity.*

Section 35.222(b)(2) requires an out-of-State applicant for licensure to "possess a current broker or associate broker's license" issued by the jurisdiction in which the applicant currently practices. Some jurisdictions may permit active and inactive status of licenses. If so, an applicant may possess a current license which is in inactive status at the time of application for a Pennsylvania license. Therefore, although the license is current, the applicant may not be currently practicing. To improve the clarity of the regulation, the Board should replace the term "current" with "active" in the final-form regulation.

*Lobbying Disclosure Committee Regulation No. 63-6
Lobbying Disclosure*

April 1, 1999

We have reviewed this proposed regulation from the Lobbying Disclosure Committee (Committee) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) specify the criteria we must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, legislative intent, economic impact, reasonableness, need and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. *Section 31.1. Definitions—Legislative Intent, Reasonableness, Economic Impact, Need and Clarity*

The regulation includes a number of definitions which have been excerpted verbatim from section 1303 of the Lobbying Disclosure Act (act) (relating to definitions). Other statutory definitions have been modified in the regulation. Rather than repeat definitions in the regulation, or change the legislative intent in defining certain terms, it would be more appropriate to just include a citation to section 1303 after each of the following statutorily defined terms: administrative action; affiliated political action committee; agency; Commission; compensation; direct communication; economic consideration; Fund; gift; immediate family; indirect communication; legislation; legislative action; lobbying; lobbyist; principal; registrant; regulation; and State official or employe.

Anything of value

The proposed definition contains unnecessary language which does not define the term. To streamline language in (i), all of the language prior to "anything of any nature . . ." should be deleted. Similarly, the language in (ii) does not add anything to the definition. Therefore, it should also be deleted.

A number of commentators have questioned whether "anything of value" would include services provided to members of the public at the request of a State official or employe, or to constituents at the request of a legislator. Since these services are not provided directly to the State official, employe or legislator, they do not satisfy the terms of the definition. The intent of the act is to require reporting only of "anything of value" given to State officials, employes or legislators. Therefore, the definition of "anything of value" should be amended to exclude services provided to the public and constituents.

Audit

The definition of audit includes the phrase "training and other areas relating to lobbying activities." This phrase extends the scope of the audits beyond that prescribed by section 1308(g) of the act, which limits audits to registration statements and quarterly reports "to ensure compliance with the act."

We understand that the intent of this language is to allow the State Ethics Commission (Commission) to assist and educate registrants with respect to facilitating compliance with the reporting requirements. However, referencing "training and other areas relating to lobbying activities" in the definition creates two problems. First, it may create the erroneous impression that a certain standard for "training" is mandated under the act. Second, it is not clear what the Commission would be auditing with respect to "training" and what other areas related to lobbying the Commission would include in its review. Therefore, this phrase should be deleted or revised to narrow its scope.

Child

The Office of Attorney General recommended stepchildren also be included in this definition. We agree with that recommendation.

Day or date

Because the Committee intends to use the terms "day and date" as they are commonly used, there is no need to define these terms. Therefore, this definition should be deleted.

Effort to influence legislative action or administrative action

This definition is intended to clarify a phrase that is the key to the statutory definition of "lobbying." The first sentence does this well. However, the second sentence raises questions concerning the scope and intent of the exclusion for "purely technical data."

This definition attempts to distinguish between actions intended to influence legislation or administrative action and actions triggered by an informational request from a legislator, State official or employe. Lobbying activities fall under the reporting requirements, while informational requests do not. To more clearly delineate this distinction, the second sentence should be revised to read as follows:

The term does not apply to services provided to the public or the provision of information to a State official, employe, legislator, agency or legislative body at the request of a State official, employe, legislator, agency or legislative body.

Employe

The definition of "employe" is intended to aid in the implementation of the exemption contained in section 1306(6) of the act. We agree that defining this term will help clarify who is exempt. However, instead of developing a new definition of this term, we suggest that the Committee use the existing definition of "employe" found in the Tax Reform Code at 72 P. S. § 7301(g). This definition provides a simple standard that is familiar to those who prepare financial reports. It states:

'Employe' means an individual from whose wages an employer is required under the Internal Revenue Code to withhold Federal income tax.

If the proposed definition is retained, two changes should be made. First, the phrase "For the limited

purpose of determining exemption under section 1306(6) of the act," in (i) should be deleted. The definition should apply to the entire regulation so that confusion is not created as to when a different meaning would apply. Similarly, the phrase "In determining exemption under section 1306(6) of the act," should also be deleted.

Engaging in lobbying

This definition does not provide additional detail to existing definitions. Since the plain meaning of this phrase is clear, there is no need for this definition. Therefore, it should be deleted.

Guideline and Statement of Policy

Neither of these terms is defined in the proposed regulations or in the act. However, they are included in the statutory definition of "administrative action." Therefore, attempts to influence guidelines and statements of policy would fall under the definition of lobbying.

To avoid any confusion, the regulation should define these terms. These definitions should simply cross-reference the existing definitions of these terms contained in the regulations of the Joint Committee on Documents, at 1 Pa. Code § 1.4.

Immediate Family

Similar to the recommendation made to amend the definition of child, we recommend that "stepparent" be added to this definition.

Lobbyist

The first two sentences of this definition repeat the definition contained in the act. The last two sentences are intended to clarify what would not constitute lobbying. As noted above, a cross-reference to a statutory definition is more efficient. Therefore, this definition should be replaced with a citation to section 1303 of the act.

We question why the last two sentences need to be included in the definition as proposed. If the term "de minimis," as used in the third sentence, is intended to reflect the \$2,500 compensation exemption in section 1306(3)(II) of the act, the sentence should be revised to reflect this intent. Accordingly, the \$2,500 amount or a citation to section 1306(3)(II) should be incorporated in the definition. However, a better alternative to including these substantive provisions in this definition would be to place them in Chapter 37, which specifically addresses exceptions.

If, however, the intent is to relieve a lobbyist of the responsibility for accumulating income received over the length of the biennium, the definition lacks statutory authority and is contrary to legislative intent. The act requires anyone who receives, in the aggregate, more than \$2,500 in compensation in any reporting period, to register and file reports. Therefore, any compensation received, no matter how small, must be accumulated so that the individual can determine if cumulative compensation received during the reporting period exceeds the exemption ceiling.

Negligent conduct/Negligent failure to register or report/ Negligent violation

All three of these terms have been defined to reflect the division of enforcement responsibilities in the act. The act provides that violations due to negligence are to be investigated by the Commission and intentional violations are to be referred to the Office of Attorney General. Instead of creating these long and somewhat confusing definitions, the regulation should include a definition of "negligent or negligence" and a definition of "intentional."

As noted in the comments from the Office of Attorney General, this would further distinguish between noncompliance that results from negligence, as opposed to noncompliance that results from willful, wanton or reckless conduct or failure to act.

Principal

The definition of this term has also departed from the statutory definition. As stated above, the Committee should just reference the act.

However, if the Committee elects not to use a reference, we have one clarity concern with the proposed definition. Some commentators have questioned the use of the phrase "in and of itself" in (ii). The intent of this language is to clarify that membership in an association alone is not sufficient to make a member a principal. We suggest that the phrase "in and of itself operate" be replaced with "alone is not sufficient" or similar language to clarify the Committee's intent.

Service (of official papers)

The proposed regulations define service as "the date of mailing if delivered by United States mail. . . ." By contrast, the existing regulations of the Commission use the "the date of the United States postmark. . . ." There is no reason to substitute the mailing date for the postmark date in these regulations, thereby creating a dual standard.

The postmark date is easier to verify. In addition, the Commission presently uses the postmark date as the standard for delivery. Therefore, the definition of "service (of official papers)" should be modified to simply cross-reference the definition of service in section 11.1 of the existing Commission regulations or be revised to mirror that definition. Similarly, all references to mailing date in the regulations should be changed to postmark date.

Transportation and lodging or hospitality received in connection with public office or employment

The language in the first sentence of this definition doesn't really define anything and would be better placed in Chapter 35. The balance of the definition should be kept in Definitions, but under the heading of "hospitality" since that is what the items listed are.

In (iv) there are two concerns. First, as discussed above with respect to the definition of "lobbyist," the term "de minimis" should not be used. Second, the second sentence contains substantive requirements that would be more appropriately placed in Chapter 35. Therefore, this sentence should be deleted and the language incorporated into the provisions in Chapter 35.

Travel Expenses

This definition is intended to define the scope of the exemption in section 1306(3)(i) of the act. This exemption is included in the regulations in § 37.1(3). Since the application of this definition is limited to just § 37.1(3), this definition should be deleted and the substance of the definition should be incorporated into § 37.1(3).

2. Section 31.2. Ethics Act regulations in Part I—Need and Clarity

Subsection (a) should be deleted because opinions, advices and investigations are addressed in Chapters 39 and 43. Subsections (c) and (d) should be deleted; they are unnecessary and redundant.

3. Section 31.4. Registration periods and reporting periods— Economic Impact, Reasonableness and Clarity

In subsection (b), the Committee is establishing quarterly reporting periods. The quarters would run from

December through February, and in 3 month periods thereafter. The one exception would be the first reporting period that would begin on August 1, 1999, and run through November 30, 1999.

The Committee has proposed using these quarters, as opposed to the more traditional calendar quarters, so that quarterly reports and the biennial registration periods will be uniform. This will make administration of the act easier for the Commission.

Using the proposed quarters does have some advantages, but it will also impose some unnecessary burdens on reporters and may create some problems for public officials and employees. First, using a December through February cycle, as opposed to a January through March cycle, will impose an additional reporting burden on registrants. Most registrants keep their fiscal records on a calendar year basis. They will have to alter their systems to track expenditures for the proposed quarters as opposed to calendar quarters. This alteration will be costly.

Second, the act requires registrants to provide written notice to public officials and employees who are given anything of value that the registrants have included in their quarterly reports. This notice is intended to aid public officials and employees when they complete their Statement of Financial Interests. With a December through February system, they may not receive notice concerning expenditures that occurred in December till the end of March or early April. With a January through March system, the December information would be provided at the end of January or early in February. This would provide the information to the public official or employe much sooner.

For these reasons, the Committee should revise this subsection to use calendar quarters which start with January. Additionally, the provision related to the first reporting period should be revised to end on December 31, 1999, instead of November 30, 1999.

4. *Section 31.5. Delinquency; Section 31.6. Deficiency—Clarity*

Section 31.5 is intended to define timely filing requirements and clarify that if registrations or reports are not filed on time, the individual is not in compliance with the act. If there is a failure to file, the individual will be considered "delinquent" until the proper filings have been made. In § 31.6, the term "deficiency" is used to categorize filings which are incomplete or contain inaccurate information. Deficient filings will also constitute failure to comply with the act.

The act, however, does not use the terms "delinquent" or "deficient," and commentators have raised questions as to how a delinquency or deficiency would be dealt with in terms of enforcement. Additionally, the regulations are silent as to what the Commission will do when it receives an incomplete or inaccurate filing.

Section 19.3 of the Commission's regulations addresses late and deficient filings. To avoid confusion, these two sections should be revised or combined to parallel § 19.3.

5. *Section 31.9. Amended Filings—Need*

This section contains general information on amending filings. However, Chapters 33 and 35 contain more detailed provisions governing amended filings. Therefore, this section is redundant, and should be deleted.

6. *Section 31.10. Filings to be originals signed under oath or affirmation—Clarity*

In subsection (a), the word "forms" should be inserted between the words "these" and "filed" in the first sentence. Also, Paragraph (1) essentially repeats the requirement stated in (a). Therefore, it should be deleted.

Subsections (b) and (c) specify the affirmation requirements for registration and report filings respectively. If the affirmation requirements are the same, these two subsections should be combined to avoid confusion and reduce redundancy.

Subsections (d) and (e) specify the affirmation requirements for lobbyists signing a principal's quarterly report or attaching a statement to the report. Since the affirmation requirements are the same, these two subsections should also be combined to avoid confusion and reduce redundancy.

The Office of Attorney General has suggested removing "penalty under" from subsections (b), (d) and (e). We concur even if the subsections are not combined.

7. *Section 31.11. Electronic filing—Need and Clarity*

This section establishes the rules that will govern electronic filing. However, the electronic filing system does not yet exist. The Commission intends to publish a notice in the *Pennsylvania Bulletin*, when the system becomes available.

We agree electronic filing should be promoted. However, we question why the Commission is proposing regulations for a system that has yet to be created. It is more reasonable to delete this section from this rulemaking and do a separate rulemaking on electronic filing after the system has been developed and tested.

If this section is retained in the final-form rulemaking, the following three concerns should be addressed.

First, subparagraphs (3)(i)—(iv) all address essentially the same issue, that is, that the electronic signature shall constitute the applicant's signature under oath or affirmation. Unless there is a compelling need for separate paragraphs, they should be combined.

Second, in subsection (b)(4), additional language should be added to indicate that the Commission will notify an applicant when it receives a defective electronic filing and that the notice will list the deficiencies.

Finally, a new subsection should be added to this section providing that the information related to obtaining an electronic signature will be confidential.

8. *Section 31.12. Faxed filings—Clarity*

For clarity, subsection (b) should be reformatted using the same structure as subsection (a) and should include a provision similar to subsection (a)(2).

9. *Section 31.14. Severability clause—Legislative Intent, Need and Clarity*

For two reasons, paragraph (a) of this section should be deleted. First, there is no need for the regulations to contain a separate and distinct severability clause from the one that is contained in section 1311 of the act. A second and more important reason is that, as written, it will only result in confusion. Paragraph (a) does not clearly convey the legislative intent, set forth in section 1311(b) of the act, that if any part of the act is held invalid on the basis of the improper regulation of the practice of law, the remaining provisions are void.

Paragraph (b) merely restates the obvious and is unnecessary.

10. *Section 33.1. Biennial filing fee—Economic Impact and Clarity*

Subsection (a)(3) should be revised to clarify that a lobbyist must only pay one \$100 fee regardless of the number of registrations filed.

11. *Section 33.2. Principal registration—Reasonableness, Need, Economic Impact and Clarity*

In subsection (a), paragraphs (1) and (2) in essence repeat the definition of a principal that is contained in the act and in the regulations. They do not add any additional guidance concerning who must register as a principal. Therefore, absent justification for their inclusion, they should be deleted.

Subsections (a)(2) and (a)(2)(i) appear to be redundant; they should be combined.

A number of commentators have suggested allowing a corporation to register as a principal for both itself and its subsidiaries. Since the act does not require separate registrations for subsidiaries, the Committee may wish to consider adding a new subsection to this section that would allow corporations the option of doing a consolidated registration. This would ease the recordkeeping burden and could result in more complete reporting. However, if the Committee does adopt this suggestion, it should establish a standard for a consolidated grouping. One possibility would be to limit the availability of this option to corporations and subsidiaries which meet the eligibility standards of the Internal Revenue Service for filing a consolidated corporate tax return.

The regulations should also clarify, either in this chapter or Chapter 35, that corporations that elect to do a consolidated registration must apply the reporting requirements to aggregate expenditures of the corporation and the subsidiaries. This would mean that an exemption from registration or reporting could not be claimed unless the total expenditures of the corporation and its subsidiaries fell below the established limits.

12. *Section 33.5. Termination—Reasonableness and Clarity*

Subsection (h) requires lobbyists to sign the termination reports submitted by principals, which is consistent with the requirements of the act. However, neither the regulations nor the act address what a principal should do in the event a lobbyist cannot or refuses to sign the termination report.

To address these situations, the Committee should add provisions to outline a principal's responsibilities if one of these situations occurs. Where a lobbyist cannot sign, the principal should be required to attach a statement to the termination report which explains why the lobbyist cannot sign the report. This could be used when the lobbyist has died or relocated and the principal does not know how to reach the lobbyist.

Where the lobbyist refuses to sign, the principal should be required to attach a statement, indicating that the lobbyist has refused to sign, and proof that a copy of the termination report has been given to the lobbyist. This will allow a principal to meet his or her obligations where a lobbyist elects to be uncooperative. At the same time, it will still insure that the lobbyist has an opportunity to file a statement of limitations of knowledge about the report or a separate termination report.

13. *Section 35.1. Quarterly reports—Reasonableness, Economic Impact and Clarity*

Subsection (c)

Subsection (c) requires expenses to be reported when earned or incurred, rather than when paid. This is the opposite of how most individuals keep their financial records and is contrary to how corporations are required to report for their employees.

We agree the registrants should use a consistent methodology so that expenses aren't shifted between periods to frustrate the purpose of the reports. However, requiring all registrants to use an accrual methodology will force many registrants to augment their financial recordkeeping systems. This will entail a substantial cost to registrants. Therefore, the use of an accrual system is unreasonable.

Instead, the regulations section should be revised to require registrants to use a cash basis for reporting. This would make the reporting requirements consistent with the employee earnings reporting requirements of the Internal Revenue Service, thereby eliminating the need for registrants to keep two sets of books.

Subsection (d)

The first sentence of subsection (d) is a restatement of the principal's obligation to file an expense report. Since it repeats requirements contained in subsections (a) and (b), it should be deleted.

Subsection (f)

The second sentence in subsection (f) is unrelated to what forms must be used and repeats the requirements contained in subsection (g). Therefore, it should be deleted from this subsection.

Subsection (g)

Subsection (g)(2) is unnecessarily long. To improve its readability, a period should be placed after "conducted," and "so that," should be deleted. A new sentence should be started with "If."

Subsection (g)(3) is somewhat confusing. It should be revised as follows:

... designated "other." The following shall not be reported:

- (i) A listing indicating which lobbyists are lobbying on which matters.
- (ii) The specific bill numbers for which the lobbying is being done.
- (iii) The specific contents of any communication or the identity of those with whom the communications take place.

Subsection (i)

Subsection (i)(4)(ii) requires the time devoted to lobbying to include time "spent in direct and indirect communication as defined by the act." Since these terms are defined in the regulation, as well as the act, the phrase "as defined by the act" is redundant and should be deleted.

In subsection (i)(3) and (4)(iii), it is not clear what is meant by "in furtherance of lobbying." Unless there is a distinction the Committee is trying to draw, the "in furtherance of" language should be deleted.

Subsection (j)

In subsection (j)(3), the phrase "amount of the payment" should be replaced with the phrase "value of the transpor-

tation, lodging and hospitality” to be consistent with the other references to these items elsewhere in the regulation.

Subsection (k)

Subsection (k)(6) affords registrants two options to calculate the value of gifts, transportation, lodging or hospitality provided to individuals. It can be based on the actual value of the benefit provided, or where a group is involved, the average value can be used.

We agree that some flexibility is needed when dealing with entertainment provided to groups. In many cases, using an average figure may be the most appropriate measure. However, there will be group situations where the benefit provided to the members of the group is not uniform. In these cases, using an average would not reflect the value of the real benefit received.

To address this situation, a new subparagraph (iii) should be added using the following or similar language:

Allocating a portion of the total expenditures common to more than one beneficiary to each individual based upon each individual's participation and adding that value to the value of all other gifts, transportation, lodging or hospitality provided to that individual.

Subsection (m)

Subsection (m) outlines the requirements for lobbyists to sign principals' quarterly expense reports. However, this subsection does not address what a principal should do in the event a lobbyist cannot or refuses to sign the termination report. To address this concern, the same language recommended in our comments pertaining to § 33.5 should be added to this subsection.

14. *Section 35.2. Records maintenance, retention and availability—Clarity*

A number of commentators have expressed concern over the degree of access they would be required to provide to their computerized records. Specifically, the language in subsection (c)(4) requiring “access to all of the recorded information” has created some confusion. To clarify that the only information that must be provided is that which is relevant to the audit, the following language should be substituted for the proposed language in subsection (c)(4):

(4) Computerized/electronic records shall be maintained to enable the Commission or Office of Attorney General to access all of the information reasonably necessary to substantiate the reports.

The second sentence is not necessary in this section. Instead, a provision should be added to Chapter 41 which would require the subject of an audit to provide its computerized/electronic records in a format that could be read by the Commission or Office of Attorney General.

15. *Section 37.1. Qualifications for exemption—Clarity*

Section 37.1 implements section 1306 of the act (relating to exemption from registration and reporting). Subsections (1)—(12) list the exemptions established under section 1306. In addition to the exemption for an employee of a principal who meets certain conditions, subsection (12) contains the following statement:

The failure of the registered principal to include the employee's lobbying-related expenses in its reports under section 1305 of the act will cause the employee to lose the employee's exempt status unless the employee is otherwise exempt under this section.

This statement is problematic for two reasons. First, the sentence is unnecessary, as it merely restates the

obvious. Second, to the extent it purports to be an enforceable provision, it is misplaced in a list of exemptions. Moreover, since an employee would not sign a disclosure report, he would have no way of knowing if the principal listed his lobbying related expenses. As this provision serves no purpose and may be confusing, we recommend that it be deleted.

16. *Section 37.2 Exempt status—Clarity*

Section 37.2, which indicates that an exempt registrant is not required to register or report, is unnecessarily long and repetitive. There is no need to have a separate subsection for principals and another one for lobbyists. Therefore, we recommend that the word “principal” in paragraph (a) and subparagraphs (a) (1) and (2) be replaced with the word “registrant,” and that subparagraphs b(1)—(4) be deleted.

17. *Chapter 39. Opinions and Advices of Counsel—Clarity*

In § 39.2, the word “may” should be replaced with the word “will” to more clearly indicate that the Commission will not consider third-party requests. Section 39.3 is unnecessary and should be deleted, because it is covered in Chapter 13.

18. *Section 41.1. Lotteries—Statutory Authority*

Section 41.1(c) references audits “for cause.” We question the Commission's statutory authority to conduct audits for cause, as the act provides only for random audits. We understand that the intent of the provision is to allow the Commission to do an audit as opposed to a full-blown investigation upon receipt of information that a registrant may have violated the act. However, the circumstances for performing that type of audit and the scope of the audit should be clearly spelled out in Chapter 43.

19. *Section 41.2. Number and scope of compliance audits—Statutory Authority and Clarity*

Paragraph (a) provides that an audit may be conducted for the purpose of reviewing “recordkeeping, reporting, training and other areas relating to lobbying activities” (emphasis added). As noted in our comments on the definition of “audit,” we question the Commission's authority to review training and other areas. The purpose of an audit is to assure compliance with the act. Therefore, training and other areas besides recordkeeping and reporting are beyond the permissible scope of an audit.

Paragraph (d) would permit the Commission to audit the records of any other registrant when the records of a principal are audited. Paragraph (e) would permit the Commission to examine the relevant records of any other registrant when the records of a lobbyist are audited. We question the Commission's statutory authority for these provisions, especially in light of both the statutory authorization only for random audits, as well as the strict controls under which investigations may be initiated. Furthermore, it is the responsibility of the registrant being audited to produce sufficient records to support his filings. Therefore, we recommend that these paragraphs be deleted.

20. *Section 41.4. Audit report—Clarity*

Paragraph (b) provides that an audit report may include recommendations as to recordkeeping, reporting “and other practices” arising from the audit. We request clarification of what would be included in the reference to “other practices.”

21. *Chapter 43. Investigations, Hearings and Referrals—Statutory Authority, Legislative Intent and Clarity*

Several commentators have suggested that Chapter 43 should be closely modeled after Chapter 21 of the Commission's regulations, which pertain to the content, filing and handling of complaints, preliminary inquiries, the initiation and conduct of investigations, and hearings. Section 1308(h) of the act provides that Commission investigations and hearings concerning negligence should proceed in accordance with sections 1107 and 1108 of the act. For the most part, Chapter 21 has been designed to implement those statutory provisions. Therefore, we agree with commentators that Chapter 43 should be reorganized and rewritten to parallel Chapter 21 to the maximum extent possible.

Section 43.2 should be rewritten to encompass the informal procedures used to handle late or deficient filings of reports. This section should be closely modeled after § 19.3 of the Commission's regulations.

Section 43.3 should be rewritten to encompass Commission proceedings under sections 1304, 1305 and 1307 of the act. As written, it is entirely too long and cumbersome. We recommend that it be divided into several sections, similar to the following Chapter 21 provisions:

Section 21.1. Complaints
 Section 21.2. Initiation of investigation by the Commission
 Section 21.3. Preliminary inquiries
 Section 21.5. Conduct of investigations
 Section 21.21. General
 Section 21.22. Discovery
 Section 21.23. Scope of hearing
 Section 21.24. Hearing officer
 Section 21.25. Conduct of the hearing
 Section 21.26. Motions
 Section 21.27. Briefs
 Section 21.28. Decision
 Section 21.29. Finality; reconsideration
 Section 21.30. Effect of order

Our comments below pertain to the sections in Chapter 43 as they are presently drafted.

22. *Section 43.1. Intentional violations—Clarity*

Paragraph (b) in § 43.1 should be deleted, as it is redundant.

23. *Section 43.2. Commission proceedings under section 1307 of the act—Clarity*

Subsection (a), which provides for a preliminary inquiry upon receipt of a complaint, should cross-reference § 21.1 (relating to complaints). Likewise, subsection (b) should reference § 21.3 (relating to preliminary inquiries).

Subparagraphs (d)(1) and (2) would authorize either the Investigative Division or the Commission to schedule a hearing if the respondent does not request one before the deadline. We question the circumstances under which the Investigative Division or the Commission would require a hearing if the respondent does not elect to have one and does not plan to participate. If there is a valid reason for the Investigation Division to request a hearing, why should this request be delayed for 7 days beyond the respondent's deadline?

24. *Section 43.3. Commission proceedings under section 1304 or 1305 of the act—Clarity*

Several subsections of § 43.3 are problematic. Section 43.3(a) provides that "Commission proceedings" under

section 1304 or 1305 of the act (relating to registration and reporting) may be initiated on the basis of any one of the following:

1. Receipt of a complaint;
2. An audit;
3. Commission review of filings;
4. Information received through means other than a formal complaint; or
5. The motion of the Commission's executive director based on information received.

This section presents two problems. First, it is not clear what is contemplated by "Commission proceedings." Preliminary inquiries, investigations and hearings all qualify as proceedings.

Second, subparagraphs (4) and (5) are inconsistent with the act. Paragraph (h) of section 1308 (relating to administration and enforcement) authorizes the Commission to initiate an investigation and hold a hearing concerning negligent conduct by a lobbyist or principal under sections 1107 and 1108 of the act. These provisions authorize the Commission to initiate proceedings on its own motion or upon receipt of a formal, sworn complaint.

To resolve this issue, we recommend that subparagraph (4) be deleted. Also, subparagraph (5) should be revised to limit the information upon which the Executive Director's motion may be based to that which leads to a reasonable belief that a violation has been committed (See section 1107(12) of the act).

Paragraphs (b) and (c) reference a "noninvestigative procedure." If this term is intended to reference an informal procedure similar to that outlined in § 19.3 of the Commission's regulations, it would be more appropriately placed under a revised § 43.2, which would relate to late or deficient filings. If it is intended to reference a preliminary inquiry, we recommend it be placed in a separate section similar to § 21.3. However, if it is intended to authorize the Commission to initiate formal disciplinary proceedings without a prior investigation, we question the statutory authority for the provision. Section 1108(e) requires the Commission to complete an investigation before issuing a rule to show cause to a respondent.

In addition to our larger concerns expressed above, we have several questions regarding individual subsections. Subparagraph (c)(3) references both "notice recipient" and "respondent." If they are one and the same, the term "respondent" should be used consistently, since it is a defined term.

Subparagraphs (c)(9) and (10) and (d)(2)(i) and (ii) would authorize either the Investigative Division or the Commission to schedule a hearing if the respondent does not request one before the deadline. As previously noted, we question the circumstances under which the Investigative Division or the Commission would require a hearing if the respondent does not elect to have one and does not plan to participate, and why it must delay its request for an additional 7 days.

Subsection (e) is without statutory authority. Section 1108(g) of the act provides "At least four members of the commission present at a meeting must find a violation by clear and convincing proof." We note that the standard of proof and the requirements for Commission disciplinary action are explicitly laid out in section 1108(g) and are not repeated in Chapter 21. Based on our recommenda-

tion that the procedural provisions in Chapter 43 be modeled after those in Chapter 21, we recommend that paragraph (e) be deleted.

25. *Section 45.1. Basis for prohibition against lobbying—Statutory Authority and Clarity*

This section implements section 1309(e)(4) of the act, which authorizes the Commission to “prohibit a lobbyist from lobbying for up to 5 years for doing an act which constitutes an offense under *this subsection*” (emphasis added). Because subsection (e) is limited to intentional violations, the Commission’s statutory authority to impose the 5-year prohibition is likewise limited. Therefore, subparagraphs (a)(4), (b) and (c) should be deleted, as they reference negligent violations.

In subparagraph (d) (1), the applicable sections of Chapter 21 pertaining to hearings should be cross-referenced.

26. *Section 45.2. Procedures for imposing prohibition against lobbying—Need and Clarity*

Subparagraphs (b)(7) and (8) authorize either the Investigative Division or the Commission to schedule a hearing if the respondent does not request one before the deadline. As previously noted, we question the circumstances under which the Investigative Division or the Commission would require a hearing if the respondent does not elect to have and does not plan to participate in a hearing, and why its request must be delayed for an additional 7 days.

The Office of Attorney General has recommended additional language which would limit the Commission’s determination, where a lobbyist or principal has been convicted, to the amount of time the lobbyist or principal would be prohibited from lobbying. We agree that in this case there would be no need for the Commission to relitigate these matters. Therefore, we recommend that the Commission add the Office of Attorney General’s suggested language as a new subsection (c) or as a new § 45.3.

27. *General—Clarity*

Several commentators noted that the regulations may unlawfully extend the Commission’s jurisdiction over the practice of law. We note that section 1302(b) of the act provides, in part: “This chapter is not intended to govern professional activities which do not include lobbying and which are properly the subject of regulation by the judicial branch of government or by any government agency.” To give effect to this provision, the Committee should consider inserting a separate section exempting communications for which the attorney-client privilege is claimed from the disclosure requirements.

Several sections refer interchangeably to forms “promulgated by” the Commission, “provided by” the Commission, or “prescribed by” the Commission. It is our understanding that the Committee intends to have the Commission develop forms for registrants to use. Since these forms will not be promulgated as regulations, the term “approved” should be used consistently throughout the regulation wherever forms are referenced. In addition, the regulation should clarify whether the Commission will permit filings on forms which are substantially equivalent to the forms obtained from the Commission (See 1 Pa. Code § 13.42).

Several sections of the regulation contain cross-references to Part I, and use the phrase “to the extent applicable.” This language presents two problems. First, these general references provide little guidance to regis-

trants as to what specific requirements they must meet. Therefore, the general references to Part I should be replaced with specific references to the applicable sections of the Commission’s regulations.

Second, the phrase “to the extent applicable” should be deleted. If there is another specific statutory or regulatory provision which would supercede the appropriate provision in Part I, the regulation should include a citation to that authority.

Several sections of the regulation refer to “disclosure reports.” This phrase is also used in the act. To avoid confusion, this term should be defined to include all filings required under the act or amended filings. By including amended filings in the definition of “disclosure reports,” repetitive references to “separate amended quarterly expense reports” can be eliminated.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-634. Filed for public inspection April 16, 1999, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review 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>
10-149A	Department of Health Health Facility Licensure—Long Term Care Nursing Facilities	3/30/99
10-149B	Department of Health Health Facility Licensure—Free- standing Ambulatory Surgical Facilities	3/30/99

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 99-635. Filed for public inspection April 16, 1999, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger of Stock Insurance Corporations

GE Financial Assurance Holdings, Inc., a Delaware insurance holding company, has filed an application to merge Forum Insurance Company, a stock casualty insurer organized under the laws of the state of Illinois, with and into Colonial Penn Franklin Insurance Company, a stock fire insurance company organized under the laws of the Commonwealth of Pennsylvania. Colonial Penn Franklin Insurance Company would be the survivor of the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. § 991.1401 et seq.), the Business Corporation Law (15 Pa.C.S. § 1921 et seq.) and the GAA

Amendments Act of 1990 (15 P.S. § 21101 et seq.). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department 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 Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; Fax (717) 787-8557; e-mail: rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-636. Filed for public inspection April 16, 1999, 9:00 a.m.]

Capital Blue Cross and Pennsylvania Blue Shield; Community-Rated Group CustomBlue Program Rate Increase; Rate Filing; Filing No. 99-J

By Filing No. 99-J, Capital Blue Cross and Pennsylvania Blue Shield propose to increase the rates for the community-rated group CustomBlue Program. The proposed increase is 29.8% based on third quarter rates. This rate change will produce an estimated additional annual income of \$28.8 million, based on third quarter rates, and will affect approximately 27,400 contracts. An effective date of October 1, 1999, is requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-637. Filed for public inspection April 16, 1999, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Automobile Rate Revision; Rate Filing

On March 29, 1999, the Insurance Department received from Erie Insurance Exchange a filing for a rate level change for private passenger automobile insurance.

Erie Insurance Exchange requests an overall 2.6% decrease amounting to -\$17,956,900 annually, to be effective October 1, 1999, for new and renewal business.

Unless formal administrative action is taken prior to May 28, 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 Chuck Romberger, CPCU, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at cromberg@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-638. Filed for public inspection April 16, 1999, 9:00 a.m.]

Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner published a notice at 29 Pa.B. 775 (February 6, 1999) soliciting comments to the export list published at 28 Pa.B. 2467 (May 23, 1998). Consideration was given to all comments received. The Insurance Commissioner proposes to amend the May 23, 1998 list to add: (1) Law Enforcement Liability, and (2) Vacant Properties.

Persons wishing to comment on the Insurance Commissioner's proposals are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include 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, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557; e-mail <http://www.cbybeins.state.pa.us>. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the May 23, 1998, list remains in effect.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-639. Filed for public inspection April 16, 1999, 9:00 a.m.]

George Michael Giamboy; Doc. No. AG99-03-036

A prehearing/settlement telephone conference initiated by the Administrative Hearings Office shall occur on April 20, 1999, at 10 a.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501-508 and 701-704 (relating to the Administrative Agency Law) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference. No prehearing memoranda or other written submissions are required for the prehearing/settlement telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

A written request for continuance of the scheduled prehearing/settlement conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All

continuance requests must indicate whether the opposing party objects to a continuance.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-640. Filed for public inspection April 16, 1999, 9:00 a.m.]

Questions may also be e-mailed to psalvato@ins.state.pa.us or faxed to (717) 705-3873.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-642. Filed for public inspection April 16, 1999, 9:00 a.m.]

Harleysville Mutual Insurance Company; Homeowners Rate Filing

On March 31, 1999, the Insurance Department received from Harleysville Mutual Insurance Company a filing for a proposed rate level and rule changes for homeowners insurance.

The company requests an overall 7.0% increase amounting to \$967,000 annually, to be effective June 15, 1999, for new business and July 15, 1999, for renewal business.

Unless formal administrative action is taken prior to May 30, 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 Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, (E-mail: xlu@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-641. Filed for public inspection April 16, 1999, 9:00 a.m.]

Repeal of Outdated Bulletin Notices; Department Notice No. 1999-02

The Insurance Commissioner hereby formally repeals the following Bulletin Notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation, or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained in these Notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

Notice No. Title

1996-03	Calculation of Maximum Interest Rate Chargeable By Insurance Premium Finance Companies
1996-19	Surplus Lines Advisory Organization
1997-01	Flood Insurance
1997-04	Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers
1998-02	Repeal of Outdated Notices and Bulletins

Questions regarding this notice may be addressed to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429.

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 the 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 Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Jennifer and Jeffrey Anthony; file no. 99-121-01494; Nationwide Insurance Companies; doc. no. P99-04-004; May 6, 1999, at 9 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. 99-643. Filed for public inspection April 16, 1999, 9:00 a.m.]

Ronald Anthony Conti, Jr.; Doc. No. AG99-03-037

A prehearing/settlement telephone conference initiated by the Administrative Hearings Office shall occur on April 28, 1999, at 2 p.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), and the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference. No prehearing memoranda or other written submissions are required for the prehearing/settlement telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

A written request for continuance of the scheduled prehearing/settlement conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-644. Filed for public inspection April 16, 1999, 9:00 a.m.]

Thomas C. Dallmer; Order to Show Cause; Doc. No. SC98-03-006

A prehearing/settlement telephone conference initiated by the Administrative Hearings Office shall occur on May 4, 1999, at 10 a.m. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law), the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1 et seq. and the Insurance Department's Special Rules of Administrative Practice and Procedure, 31 Pa. Code Chapter 56. A date for a hearing shall be determined, if necessary, at the May 4, 1999 prehearing/settlement telephone conference.

During the prehearing/settlement telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing/settlement telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

A written request for continuance of the scheduled prehearing/settlement conference, for good cause, will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 99-645. Filed for public inspection April 16, 1999, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Executive Board

Resolution #CB-99-028, dated February 25, 1999. Approved a side letter of agreement with the American Federation of State, County and Municipal Employees providing salary adjustments and/or cash payments for Highway Foremen 2 (Class Code 91020) and Class 3 (Class Code 91030) in the Department of Transportation, whose county maintenance organizations have achieved Agility Certification under the Department's Agility Program.

Resolution #CB-99-061, dated March 22, 1999. Approved the collective bargaining agreement between the Commonwealth of Pennsylvania and the District 1199P, Service Employees International Union, AFL-CIO, CLC, which covers the nursing and supportive medical services rank and file (P4) unit effective July 1, 1998, through June 30, 1999.

Governor's Office

Management Directive No. 205.31—Pro Bono Publico Legal Services; Dated February 11, 1999.

Management Directive No. 315.20 (Revision No. 3)—Taxability of the Use of State-Provided Vehicles; Dated March 15, 1999.

Administrative Circular No. 99-7 (Correction of Date and Expiration Date)—Calendar Bases, Calendar Refills, Diaries, and Date Books for 2000; Dated February 10, 1999.

Administrative Circular No. 99-8—Relocation-Team Pennsylvania Human Resources Investment Council; Dated February 23, 1999.

Administrative Circular No. 99-9—Closing Instruction No. 1, Fiscal Year 1998-99 Submission of Purchasing Documents; Dated February 23, 1999.

Administrative Circular 99-10—Purchasing Card Program-Increased Dollar Threshold; Dated February 23, 1999.

Administrative Circular 99-11—Distribution of the 1999 Governor's Annual Work Force Report; Dated March 2, 1999.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 99-646. Filed for public inspection April 16, 1999, 9:00 a.m.]

limited, to switched, telephonic-quality voice and data services, where available, that enable users to communicate on a real-time basis between points within local calling areas . . . as well as ancillary services. . . ." (Proposed CLEC Tariff, Sheet 53.) The applicant described its proposed CAP services as "including, but not limited to, private line[s]" and "dedicated access." (Amended CAP Appl., ¶ 6.)

The applicant initially described in identical terms the proposed service territory for its CLEC and CAP services relative to various incumbent local exchange carriers (ILECs) in paragraph 11 of the original CLEC and CAP Applications as follows:³

Bell Atlantic-Pennsylvania, GTE, Sprint/United Telephone, Conestoga Telephone, Denver & Ephrata Telephone, Alltel Pennsylvania, Inc., Buffalo Valley Telephone Company, Citizens Telecommunications Company of New York, C-Tec Company, Contel of Pennsylvania, Inc. d/b/a GTE PA, Deposit Telephone Company, Inc., Frontier Communications, Hancock Telephone, Ironton Telephone Company, Lackawaxen Telephone Company, Mahoney & Mahantango Telephone Company, North Eastern Pennsylvania Telephone Company, North Penn Telephone Company, Palmerton Telephone Company, Pennsylvania Telephone Company, Quaker State Telephone Company, South Canaan Telephone Company, Sugar Valley Telephone (TDS Telecom), United Telephone Company of Pennsylvania and Commonwealth Telephone.

In general, Applicant expects that its service territory will be substantially identical to the areas served by its affiliated cellular operations.

Applicant has not determined at this time whether the specific provisions of [TA-96] relative to rural telephone companies pertain to any of the proposed operations of Applicant.

Various ILECs protested both the CLEC and the CAP applications. These protests, however, appear to be the first protests against a request for CAP authority outside the service territories of Bell Atlantic-Pennsylvania, Inc. (BA-PA), and GTE North, Inc. (GTE), since TA-96. Numerous unprotested requests for Statewide CAP authority have been routinely approved by this Commission.⁴

Specifically, on May 20, 1998, Conestoga Telephone and Telegraph Company (CTT) and Buffalo Valley Telephone Company (BV), both rural ILECs, jointly filed a protest. CTT and BV assert that the consolidated entry procedures for CLECs and exchange access providers seeking authority in rural areas are applicable to requests for CAP authority in rural areas. (CTT/BV Protest, pp. 7-12.) CTT and BV also assert that the 2-year suspension from the interconnection obligation established in *Petition of Rural and Small ILECs Pursuant to Section 251(f)(2) of TA-96*, Docket Nos. P-00971177 and P-00971188 (July 1997 Order) is applicable to CAP service as well as to CLEC service. (CTT/BV Protest, pp. 12-13.) They further assert that they are exempt from interconnection with respect to CLEC and CAP service. (CTT/BV Protest, pp. 13-14.)

³ We note that the applicant has not used proper names to identify certain of the ILECs. We note further, however, that the applicant has asserted, in a July 28, 1998 Letter, that it is seeking "Statewide" CLEC and CAP authority.

⁴ See, e.g., *Amended Joint Application of Hyperion Telecommunications of Harrisburg*, Docket No. A-310354, F0003 (Order entered May 17, 1998); *Application of TCG Pittsburgh*, Docket No. A-310213, F0003 (Order entered October 27, 1995); and *Application of Qwest Communications Corp.*, Docket No. A-310189, F0002 (Order entered May 28, 1996)—stipulation reached resolving protests relative to the CLEC component of the application.

Also on May 20, 1998, the Rural Telephone Companies⁵ filed a Motion to Strike the Applications (RTC Motion), referring to the consolidated entry procedures for CLEC applicants as established in this Commission's Implementation Orders. (RTC Motion, pp. 3-6.) The Rural Telephone Companies challenged the applicant's request for rural CAP authority on the basis that the applicant failed to follow CLEC procedures with respect to the CAP Application. (RTC Motion, pp. 5-7.)

On June 29, 1998, the Rural Chapter 30 Companies⁶ filed a protest against both applications and a Petition for Consolidated Proceedings (Chap. 30 Protest). The Rural Chapter 30 Companies suggested that the consolidated CLEC entry procedures should be applicable to requests for rural CAP authority. (Chap. 30 Protest, pp. 3-5.)

The applicant filed various answers and motions in response to the challenges. The Applicant asserted, inter alia, that the challenges are particularly without merit with respect to the request for rural CAP authority:

[B]ecause numerous providers (including unregulated entities) can provide dedicated transport services between the premises of an end-user and, e.g., the "point of presence" ("POP") of a long-distance interexchange carrier ("IXC"). The provision of CAP services by such entities [as the Applicant] does not involve the local termination of traffic over the public switched telephone network ("PSTN") facilities of rural ILECs. Thus, no interconnection requirements may burden the rural ILEC's PSTN facilities and operations. Indeed, this is the reason that CAP certification applications in the recent past would be approved by the Commission with little or no controversy. See generally *Application of Penns Light Communications*, Docket No. A-310260, Order entered February 27, 1995.

(Vanguard Answer and Motion to Dismiss, August 4, 1998, pp. 11-12.)

By Secretarial Letter dated July 28, 1998, the applicant was advised that the applications for CLEC and CAP authority in the service territories served by BA-PA, GTE and The United Telephone Company of Pennsylvania (United) were forwarded to Commission staff for preparation of a Report and Order. The requests for CLEC and CAP authority in service territories served by the protesting rural ILECs were assigned to the Office of Administrative Law Judge (OALJ) and are pending before Administrative Law Judge (ALJ) Herbert S. Cohen.

On July 30, 1998, the applicant filed amended applications requesting CLEC and CAP authority specific to the service territories of BA-PA, GTE, and United. The amended applications requested authority to provide both facilities-based and resold CLEC and CAP services to business and residential customers in the three ILECs' service territories.

On November 23, 1998, at a prehearing conference before ALJ Cohen, the applicant agreed: (1) to further amend its requests for CLEC and CAP authority in rural

⁵ The Rural Telephone Companies include the following ILECs: ALLTEL Pennsylvania, Inc., Buffalo Valley Telephone Company, Citizens Telecommunications Company of New York, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, Deposit Telephone Company, Inc., Hancock Telephone Company, Ironton Telephone Company, Lackawaxen Telephone Company, The North-Eastern Pennsylvania Telephone Company, North Penn Telephone Company, Palmerton Telephone Company, Pennsylvania Telephone Company, and South Canaan Telephone Company.

⁶ The Rural Chapter 30 Companies include the following ILECs: Frontier Communications of Canton, Inc., Frontier Communications of Pennsylvania, Inc., Frontier Communications of Lakewood, Inc., Deposit Telephone Company/TDS Telecom, Inc., Sugar Valley Telephone Company/TDS Telecom, Inc., Mahanoy and Mahantango Telephone Company/TDS Telecom, Inc., and Commonwealth Telephone Company.

areas to limit the proposed CLEC and CAP services to facilities-based services; and (2) to request interlocutory review of an asserted material question. On December 14, 1998, the applicant and the OTS filed the instant Joint Petition and a request for waiver to enlarge the time within which the Commission could consider the Joint Petition.

The Initial Hearing, scheduled for December 21, 1998, on the protested requests for CLEC and CAP authority in the rural areas was postponed in anticipation of Commission action on the Joint Petition. No one opposed the request for waiver. Briefs were filed by the Rural Chapter 30 Companies, the Rural Telephone Companies, and CTT and BV, each arguing that the asserted material question should be answered in the affirmative. Conversely, the OTS and the applicant argue that the asserted material question should be answered in the negative.

Under the bifurcation affected by the July 28, 1998 Secretarial Letter, the rural service territory applications, as amended, remain subject to the various protests of the rural and/or small ILECs and are presently assigned to the OALJ. ALJ Cohen has stayed the proceeding pending resolution of the material question.

On January 22, 1999, this Commission entered an order granting the CLEC and CAP applications for the BA-PA, GTE, and United service territories and granting the time enlargement waiver for consideration of the asserted material question. The time for such consideration has been further extended.

Discussion

A. Interlocutory Review

1. Legal Standards

Our standards for interlocutory review are found in Section 331(e) of the Public Utility Code, 66 Pa.C.S. § 331(e), and, in pertinent part, in §§ 5.302 and 5.303 of our regulations, 52 Pa. Code §§ 5.302 and 5.303. We interpreted the standards for interlocutory review in *In re: Application of Knights Limousine Service, Inc.*, 59 Pa. P.U.C. 538 (1985) (Knights). We do not routinely grant interlocutory review except upon a showing by a petitioner of extraordinary circumstances or "compelling reasons." Such showing may be accomplished, for example, by a petitioner proving that without interlocutory review some harm would result which would not be reparable through normal avenues, that the relief sought should be granted now rather than later, or that granting interlocutory review would "prevent substantial prejudice or expedite the proceeding."

2. Disposition of Interlocutory Review

While the parties are clearly in conflict as to the proper answer to the asserted material question, they, nevertheless, unanimously support the interlocutory review process to resolve the issue raised by the asserted material question. On consideration of the asserted material question presented and the positions of the parties, we believe that interlocutory review could expedite these proceedings and prevent substantial prejudice. Accordingly, we shall grant the petition and address the merits of the material question.

B. The Material Questions

The material question, as stated by the applicant and the OTS, asks this Commission whether, in the wake of TA-96 and our Implementation Orders, CLEC and CAP applicants in rural area must prove (1) that the existing service provided by the ILEC is inadequate and (2)

whether there is a public (a) need and (b) necessity for the proposed competitive services. Only the applicant and the OTS urge us to declare that such proof is not required. The remaining parties urge us to declare that the "traditional" entry requirement of such proof is necessary and proper.

C. CLEC Service

(a) Must a facilities-based CLEC prove the inadequacy of existing service from the rural ILEC?

(b) Must a facilities-based CLEC prove public need for its proposed services in rural areas?

(c) Must a facilities-based CLEC prove public necessity for its proposed services in rural areas?

1. The Rural Chapter 30 Companies' Position

The Rural Chapter 30 Companies make frequent reference to the "consolidated procedures" of our Implementation Orders. The Rural Chapter 30 Companies argue that this Commission has clearly mandated that the traditional Section 1103 Public Utility Code, 66 Pa.C.S. § 1103, standards for issuance of a certificate of public authority, including an analysis of the existing service being provided by the current ILEC and the public need for the proposed service apply. (Rural Chap. 30 Companies' Brief, p. 8.) These companies acknowledge that the requirement that a new entrant prove the inadequacy of existing service is not statutory. The Rural Chapter 30 Companies suggest that this Commission has previously eliminated the requirement only after express consideration or regulation. See Brief, p. 14. These companies also acknowledge that the traditional test of public need is not to require proof of absolute need but rather to require proof that the proposed service is "reasonably necessary for the accommodation and convenience of the public." Further, they point out that public need should include consideration of whether competition, or the additional competition which would result from approval of the proposed services, is in the public interest. (Brief, p. 15.)

2. The Rural Telephone Companies' Position

The Rural Telephone Companies acknowledge that neither our Implementation Orders nor our prior Tentative Decision, entered on March 14, 1996, at the same docket, specifically addressed the review standards applicable to entrants seeking only facilities-based authority in rural ILEC territory. The Rural Telephone Companies argue that the Implementation Order mandates that competitive applications in the territory of small ILECs must be subject to normal procedures under Section 1101 and 1103 of the Public Utility Code. In the alternative, they argue that if Sections 1101 and 1103 do not apply to facilities-based competition in rural areas under Section 251(a) of the TA-96, then principles which protect the public interest generally, and the rural ILECs' ratepayers and their service territories specifically, including the universal service standards of 254(b), should apply. (Rural Telephone Companies Brief, p. 9.)

3. Buffalo Valley and Conestoga's Position

BV and CTT assert that the Commission has not modified the traditional entry procedures for entry into the territories of small ILECs. (CTT/BV Brief, p. 3.)

4. The OTS' Position

Citing *Mobilfone v. PA PUC*, 458 A.2d 1030 (Pa. Cmwlth. 1983), *In re Implementation of Intrastate Access Charges*, 58 Pa. P.U.C. 239 (1983), and *Waltman v. PA PUC*, 596 A.2d 1221 (1991), note 3, appeal granted, 529 Pa. 642, 600 A.2d 1260, aff'd, 533 Pa. 304, 621 A.2d 994

(1993), the OTS argues that the Commission had eliminated the inadequacy-of-existing-service test "several years" prior to TA-96. (OTS Brief, pp. 3-5.) The OTS suggests that the Implementation Orders only carried forward the remaining public interest determination under State law while recognizing the newly created Federal requirements. (OTS Brief, pp. 5-6.) In the alternative, the OTS argues that a requirement to prove the inadequacy of existing service would be "unquestionably" a barrier to entry and, therefore, be preempted by TA-96. (OTS Brief, pp. 3, 7-8.) The OTS further argues that Section 1101 of the Public Utility Code only requires that an applicant file an application and obtain approval of the application prior to beginning to offer the proposed services. The OTS maintains that the statutory standard under Section 1103 of the Public Utility Code for approval is that the proposed service be necessary or proper for the service, accommodation, convenience, or safety of the public. (OTS Brief, pp. 3-4.)

5. *Vanguard's Position*

The applicant argues that Sections 251(f)(1)-(f)(2) of TA-96 provide rural and small ILECs with relief from certain obligations under Sections 251(b) and (c) of TA-96 but do not exempt the small ILECs from competition or from their obligation to interconnect with CLECs under Section 251(a) of TA-96. The applicant maintains that the consolidated procedures of Section 252(g) of TA-96 were not triggered in this proceeding because the applicant is a facilities-based CLEC and is not seeking Section 251(b) or (c) interconnection. (Applicant's Brief, pp. 4-5.) The Applicant, citing *Policy Statement re Revision of Evidentiary Criteria Applicable to Natural Gas Distribution and Interexchange Application Proceedings*, Docket No. M-00900251, goes on to suggest that this Commission has moved to eliminate the inadequacy criterion from certification requests for applicants in public utility industries undergoing competitive transition. (Applicant's Brief, p. 6.) The applicant asserts that TA-96 established a legislative presumption that competition in telecommunication services is "synonymous" with the public interest. (Applicant's Brief, pp. 7-10.) The applicant reminds us that this Commission's July 1997 Order stated that Section 251(f)(2):

[D]oes not insulate the rural LECs from competition forever nor does it inhibit facilities-based competition . . . We do not agree . . . that relief from facilities-based competition envisioned by [TA-96] and Chapter 30 enhances a rural LEC's ability to comply with [TA-96] and Chapter 30. A competitor willing to provide alternative service over distinctly independent networks, as opposed to interconnection with the . . . network, is not directly related to any Section 251(f)(2) relief.

6. *Disposition*

For the purposes of these three questions, we shall turn to our classic definitions in the context of transportation proceedings. (See, *Morgan Drive Away, Inc. v. Pa. PUC*, 512 A.2d 1359 (Pa. Cmwlth. 1986).) We do not impose the full panoply of transportation's "inadequacy of service" criteria when reviewing applications to provide facilities-based CLEC telecommunication services envisioned under TA-96. We do so even if, to be sure, there is a minimal threshold of public interest, convenience, and necessity that must be shown sufficient to warrant granting an application for purposes of Sections 1101 and 1103 of the Public Utility Code read in light of TA-96.

We note that we have addressed related issues most recently on March 4, 1999, when we adopted a motion in

Application of Armstrong Communications, Inc., Docket Nos. A-310583, F0002, et al., (*Armstrong*), wherein this Commission, inter alia, granted a facilities-based CLEC application in the service territory of a rural ILEC. The Commission eliminated completely the requirement that a facilities-based applicant demonstrate the public need for the proposed service or prove the inadequacy of the existing ILEC service.

Furthermore, the intent of TA-96 is to promote competition. Facilities-based service is true competition, clearly what the Congress envisioned with the passage of TA-96. The burden is on the facilities-based CLEC to make a go of its business, and its performance in the market will dictate the success or failure of that business. Under TA-96 as well as our Implementation Order, this Commission's review of facilities-based applications should, therefore, be very narrow.

Moreover, this approach is consistent with our prior decisions in our Implementation Orders and the July 1997 Order. That is because, at least for rural ILECs under TA-96, an application for CLEC authority in their service territories can be approved and, subsequent to such approval, the ILECs could be exempt under Section 251(f)(1) and subject to Section 251(f)(2). In our Implementation Orders, this Commission subjected applications for service in the rural ILECs' territory to a "consolidated procedure" wherein this Commission collectively considers entry, universal service, and interconnection, using Sections 1101 and 1103 of the Public Utility Code, 66 Pa.C.S. §§ 1101 and 1103, to the extent consistent with Section 251 of TA-96.

We have already certificated Vanguard as a CLEC in the service territories of BA-PA, GTE, and United. Under the traditional Section 1101 and 1103 test, viewed in light of TA-96, and in light of our Implementation Orders, we find that Vanguard should be found to be technically and financially fit to provide CLEC services as a matter of State and Federal law within the service territories of rural ILECs. That conclusion is underscored by the absence of any challenge by the protestants to Vanguard's fitness.

Vanguard's rural facilities-based CLEC application is hereby remanded to the OALJ for further proceedings and disposition.

We recognize that, as in *Armstrong*, if a facilities-based CLEC application is approved, there will need to be on-going discussions between the CLEC and the protestants. At a minimum, the applicant and the protestants will need to resolve such matters as number portability, dialing parity, access to rights-of-way, and reciprocal compensation. They will also need to have protocols to facilitate cutovers.

The applicant has, however, asserted that it wishes "Statewide authority." We find no proof of service on all ILECs within the Commonwealth. Accordingly, we shall enter this Tentative Opinion and Order, publish notice of it in the *Pennsylvania Bulletin*, and serve it on all jurisdictional rural ILECs. There will be a 20 day comment period.

D. *CAP Authority*

(a) Must a facilities-based CAP prove the inadequacy of existing service from the rural ILEC?

(b) Must a facilities-based CAP prove public need for its proposed services in rural areas?

(c) Must a facilities-based CAP prove public necessity for its proposed services in rural areas?

1. *The Protestants' Position*

The protestants assert that CAP applications are subject to the Section 251(f) exemption, suspension, and modification provisions of TA-96 and that a CAP applicant must prove the inadequacy of existing service as well as public need or demand for the proposed CAP services.

2. *Vanguard's and the OTS' Position*

Vanguard and the OTS assert that that CAP applications are not subject to the Section 251(f) exemption, suspension, and modification provisions of TA-96 and that a CAP applicant need not prove the inadequacy of existing service as well as public need or demand for the proposed CAP services.

3. *Disposition*

We find no reason to impose upon a CAP applicant the burden of proving the inadequacy of existing service or establishing proof of public demand or need.

"CAP" stands for "competitive access provider." An equivalent term within the Commonwealth is "special access service." CAP has variously been applied to the following types of non-switched service: Leased lines, circuits, or private lines or channels (but not typically a "channel" as in "unbundled network elements (UNEs)"). CAP service is non-switched (that is, dedicated line) service and may be either within an exchange or between exchanges. It may be intraLATA (local access transport area) or interLATA. CAP service is dedicated to a customer's use (but not dedicated as in "dedicated trunk groups" which may be either dedicated to inward or outward seven-digit dialing.) CAP service connects point-to-point or multi-point locations within the CAP's distinctly independent network.

CAP service does not go through the public switched network (that is, a circuit switched network such as the telephone or telex networks) in the manner that local and toll calls do. CAP service does not access dial tone. Stations connected to CAP service generally do not have seven-digit telephone numbers associated with them but may be accessed by dialing "codes" (like an intercom that can access any station on the intercom system, but which cannot access, or be accessed by, any party not on the intercom). CAP service is typically paid for on a \$/mile/month basis rather than \$/minute or \$/call or \$/month basis. Examples of CAP services are tie lines, private lines, data circuits, "junk yard circuits," "ring down circuits," "full period circuits," and the like. CAP lines typically carry data but can carry voice. CAP service is typically used by business rather than residential customers.

CAP authority may not be used to access the public switched network or toll calling. If a utility with CAP authority wishes to provide access to the public switched network or to provide local or IXC (interLATA or interLATA) calling services to its customers, the utility must also have been granted CLEC and/or IXC authority by this Commission. We require CLEC services and special access/CAP services to be embodied in separate tariffs for both new entrants and incumbents. (See, Pennsylvania Telephone Tariff No. 9, Section 7, Special Access Services (PTA Tariff No. 9).) The PTA Tariff No. 9, dated 1985, describes "special access services" as "all exchange services not utilizing Telephone Company end office switches . . . used, for example, . . . for the provision of private line service." Thirty-one rural ILECs subscribe to PTA Tariff No. 9. This includes many but not all of the protestants herein. Vanguard's application for facilities-

based CAP is hereby remanded to the Office of Administrative Law Judge for further proceedings and disposition; *Therefore,*

It Is Ordered that:

1. The Joint Petition for Interlocutory Review and Answer to Material Question filed on December 14, 1998, by Vanguard Telecom Corp., d/b/a CellularOne, and the Office of Trial Staff is granted to answer the Material Questions, this Commission having previously enlarged the time for consideration of the Material Questions.

2. With respect to competitive local exchange carrier (CLEC) authority, the Material Questions are restated and answered as follow:

In light of the Commission's Implementation and Implementation Reconsideration Orders (June 3, 1996, and September 9, 1996) in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, and the Telecommunications Act of 1996, 47 U.S.C. §§ 201, et seq., must a facilities-based CLEC prove the inadequacy of existing service from the rural ILEC? Answer: No.

In light of the Commission's Implementation and Implementation Reconsideration Orders (June 3, 1996, and September 9, 1996) in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, and the Telecommunications Act of 1996, 47 U.S.C. §§ 201, et seq., must a facilities-based CLEC prove public need for its proposed services in rural areas? Answer: No.

In light of the Commission's Implementation and Implementation Reconsideration Orders (June 3, 1996, and September 9, 1996) in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, and the Telecommunications Act of 1996, 47 U.S.C. §§ 201, et seq., must a facilities-based CLEC prove public necessity for its proposed services in rural areas? Answer: Yes.

3. With respect to competitive access provider (CAP) authority, the Material Questions are restated and answered as follow:

In light of the Commission's Implementation and Implementation Reconsideration Orders (June 3, 1996, and September 9, 1996) in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, and the Telecommunications Act of 1996, 47 U.S.C. §§ 201, et seq., must a facilities-based CAP prove the inadequacy of existing service from the rural ILEC? Answer: No.

In light of the Commission's Implementation and Implementation Reconsideration Orders (June 3, 1996, and September 9, 1996) in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, and the Telecommunications Act of 1996, 47 U.S.C. §§ 201, et seq., must a facilities-based CAP prove public need for its proposed services in rural areas? Answer: No.

In light of the Commission's Implementation and Implementation Reconsideration Orders (June 3, 1996, and September 9, 1996) in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, and the Telecommunications Act of 1996, 47 U.S.C. §§ 201, et seq., must a facilities-based CAP prove public necessity for its proposed services in rural areas? Answer: No.

4. The Application of Vanguard Telecom Corp., d/b/a CellularOne, at Docket No. A-310621, F0002, for author-

ity to operate as a facilities based Competitive Local Exchange Carrier in certain enumerated service territories (in addition to its existing authority to so operate within the service territories of Bell Atlantic-Pennsylvania, Inc.; GTE North, Inc.; and The United Telephone Company of Pennsylvania) is hereby remanded to the Office of Administrative Law Judge for further proceedings and disposition, consistent with this Opinion and Order.

5. The Application of Vanguard Telecom Corp., d/b/a CellularOne, at Docket No. A-310621, F0003, for authority to operate as a Competitive Access Provider in certain enumerated service territories (in addition to its existing authority to so operate within the service territories of Bell Atlantic-Pennsylvania, Inc.; GTE North, Inc.; and The United Telephone Company of Pennsylvania) is hereby remanded to the Office of Administrative Law Judge for further proceedings and disposition, consistent with this Opinion and Order.

6. Notice of this Tentative Opinion and Order be published in the *Pennsylvania Bulletin*. This Tentative Opinion and Order shall be served upon all jurisdictional rural incumbent local exchange carriers (ILECs). There shall be a 20-day comment period.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-649. Filed for public inspection April 16, 1999, 9:00 a.m.]

Final Adoption of the Advanced Meter Standards Set Forth in the Advanced Meter Standards Report Issue Under 52 Pa. Code § 57.254(b); Doc. No. M-00991219

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

Public Meeting held
March 31, 1999

Final Order

By the Commission:

Introduction

On February 11, 1999, the Public Utility Commission (Commission) adopted a Proposed Order at this docket approving the Metering Committee Advanced Meter Standards Report. The Proposed Order and Advanced Meter Standards Report (Attachment 1) was published on March 13, 1999 in the *Pennsylvania Bulletin* at 29 Pa.B. 1458 with a 10 day comment period. The Proposed Order and the Advanced Meter Standards Report was also duly served upon all jurisdictional Electric Distribution Companies (EDCs), Electric Competition Legislative Stakeholders and the Metering Working Group Members.

Written comments were received from Duquesne Light Company (Duquesne). Duquesne requests that the Commission recognize that 52 Pa. Code § 56.2 (relating to standards and billing practices) specifically excludes devices that permit "direct interrogation" of the meter from the definition of "remote reading device." Duquesne notes that readings provided by advanced meters and meter-related devices which are capable of "direct interrogation" are in fact the actual readings and are therefore not "remote reading devices" under the definition in 52

Pa. Code § 56.2. Duquesne argues that such devices are not subject to the requirements of a physical reading once every 5 years as required by 52 Pa. Code § 56.12(5)(i). The Commission concurs with Duquesne's contention in this regard. These concepts are clearly articulated in 52 Pa. Code §§ 56.2 and 56.12(5)(i). The Commission notes that 52 Pa. Code § 57.255(e) (relating to EDC responsibilities regarding advanced metering) references these provisions.

Duquesne further contends that data recorded and/or communicated by a qualified Advanced Meter Product through "remote interrogation" is the same as an actual/physical reading and thus satisfies applicable regulatory requirements for obtaining actual meter readings. The Commission disagrees. The Commission believes that "remote interrogation" is not the same concept as "direct interrogation" and is therefore not subject to the physical meter reading exclusion under 52 Pa. Code § 56.2 and § 56.12(5)(i). The Commission emphasizes that an advanced meter or meter-related device capable of "direct interrogation" must be able to obtain a direct reading of the meter's register without the secondary accumulation and storage of any data. An advanced meter or meter-related device not capable of "direct interrogation" will remain subject to 52 Pa. Code §§ 56.2, 56.12(5)(i) and 57.255(e) provisions.

The Commission therefore concludes that no changes in this regard are necessary to the Advanced Meter Standards Report since the above-referenced provisions are clearly stated in 52 Pa. Code §§ 56.2, 56.12(5)(i) and 57.255(e). The Commission notes that 52 Pa. Code § 57.255(e) references 52 Pa. Code §§ 56.2 and 56.12(5)(i).

Duquesne also recommends that the words "successfully conducted in accordance with applicable standards" be added to Section III.1.4 of the Advanced Meter Standards Report for clarification purposes. The Commission disagrees. Section III.1.4 specifies that "no Advanced Meter Product and metering equipment shall be installed before all tests, as outlined in this section, are conducted." The Commission concludes that this wording as agreed to by the Metering Working Group is clear.

History of Proceeding

On October 16, 1998, the Public Utility Commission (Commission) adopted a revised final rulemaking order on Advanced Meter Deployment for Electricity Providers at Docket No. L-00970128, 52 Pa. Code §§ 57.251—57.259. The regulations were published as final on December 26, 1998 in the *Pennsylvania Bulletin* at 28 Pa.B. 6302. Under 52 Pa. Code § 57.254(b) (relating to advanced meter standards), a qualified advanced meter, meter-related device or network shall be the customer's billing meter and shall meet the standards adopted by the Commission from time to time after consideration of the recommendations of the Metering Committee.¹

The Advanced Meter Standards Report under final consideration contains recommendations of the Metering Committee for certain standards which will govern advanced metering services in the Commonwealth of Pennsylvania. (See Attachment 1). The recommended standards seek to maintain accuracy, performance and safety

¹ The Metering Committee is a smaller subset of the Metering Working Group consisting of, to the extent possible, a balanced number of electric distribution companies (EDCs) and electric generation suppliers (EGSs) as well as representatives of an EDC electrical worker union, consumer and environmental representatives. The Metering Working Group is composed of 76 stakeholders on advanced metering issues. The Metering Working Group provided proposals and comments to the Metering Committee. See Section V of the Advanced Meter Standards Report for a Membership Listing.

of advanced meter services while simultaneously facilitating technical innovation. As conditions change in the future, the Metering Committee indicated that it will, after receiving input from the Metering Working Group, recommend modifications to the Commission as necessary. The Advanced Meter Standards Report supplements the standards prescribed by this Commission in 52 Pa. Code § 57.254.

In compliance with 52 Pa. Code § 57.254(b), the Metering Committee (in conjunction with the Metering Working Group) met on September 25, 1998, to hear presentations on suggested advanced meter standards from various Metering Working Group Members including Schlumberger, ITRON, ENRON, Strategic Energy Limited, CellNet Data Systems and the Pennsylvania Electric Association. The various presentations exhibited numerous commonalities which are reflected in the Metering Committee Advanced Meter Standards Report. The Metering Working Group exchanged proposals and comments and subsequently agreed on the contents of the Advanced Meter Standards Report. The Metering Committee incorporated the proposals into its Advanced Meter Standards Report.

The Advanced Meter Standards Report is divided into five sections: I. Summary of Advanced Meter Standards; II. Table of Tests in ANSI C12.1 and C12.20; III. Certification Testing Requirements; IV. Registration and Centralized Database for Compliant Meter Type; and V. List of Metering Working Group and Metering Committee Members.

Section I summarizes the various American National Standards Institute (ANSI) Standards, the Edison Electric Institute (EEI) Metering Handbook, the National Electric Code (NEC) and local requirements, and applicable Federal Communications Commission (FCC) Regulations. This section also stresses that products and systems presently deemed used and useful by the State's utilities should be "grandfathered" for future use to avoid the prospect of premature removal of a product from service. Section II provides a checklist for various tests associated with ANSI C12 compliance. Section III describes the certification testing requirements to be met by advanced meter products used in Pennsylvania. Section IV requires manufacturers to file with the Commission a self-certification document for their type of meter which avers compliance with applicable Pennsylvania testing requirements. Section V lists the Metering Working Group and Metering Committee Membership.

The Commission concurs with the Metering Committee Advanced Meter Standards Report and hereby adopts the recommendations therein as final to establish the standards an advanced meter product must satisfy prior to its inclusion in the Advanced Meter Catalog (Catalog) under 52 Pa. Code § 57.253(a)(2). The Commission emphasizes that the Advanced Meter Standards Report supplements the standards already prescribed under 52 Pa. Code § 57.254.

The Commission therefore requires that a proposed advanced meter product must satisfactorily pass the tests in the Advanced Meter Standards Report and comply with the requirements of 52 Pa. Code § 57.254 prior to its inclusion in the Catalog. In order to ensure that such testing is performed in strict accordance with the described testing criteria, an application for an advanced meter product submitted to the Commission for inclusion in the Catalog must include test results and a self-certification document regarding compliance with the Advanced Meter Standards Report and 52 Pa. Code

§ 57.254 requirements.² The Commission further directs the Metering Committee, after receiving input from the Metering Working Group, to submit recommendations, as necessary in the future, for modifications to the Advanced Meter Standards Report under 52 Pa. Code § 57.254(b).

Accordingly, under to 52 Pa. Code § 57.254(b) the Commission hereby adopts the advanced meter standards set forth in the Advanced Meter Standards Report; *Therefore, It Is Ordered That*;

1. The Secretary shall duly certify this Final Order and Advanced Meter Standards Report and deposit with the Legislative Reference Bureau for final publication in the *Pennsylvania Bulletin*.

2. This Final Order and Advanced Meter Standards Report shall be served forthwith upon all jurisdictional electric utilities, Electric Competition Legislative Stakeholders and Metering Working Group Members.

3. This Final Order and Advanced Meter Standards Report shall become effective upon the date of final publication in the *Pennsylvania Bulletin*.

4. The contact persons for this proceeding are Charles F. Covage, Bureau of Conservation, Economics and Energy Planning, (717) 783-3835 (technical) and Stephen E. Gorke, Law Bureau, (717) 772-8840 (legal).

JAMES J. MCNULTY,
Secretary

² The Commission notes that a Secretarial Letter adopting the Metering Committee Reference Manual on Advanced Meter Qualification and Review Procedures will be issued on or about the date of entry of this Final Order adopting the Advanced Meter Standards Report. The Reference Manual contains a self-certification application form to be completed by an interested party desiring inclusion of an advanced meter product in the Commission's Advanced Meter Catalog.

ATTACHMENT 1

REPORT
TO THE PENNSYLVANIA PUBLIC UTILITY
COMMISSION
ON
ADVANCED METER STANDARDS
Pursuant to 52 Pa. Code § 57.254(b)
Advanced Meter Deployment for Electricity Providers
APPROVED:
MARCH 31, 1999 PUBLIC MEETING
METERING COMMITTEE
JANUARY 1999
INTRODUCTION

This report contains recommendations of the Metering Committee to the Pennsylvania Public Utility Commission (Commission) for certain standards which will govern advanced metering services in the Commonwealth of Pennsylvania.¹ The recommended standards seek to maintain accuracy, performance, and safety of advanced meter services while simultaneously facilitating technical innovation. As conditions change in the future, the Metering Committee will, after receiving input from the Metering Working Group, recommend modifications to the Commission as necessary.

The Metering Working Group met on September 25, 1998 to hear presentations on suggested advanced meter standards from various members including Schlumberger, ITRON, ENRON, Strategic Energy Limited, CellNet Data

¹ The Metering Committee is a smaller subset of the Metering Working Group consisting of, to the extent possible, a balanced number of electric distribution companies (ECs) and electric generation suppliers (EGs) as well as representatives of an EDC electrical worker union, consumer and environmental representatives. The Metering Working Group is composed of seventy-six (76) stakeholders on advanced metering issues. The Metering Working Group provided proposals and comments to the Metering Committee. See Section V for a Membership Listing.

Systems, and the Pennsylvania Electric Association (PEA). The various presentations exhibited numerous commonalities which are reflected in this report. After an exchange of comments on the report between Metering Working Group Members via E-Mail, the Metering Committee agreed to incorporate these proposals into its recommendations to the Commission.

This report is divided into five sections: I. Summary of Advanced Meter Standards; II. Table of Tests in ANSIC12.1 and C12.20; III. Certification Testing Requirements; IV. Registration and Centralized Database for Compliant Meter Type; and V. List of Metering Working Group and Metering Committee members.

Section I summarizes the various American National Standards Institute (ANSI) Standards, Edison Electric Institute (EEI) Metering Handbook, National Electric Code (NEC)/ Local Requirements, and applicable Federal Communications (FCC) Regulations. The section also stresses that products and systems deemed used and useful by the State's utilities today should be "grandfathered" for use going forward in order to avoid the prospect of premature removal of a product from service. Section II provides a checklist for various tests associated with ANSI C12 compliance. Section III describes the certification testing requirements that advanced meter products used in Pennsylvania must comply with. Section IV. requires manufacturers to file with the Commission their meter type self-certification document to state compliance with applicable testing requirements. Section V lists the Metering Working Group and Metering Committee membership.

I. SUMMARY OF STANDARDS FOR ADVANCED METER PRODUCTS*

[Note: Use of most current version is implied unless otherwise indicated]

* Meter Product: A device which measures, calculates, records and/or communicates energy consumption data for the purpose of determining the financial obligation for an entity consuming energy.

I.1 ANSI C12 Standards

I.1.1 ANSI C12.1- Code for Electricity Metering

Establishes acceptable performance criteria for new types of ac watt-hour meters, demand meters, demand registers, pulse devices, instrument transformers, and auxiliary devices. It states acceptable in-service performance levels for meters and devices used in revenue metering.

I.1.2 ANSI C12.6- Marking & Arrangement of Terminals for Phase Shifting Devices used in Metering

Applies to phase-shifting devices designed to provide the proper lagged voltages required for kvar and kva measurement.

I.1.3 ANSI C12.7- Watt-hour Meter Socket [Where applicable]

This standard covers the general requirements and pertinent dimensions applicable to watt-hour meter sockets rated up to and including 600 V and up to and including 320 continuous duty per socket opening.

I.1.4 ANSI C12.8 (R1997), Test Blocks and Cabinets for Installation of Self-Contained A-Based Meters

This standard covers the dimensions and functions of test blocks and cabinets used with self-contained A-base watt-hour meters. General requirements are specified for: spacings, temperature rise, assembly bolts, connectors,

test clips, barriers, and mounting holes. Test-block dimensions and configurations, as well as test-block cabinets are also included.

I.1.5 ANSI C12.9-1993, Test Switches for Transformer-Rated Meters

This standard covers the dimensions and functions of meter test switches used with transformer-rated watt-hour meters in conjunction with instrument transformers. Some general requirements covered include: material and workmanship, name plates, moveable parts, alternate switch arrangements, insulating barriers, wiring terminals, mounting, spacings, and dimensions.

I.1.6 ANSI C12.10-Electromechanical Watt-hour Meters

Covers the physical aspects of both detachable and bottom connected watt-hour meters and associated registers. These include ratings, internal wiring arrangements, pertinent dimensions, markings, and other general specifications.

I.1.7 ANSI C12.13- Electronic TOU Registers for Electricity Meters

This standard covers electronic time-of-use registers for use in conjunction with electricity meters. It includes the following features of this register: 1) Numbers and format of displays, 2) Voltage, frequency, and temperature ratings, 3) Demand intervals, 4) Multiplying constants, 5) Timing systems, 6) Other general features, and 7) Communication requirements. Specifications for the watt-hour meter are not covered in this standard but can be found in ANSI C12.1-1988 [1] and ANSI C12.10-1987 [2]. The dates of the C12.1 and C12.10 standard are what they were when C12.13-1991 was approved. Both have been updated.

I.1.8 ANSI C12.18-Type 2 Optical Port

Details the criteria required for communications with an electronic metering device by another device via an optional port. The other device could be a handheld reader, a laptop or portable computer, a master station system, a power metering device, or some other electronic communications device. This document provides details for a complete implementation of an OSI-7 layer model. The protocol was designed to transport data in table format.

I.1.9 ANSI C12.20-0.2% & 0.5% Accuracy Class Meters

Gives requirements for accuracy performance, under various conditions, for accuracy class 0.2 and 0.5. Standard also calls for additional testing outlined in ANSI C12.1-1995.

I.1.10 IEC 61000-4-4 Or ANSI C37.90- Fast Transient Test. [Manufacturer's Choice as to Which Standard to Apply]

Relates to the immunity requirements and test methods for electrical and electronic equipment to repetitive electrical fast transients. Additionally defines ranges of test levels and establishes test procedures. The object of this standard is to establish a common and reproducible basis for evaluating the performance of electrical and electronic equipment when subjected to repetitive fast transients (bursts), on supply, signal and control ports. The test is intended to demonstrate the immunity of electrical and electronic equipment when subjected to types of transient disturbances such as those originating from switching transients (interruption of inductive loads, relay contact bounce, etc.). The standard defines: - test voltage waveform; - range of test levels; - test equipment; - test set-up; - test procedure.

I.1.11 ANSI Z1.4-Sampling Procedures and Tables for Inspection

This standard, which corresponds to MIL-STD-105, establishes sampling plans and procedures for inspection by attributes. Its tables and procedures are completely compatible with MIL-STD-105. It is also interchangeable with BSR/ASQC Z1.9-19XX for variable inspection.

I.1.12 ANSI Z1.9- Sampling Procedures and Tables for Inspection

This standard, establishing sampling plans and procedures for inspection by variables, corresponds to the military standard MIL-STD-414 and is interchangeable with ISO/DIS 3951. It contains tables and procedures of MIL-STD-414, suitably modified to achieve correspondence with ISO/DIS 3951 and matching with MIL-STD-105 and BSR/ASQC Z1.4-19XX.

I.2 EEI Electricity Metering Handbook, Current Edition

I.3 National Electrical Code [NEC] and Local Requirements

I.4 Applicable FCC Regulations

I.5 A non-ratcheted, bi-directional meter capable of reverse operation in a net-metering application must undergo testing for accuracy measuring reverse operation, such as self-generation output, comparable to the requirements outlined in the Advanced Meter Regulations, 52 Pa. Code §§ 57.251—57.259 and the Advanced Meter

Standards Report, as they relate to forward operation.

FOOTNOTES:

1. Output Contacts if provided on a metering device shall be either Form "A" or Form "C." Form "C" is required if the output contacts are mechanical. The purpose of a mechanical Form "C" contact closure is to provide a means to verify the operation of the contacts by checking for "bounce" or defective closure of the switch.

2. If Instrument Transformers are utilized, ANSI C12.11 and ANSI C57.13 govern their design and use. Such transformers should comply as appropriate with these standards covering requirements for transformers, conformance and field testing of them, and the grounding of their secondaries and cases.

3. ANSI C12.19 and the pending ANSI C12.21 are considered to be premature for adoption at this time but will be considered for subsequent adoption in future years.

4. Devices and systems in use currently by any Pennsylvania utility (EDC) will continue to be valid for use for the length of their commercial life, assuming they generate the billing parameters required by the marketplace in a timely and appropriate fashion. Nothing in these standards is to be construed so as to obviate the use or procurement of existing devices and systems in the future or to create a 'technically' stranded asset.

II. TABLE OF TESTS IN ANSI C12.1 AND C12.20 STANDARDS

Table II.1 provides a summary list of tests in ANSI C12.1 and C12.20 Standards, a sunlight test, and ANSI C37.90.1 test. All shall be applied in conjunction with Section III of Certification Testing Requirements for Advanced Meter Products used in Pennsylvania. This list also shows the eight tests required to be performed in series.

Table II.1: List of Tests in ANSI C12.1 and C12.20 Standards

<i>Tests performed in series (Sections III.1.6., III.5. & III.6.)</i>	<i>Descriptions of Certification Tests</i>	<i>ANSI C12.1</i>	<i>ANSI C12.20</i>
	No Load	Test #1	Test #1
	Starting Load	Test #2	Test #2
	Load Performance	Test #3	Test #3
	Effect of Variation of Power Factor	Test #4	Test #4
	Effect of Variation of Voltage	Test #5	Test #5
	Effect of Variation of Frequency	Test #6	Test #6
	Equality of Current Circuits	Test #7	Test #7
	Internal Meter Losses	Test #8	Test #8
	Temperature Rise	Test #9	Test #9
	Effect of Register Friction	Test #10	Test #10
	Effect of Internal Heating	Test #11	N/A
	Effect of Polyphase Loading	Not applicable	Test #11
	Effect of Tilt	Test #12	N/A
	Stability of Performance	Test #13	N/A
	Independence of Elements	Test #14	N/A
✓	Insulation	Test #15	Test #12
✓	Voltage Interruptions	Test #16	Test #13
✓	Effect of High Voltage Line Surges	Test #17	Test #14
	Effect of External Magnetic Field	Test #18	Test #15
	Effect of Variation of Ambient Temperature	Test #19	Test #16

*Tests performed in series
(Sections III.1.6., III.5. & III.6.)*

	<i>Descriptions of Certification Tests</i>	<i>ANSI C12.1</i>	<i>ANSI C12.20</i>
	Effect of Temporary Overloads	Test #20	Test #17
	Effect of Current Surges in Ground Conductors	Test #21	Test #18
	Effect of Superimposed Signals	Test #22	Test #19
	Effect of Voltage Variation-secondary Time Base	Test #23	Test #20
	Effect of Variation of Amb. Temp.-second. Time Base	Test #24	Test #21
✓	Electrical Fast Transient/Burst	Test #25	Test #22
	Effect of Radio Frequency Interference	Test #26	Test #23
	Radio Frequency Conducted and Radiated Emission	Test #27	Test #24
✓	Effect of Electrostatic Discharge (ESD)	Test #28	Test #25
	Effect of Storage Temperature	Test #29	Test #26
✓	Effect of Operating Temperature	Test #30	Test #27
✓	Effect of Relative Humidity	Test #31	Test #28
	Mechanical Shock	Test #32	Test #29
	Transportation Drop	Test #33	Test #30
	Mechanical Vibration	Test #34	Test #31
	Transportation Vibration	Test #35	Test #32
	Weather Simulation	Test #36	Test #33
	Salt-spray	Test #37	Test #34
	Raintightness	Test #38	Test #35
	Test #A1: Sunlight Interference	Not yet included	Not yet included
✓	Test #A2: ANSI C37.90.1, Surge Withstand	Not yet included	Not yet included

III. CERTIFICATION TESTING REQUIREMENTS

This Section describes the certification testing requirements that Advanced Meter Products used in Pennsylvania must comply with. This Section shall be used in conjunction with ANSI C12.1 and C12.20 Standards to cover issues that are not currently addressed in the ANSI C12.1 and C12.20 Standards. Some of these issues are: 1) duplication of the field electrical and environmental conditions is necessary to assure safety, 2) not all components of a meter product are required to be included in the meter product during certification testing, 3) reporting of certification tests is not based on all meter products tested, 4) no certification rejection criteria is provided for declaration of success or failure upon completion of certification tests.

III.1 General

III.1.1 The tests specified shall be conducted by qualified facilities. A qualified facility is a facility that has access to the necessary equipment and personnel to perform the testing requirements specified in this document.

III.1.2 Complete performance testing is required for new meter types and for major design changes to existing meter types. If an incremental change or changes are made to an existing meter type, applicable tests shall be performed to assure that Advanced Meter Products meet the certification testing requirements as stated in this section.

III.1.3 The manufacturer shall provide a certified test report documenting the tests and their results to the purchaser. The test report shall be signed by the appropriate manufacturer representative(s) and shall include appropriate charts, graphs, and data recorded during testing.

III.1.4 No Advanced Meter Products and metering equipment shall be installed before all tests, as outlined in this section, are conducted.

III.1.5 Advanced Meter Products selected for certification testing must be representative of production run Meter Products.

III.1.6 The following tests shall be conducted in sequence using the same Advanced Meter Products selected as specified in III.1.5 above: Insulation, Voltage Interruptions, Effect of High Voltage Line Surges, Effect of Fast Transient/Burst, Effect of Electrostatic Discharge (ESD), Effect of Operating Temperature, Effect of Relative Humidity, and ANSI C37.90.1 (Surge Withstand). Other tests required by ANSI C12.1 and C12.20 may be done either in parallel or in sequence with the same Advanced Meter Products or a separate group of Advanced Meter Products; however, with the understanding that the same Meter Products must be used for all test procedures within each ANSI-numbered or FCC-numbered test.

III.1.7 All test Advanced Meter Products shall be kept as a certification proof for one year after the conclusion of

the testing. These tests of Advanced Meter Products shall be made available during this period to any purchaser for inspection, if requested.

III.1.8 Advanced Meter Products which fail during the test shall not be repaired or tested further, but can be analyzed to identify the cause of failure.

III.1.9 When the Advanced Meter Products under test fail to meet these testing requirements modifications may be made to the Advanced Meter Products. After the modifications, all tests shall be restarted.

III.1.10 If requested by the purchaser, the manufacturer shall notify the purchaser of the certification test schedule for purchaser's test witnessing.

III.1.11 If more than a minimum number of Advanced Meter Products are certification tested, the test results shall be based on and reported for all Meter Products tested.

III.2. Advanced Meter Product Failure Definition

During the certification process an Advanced Meter Product shall be designated as failed if any of the following events occur:

III.2.1 Failure of the Advanced Meter Product to perform all functions as specified in a test procedure.

III.2.2 Failure of the Advanced Meter Product to meet the fundamental technical performance specifications as specified by the manufacturer. The fundamental performance must include safety, accuracy and reliability of the Advanced Meter Product, and any other functions included in the Meter Product.

III.2.3 Signs of physical damage as a result of a test procedure.

III.2.4 The occurrence of a loss of data or other unacceptable mode of operation for the Advanced Meter Product as a consequence of a test procedure.

III.2.5 Failures of either hardware, firmware or software, or a combination thereof.

III.3 Meter Type Certification Rejection Criteria

The meter type certification will be rejected if any of the following events occur:

III.3.1 The Advanced Meter Products fail the certification tests as specified in Table III.3.1-a below:

Table III.3.1-a: Table of failures based on Advanced Meter Products tested

# Meter Products Tested	Failures in different tests individually			
	0	1	2	3 or more
3	PASS			
4				
5				
6				
7				
8				
9 or more				

Examples: The following examples explain how to apply Table III.3.1-a. Also, reference to "the series tests" in this paragraph means tests required to be performed in the series manner as specified in Section III.1.6., and refer-

ence to "the parallel tests" means testing is not required to be performed in any particular sequence (either series or parallel).

Example 1: If 3 Advanced Meter Products are selected for the series testing and one failure occurs in any test procedure, the meter type certification will be rejected and the entire eight series tests will be started over from the beginning.

Example 2: If 9 Advanced Meter Products are selected for the series tests and the first, second, and third failures occur separately in three different tests or test procedures, the meter type certification will be rejected. These failures described here mean that a failure of the first Advanced Meter Product during one test procedure, a failure of a second Advanced Meter Product during another test procedure, and a failure of a third Meter Product during another test procedure different from the tests that the first two Advanced Meter Products have failed previously. Once such failures occur, the entire eight series tests will be started over from the beginning.

However, if 3 Advanced Meter Products are selected for a parallel test performed concurrently with the 9 Advanced Meter Products selected for the series tests, the rejection criteria for the 3 Advanced Meter Products tested in a parallel test shall not apply to the 9 Advanced Meter Products tested in series, or vice versa. In addition, if a group of Advanced Meter Products tested in a parallel test(s) fails according to the rejection criteria, only the particular failed test(s) needs to be repeated.

III.3.2 The failure of two or more Advanced Meter Products during the same test procedure.

III.4 Test Setup

III.4.1 The Advanced Meter Product shall be connected to its normal operating supply voltage with a fully charged power failure backup system and shall be energized throughout the duration of the test procedures, unless otherwise stated.

III.4.2 Before testing commences, if necessary, the Advanced Meter Product shall be energized for a reasonable period at room temperature for stress relief.

III.5 ANSI C12.1 Tests

All Advanced Meter Product certifications shall be performed in accordance with the certification tests described in ANSI C12.1 (NEMA, 1995), unless noted otherwise below.

* Additional test A1: sunlight interference test is needed for optical pick-up type retrofit modules (not within scope of existing ANSI C12.1-1995 tests) and is further defined below.

* Additional test A2: ANSI C37.90.1 Surge Withstand Testing The same set of selected Advanced Meter Products, as defined by unique meter numbers, will be tested with the following tests performed in series: 15, 16, 17, 25, 28, 30, 31 and A2. Other tests required by ANSI C12.1 may be done either in parallel or in sequence with the same Meter Products or a separate group of Advanced Meter Products; however, with the understanding, however, that the same Advanced Meter Products must be used for all test procedures within each ANSI-numbered or FCC-numbered test. These ANSI C12.1 tests are listed and described in Table III-3 above.

III.6 ANSI C12.20 Tests

All Advanced Meter Product certifications shall be performed in accordance with the certification tests described in ANSI C12.20 (NEMA, 1998) for 0.2% and 0.5% accuracy class meters, unless noted otherwise below.

- * Additional test A1: sunlight interference test is needed for optical pick-up type retrofit modules (not within scope of existing ANSI C12.20, NEMA-1998 tests) and is further defined below.

- * Additional test A2: ANSI C37.90.1 Surge Withstand Testing

The same set of selected Advanced Meter Products, as defined by unique meter numbers, will be tested with the following tests performed in series: 12, 13, 14, 22, 25, 27, 28 and A2. Other tests required by ANSI C12.20 may be done either in parallel or in sequence with the same Advanced Meter Products or a separate group of Advanced Meter Products; however, with the understanding that the same Advanced Meter Products must be used for all test procedures within each ANSI-numbered or FCC-numbered test.

These ANSI C12.20 tests are listed and described in Table III-3 above.

III.7 Test A1—Sunlight Interference Test

III.7.1 This test verifies the Advanced Meter Product accuracy and full functional operations under direct sunlight.

III.7.2 The meter cover shall be removed during this test.

III.7.3 The Advanced Meter Product shall be exposed to both the incandescent light source (Lab Test) and sunlight (Outdoor Sunlight Test).

Lab Test:

III.7.4 The incandescent light source, Smith Vector #710 or equivalent, shall be used to simulate the sunlight. The incandescent light shall be 600 watt and 3,200° K blackbody radiation as a minimum.

III.7.5 The Advanced Meter Product shall be exposed to the incandescent light source for a minimum of 5 minutes for each position of the incandescent light source.

III.7.6 The incandescent light source shall be pointed directly toward the Advanced Meter Product and positioned at a maximum direct distance of 19 inches from the center of the meter rotor shaft as follows:

1. Twelve positions around the meter base.
2. Eight positions at a 45° angle from the meter base.
3. One position at a perpendicular to the face of the meter.

III.7.7 Verify the Advanced Meter Product operations and report the direct and remote meter reads before and after each incandescent light exposure.

Outdoor Sunlight Test:

III.7.8 The sunlight conditions shall be outdoors, clear sky, bright sunny day, and no shades over the Advanced Meter Product.

III.7.9 The Advanced Meter Product shall be exposed to sunlight conditions for 24 hours accumulated over a 2 to 3 day period.

III.7.10 The Advanced Meter Product shall be set in a position as normally installed the field. All Advanced

Meter Products under test shall be exposed to the sunlight conditions at the same time and evenly face different directions starting with one Advanced Meter Product facing towards the sunrise direction.

III.7.11 Record and compare direct and remote meter reads at every hour under the sunlight conditions.

III.7.12 To pass this test the Advanced Meter Product shall operate as specified with no observed anomalies and have an accuracy of $\pm 0.3\%$ on both direct and remote meter reads.

IV. REGISTRATION AND CERTIFICATION DATABASE FOR COMPLIANT METER TYPE:

Manufacturers shall file with the Public Utility Commission (Commission) their meter type self-certification document to state that their meter type meets the Commission certification testing requirements. After Commission review and approval, the Commission will post a list of compliant meter types on its web site. The list will not include the proprietary information of meter products.

[Pa.B. Doc. No. 99-650. Filed for public inspection April 16, 1999, 9:00 a.m.]

Petition of Rural Incumbent Local Exchange Carriers for a One-Year Extension of their Section 251(b) and (c) Interconnection Suspension under Pennsylvania Public Utility Commission Order Entered July 10, 1997, at P-00971177; Doc. No. P-00991633

On February 10, 1997, Petitioners Yukon Waltz Telephone Company, Venus Telephone Company, South Canaan Telephone Company, Pymatuning Independent Telephone Company, Pennsylvania Telephone Company, Palmerton Telephone Company, North Pittsburgh Telephone Company, North Penn Telephone Company, The North-Eastern Pennsylvania Telephone Company, Marianna & Scenery Hill Telephone Company, Laurel Highland Telephone Company, Lackawaxen Telephone Company, Ironton Telephone Company, Armstrong Telephone Company-Pennsylvania, and Armstrong Telephone Company-North filed a Petition under Section 251(f)(2) of TA-96 seeking temporary suspension of their Section 251(b) and (c) interconnection obligations.

On July 10, 1997, the Pennsylvania Public Utility Commission (Commission) entered a Final Order granting Petitioners a 2-year suspension of their Section 251(b) and (c) interconnection obligations. The Order also expressly authorized subsequent petitions for up to three additional 1-year suspensions. The initial 2-year suspension period will expire on July 10, 1999.

On January 11, 1999, Petitioners filed a petition for a 1-year extension of their Section 251(b) and (c) Interconnection Suspension under the procedure outlined in the July 10, 1997, Order. The Commission has determined that publication of notice of this Petition for comment is appropriate.

Consequently, interested parties must submit comments to the Petition within 7 days of publication in the *Pennsylvania Bulletin*. Reply Comments must be submitted within 14 days of publication in the *Pennsylvania Bulletin*.

Copies of the Petition may be obtained from Lisa Higley at (717)787-1013 in the Office of Secretary at the Com-

mission's offices in Harrisburg, PA. The contact person at the Commission is Elizabeth H. Barnes, Assistant Counsel, Law Bureau, (717)772-5408.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-651. Filed for public inspection April 16, 1999, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 10, 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 approval of the *beginning* of the exercise of the right and privilege of operating as *common carriers* for transportation of *persons* as described under each application.

A-00115765. D. Marie Manues and William E. Manues, Husband and Wife (878 West Kings Highway, Coatesville, Chester County, PA 19320)—persons in paratransit service, between points in the counties of Chester and Lancaster, and from points in the said counties, to points in Pennsylvania, and return; limited to the transportation of persons whose personal beliefs preclude them from owning or operating motor vehicles.

Applications of the following for approval of the *additional right* and privilege of operating motor vehicles as *common carriers* for transportation of *persons* as described under each application.

A-00114508, F. 2. Fancee Limousine Service, Inc. (3955 Drybrook Road, Falconer, NY 14733), a corporation of the State of New York—Additional Right—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of McKean, Erie, Crawford and Warren, and from points in said counties, to points in Pennsylvania, and return. A temporary authority application has been filed seeking the right cited above.

A-00104709, F. 4. Unique Limousine Service, Inc. (1301 North Cameron Street, Harrisburg, Dauphin County, PA 17106-0402), a corporation of the Commonwealth of Pennsylvania—Additional Right—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Adams, Carbon, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Luzerne, Mifflin, Monroe, Northumberland, Perry, Schuylkill, Snyder, Union and York, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *household goods* as described under each application.

A-00113409, F. 1, Am-A. Eric F. Wright Enterprises, Inc., t/d/b/a Eric's Moving (524 Washington Street, Royersford, Montgomery County, PA 19468), a corporation of the Commonwealth of Pennsylvania—household goods in use, between points in the city and county of Philadelphia, the county of Delaware and that part of Montgomery County, west of Interstate Highway Route 76 to its intersection with Interstate Highway Route 476, thence northeasterly along said route (including former Pennsylvania Traffic Route 9, commonly known as the Northeast Extension), to its intersection with Pennsylvania Traffic Route 73, thence along said route to the Montgomery/Berks County border, and from points in said territory, to points in Pennsylvania: *so as to permit* the transportation of household goods in use between points in the city and county of Philadelphia and the counties of Berks, Bucks, Delaware, Chester and Montgomery, and from points in the said city and counties, to points in Pennsylvania, and vice versa. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

Applications of the following for approval of the *right to begin* to operate as a *broker* for the transportation of *persons* as described under each application.

A-00104504, F. 3, Am-A. Krapf's Coaches, Inc. (1060 Saunders Lane, West Chester, Chester County, PA 19380), a corporation of the Commonwealth of Pennsylvania—to operate as a broker for the transportation of persons and their baggage between points in the county of Chester: *so as to permit* the right and privilege to operate as a broker to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* Patricia Armstrong, P. O. Box 9500, Harrisburg, PA 17108-9500.

Public Meeting held
July 9, 1998

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

Pennsylvania Public Utility Commission v. Jess Express, Inc., 49 Terry Marlton, NJ 08053; A-00110441C9801

Order

On February 18, 1998, the Bureau of Transportation and Safety instituted a complaint against Jess Express, Inc., respondent, alleging, inter alia, that respondent failed to pay an assessment, in violation of 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the notice page of the complaint notified respondent that it must file an answer to the complaint within twenty (20) days of the date of service. The notice further specified that, if the respondent failed to answer the complaint within twenty (20) days, the Bureau of Transportation and Safety would request that the Commission enter an order imposing the penalty set forth in the complaint.

The complaint was sent to respondent by certified mail on February 18, 1998 which was returned. Hand delivery

of the complaint was attempted on March 24, 1998. The complaint was served on respondent, by regular mail on or about May 21, 1998, and, to date, more than twenty (20) days later, no answer has been filed. Respondent has failed to pay the assessment in part, or in whole. There remains an outstanding assessment balance of \$11,335.

Therefore, It Is Ordered that:

1. The allegations in the complaint are admitted.
2. The complaint is sustained.
3. The certificate of public convenience held by Jess Express, Inc. at A-00110441 is hereby revoked.
4. Jess Express, Inc. cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et

seq. and the regulations of this Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's certificate of public convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

5. The Secretary of the Commission serve a copy of this cancellation order on: Department of Revenue, Bureau of Audit Programs, Sales & Use Taxes, 10th Floor, Strawberry Square, Harrisburg, PA 17128-1061.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 99-652. Filed for public inspection April 16, 1999, 9:00 a.m.]