

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of section 8 of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law (3 P. S. §§ 68.1—68.9) hereby establishes the commercial values per pound of nitrogen, phosphoric acid and potash.

The values are established as follows:

nitrogen	\$0.18 per pound
phosphoric acid	\$0.25 per pound
potash	\$0.15 per pound

### Further Information

Further information is available by contacting John W. Breitsman, Program Specialist, Division of Agronomic Services, Bureau of Plant Industry, Department of Agriculture, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

### Effective Date

These commercial values are effective commencing July 1, 1999, and shall remain effective until further notice.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-932. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 1, 1999.

### BANKING INSTITUTIONS

#### Bank Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
6-1-99	First Leesport Bancorp, Inc., Leesport, to acquire 100% of the voting shares of Merchants of Shenandoah Ban-Corp, Shenandoah	Leesport	Approved

#### Conversions

<i>Date</i>	<i>Name of Institutions</i>	<i>Location</i>	<i>Action</i>
6-1-99	Nesquehoning Savings Bank Nesquehoning Carbon County	Nesquehoning	Application Withdrawn

Application represented conversion from a State-chartered mutual savings bank to State-chartered stock savings bank solely to facilitate the proposed merger with and into First Star Savings Bank, Bethlehem.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-26-99	Northwest Savings Bank Warren Warren County	Warren	Approved
	Purchase of assets/assumption of liabilities of three branch offices of Mellon Bank, N.A., Pittsburgh, located at: 4 Perry Street Union City Erie County	815 Westminster Drive Loyalsock Lycoming County	
	Ridge Road & Pennsylvania Ave. Smithfield Huntingdon County		

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-99	First Star Savings Bank, Bethlehem, and Nesquehoning Savings Bank, Nesquehoning, Surviving Institution—First Star Savings Bank, Bethlehem	Bethlehem	Application Withdrawn

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-20-99	Northwest Savings Bank Warren Warren County	2296 S. Market St. Elizabethtown Lancaster County	Opened
5-20-99	Northwest Savings Bank Warren Warren County	201 W. Main Street New Holland Lancaster County	Opened
5-22-99	Main Street Bank Reading Berks County	124 Main Street Phoenixville Cbester County	Opened
5-24-99	S & T Bank Indiana Indiana County	162 S. Second Ave. Clarion Clarion County	Authorization Surrendered
5-24-99	FirstService Bank Lansdale Montgomery County	200 Radcliff St. Bristol Bucks County	Opened
5-25-99	Fidelity Deposit and Discount Bank Dunmore Lackawanna County	4010 Birney Avenue Moosic Lackawanna County	Opened
5-26-99	Main Street Bank Reading Berks County	1504 S. Fourth Street Allentown Lehigh County	Opened
5-26-99	Main Street Bank Reading Berks County	3321 Willow Lane Macungie Lehigh County	Opened
5-26-99	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Gold Star Highway Shenandoah Schuylkill County	Opened
5-27-99	The Drovers & Mechanics Bank York York County	Northeast Quadrant of Pine Rd. & Route 382 Newberry Township York County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-28-99	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	<i>To:</i> 4900 Liberty Avenue Pittsburgh Allegheny County  <i>From:</i> 4800 Liberty Avenue Pittsburgh Allegheny County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
5-26-99	Susquehanna Trust Company (In Organization) Lititz Lancaster	To amend and restate the Articles of Incorporation to provide for a change in corporate title to "Susquehanna Trust & Investment Company;" and to revise the first board of directors.	Approved and Effective

**SAVINGS ASSOCIATIONS**  
**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-27-99	Chelten Hills Savings Association, Abington, and Resolute Savings and Loan Association, Philadelphia Surviving Institution—Chelten Hills Savings Association, Abington	Abington	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
5-26-99	Ambler Savings and Loan Association Ambler Montgomery County	Fort Washington Estates 1264 Fort Washington Ave. Fort Washington Montgomery County	Approved

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 99-933. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

Notice is given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Wednesday, June 23, 1999. The meeting will be held at 1 p.m. at the Westin William Penn Hotel, 530 William Penn Place, Pittsburgh, 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. 99-934. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Philadelphia College of Textiles and Science for Approval to Amend and Restate its Articles of Incorporation in Their Entirety

#### *Notice of Opportunity for Hearing and Invitation to Protest*

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Philadelphia College of Textiles and Science for a Certificate of Authority approving the institution's request to amend and restate its Articles of Incorporation in their entirety.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 15 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Any interested party desiring to initiate hearing procedures must file a notice of intervention, petition to intervene or protest and a request for hearing, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

All petitions to intervene, protest and request for hearing shall be filed with Dr. Warren D. Evans, Chartering/Governance/Accreditation Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-7572 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or

other accommodation to participate, should contact Dr. Evans at the listed phone number to discuss how the Department of Education may best accommodate their needs.

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 99-935. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### 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 Administrator has waived the right to review or object to this proposed permit action under the waiver provision of 40 CFR 123.6E.

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**PA 0055981.** Sewage, **Richard M. Bevilacqua, Jr., Bevilacqua Contracting, Inc.**, 6 Carey Drive, Ambler, PA 19002.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant in Perkiomen Township, **Montgomery County**. This is an existing discharge to an unnamed tributary of the East Branch of the Perkiomen 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, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0055972.** Sewage, **Benjamin Newman**, Plaza Apartments No. 526, 1250 Greenwood Avenue, Jenkintown, PA 19046.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant in Perkiomen Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to the East Branch of the Perkiomen 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, based on an average flow of 0.0005 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0055999.** Sewage, **Benjamin Newman**, Plaza Apartments No. 526, 1250 Greenwood Avenue, Jenkintown, PA 19046.

This application is for renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant in Perkiomen Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to the East Branch of the Perkiomen 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, based on an average flow of 0.0005 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

**PA 0088161.** Industrial waste, SIC: 5171, **Columbia Petroleum Corporation**, Box 278, Richland, PA 17087.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary of Mill Creek, in New Holland Borough, **Lancaster County**.

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

The proposed effluent limits for Outfall 001 for stormwater:

<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	

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

The EPA waiver is in effect.

**PA 0088072.** Stormwater, SIC: 4953, **Bridgeview, Inc.**, R. R. 1, Box 364, Morgantown, PA 19543.

This application is for issuance of an NPDES permit for a new discharge of stormwater to Hay Creek, in Robeson Township, **Berks County**.

The proposed effluent limits for Outfalls 001 through 010 are:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	monitor and report
COD	monitor and report
TSS	monitor and report
Total Phosphorus	monitor and report
Total Kjeldahl Nitrogen	monitor and report
Total Iron	monitor and report
Oil and Grease	monitor and report
pH	monitor and report

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

The EPA waiver is in effect.

**PA 0088064. Ruth Family Farms L.P.**, 357 Yorktown Road, Hershey, PA 17033.

Ruth Family Farms, L.P. has submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Perry Meadows Farm located on the north side of SR 3004, 2.7 miles west of SR 3006 in Jackson Township, **Perry County**. The CAFO is situated near an unnamed tributary to Sherman Creek, which is classified as High Quality-Cold Water Fish. Construction of new manure storage facilities is not proposed. The CAFO is designed to handle 1,277 animal equivalent units containing 2,800 sows, 3,500 piglets and 54 boars.

The existing manure storage facilities consist of two lined impoundments having a total capacity of 4 million gallons with a leak detection system meeting the requirements of the Department's Final Strategy for Meeting Federal Requirements for Controlling the Water Quality Impacts of Concentrated Animal Feeding Operations, 29 Pa.B. 1439 (March 13, 1999) (Final CAFO Strategy). There will be no release or discharge to waters of this Commonwealth under normal operating conditions. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations and the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit (Document No. 3620-PM-WQ00514) for the operation subject to the terms and conditions, effluent limitations, monitoring and reporting requirements specified in the draft permit.

The permit application and proposed draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit. The Administrator of EPA Region III may review or object to proposed NPDES permit actions.

Persons wishing to comment on the proposed permit are invited to submit written comments to the above address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name,

address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public response or interest significant.

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

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

**PA 0031321.** Sewage, **Brownsville Area School District**, R. D. 1, Box 202, Grindstone, PA 15442.

This application is for renewal of an NPDES permit to discharge treated sewage from the Redstone Junior High School STP in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunlap Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the California Water Company.

*Outfall 001:* existing discharge, design flow of .027 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0098817.** Sewage, **Hickory Land Development**, 669R Nelson Road, Farmington, PA 15437.

This application is for renewal of an NPDES permit to discharge treated sewage from the Hickory Land Corporation Apartments sewage treatment plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Meadow Run, which are classified as a high quality-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 North Fayette County M.A. located on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of .0049 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6			12
(11-1 to 4-30)	15			30
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.3			0.7
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

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

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0085511	West Hanover Township Water & Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112	Dauphin County West Hanover Township	UNT to Manada Creek	TRC
PA0086142	Washington Township Municipal Authority P. O. Box 421 Bally, PA 19503-0421	Berks County Washington Township	UNT to West Branch Perkiomen Creek	TRC

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

**Applications under the Pennsylvania Clean Streams Law**

**(Part II Permits)**

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. 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 proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received for industrial waste and sewage under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications, should contact Mary DiSanto at (717) 705-4732.*

**A. 3199401.** Sewage, submitted by **Cassville Water and Sewer Authority**, P. O. Box 48, Cassville, PA 16623, in Cass Township, **Huntingdon County** to construct a new sewage treatment plant to serve Cassville Borough was received in the Southcentral Region on May 7, 1999.



**A. 0596408 99-1.** Sewage, submitted by **Chestnut Ridge Area Joint Municipal Authority**, P. O. Box 202, Alum Bank, PA 15521, in East and West St. Clair Townships, **Bedford County** to construct a new sewage collection and pump station system to serve adjacent areas of the Phase I project was received in the Southcentral Region on May 13, 1999.

**A. 0195411 99-1.** Sewage, submitted by **Borough of Carroll Valley**, P. O. Box 718, Fairfield, PA 17320, in the Borough of Carroll Valley, **Adams County** to add a secondary wetland/absorption area to a permitted onlot sewage treatment system was received in the Southcentral Region on May 14, 1999.

**A. 6799404.** Sewage, submitted by **Red Lion Municipal Authority**, Center Square, Red Lion, PA 17356, in Red Lion Borough, **York County** to replace three pump stations was received in the Southcentral Region on May 12, 1999.

**A. 3699404.** Sewage, submitted by **East Cocalico Township Authority**, 100 Hill Road, P. O. Box 402, Reamstown, PA 17567, East Cocalico Township, **Lancaster County** to replace approximately 3.6 miles of main interceptor was received in the Southcentral Region on May 24, 1999.

**A. 3699403.** Sewage, submitted by **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County** to replace approximately 5,000 feet of existing sanitary sewer line was received in the Southcentral Region on May 24, 1999.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**A. 0299412.** Sewerage. **Department of the Army, Charles E. Kelly Support Facility**, 55 1LT Will Way, Oakdale, PA 15071-5501. Application for the renovation and operation of the existing WWTP which serves Site #63 located in South Fayette Township, **Allegheny County**.

**A. 6575418, Amendment No. 1.** Sewerage. **Laurelville Mennonite Association**, R. R. 5, Box 145, Mt. Pleasant, PA 15666. Application for the construction and operation of sewage treatment plant modifications located in Mt. Pleasant Township, **Westmoreland County**.

**A. 6599406.** Sewerage. **Rostraver Township Sewage Authority**, 202 Port Royal Road, Rostraver, PA 15012. Application for the construction and operation of the Collinsburg sewers and pump station and the Fellsburg pump station located in Rostraver Township, **Westmoreland County**.

## INDIVIDUAL PERMITS

(PAS)

### 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 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.

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.*

*Franklin County Conservation District, District Manager, 550 Cleveland Avenue, Chambersburg, PA 17201, (717) 264-8074.*

**NPDES Permit PAS-10-M073-R.** Stormwater. **White Rock Inc.**, 3720 Clubhouse Drive, Fayetteville, PA 17222, has applied to discharge stormwater from a construction activity located in Guilford Township, **Franklin County**, to Conococheague and Antietam Creek.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W. 3rd St., Suite 101, Williamsport, PA 17701, (717) 327-3574.*

*Clinton County Conservation District, 36 Spring Run Rd., Mill Hall, PA 17751, (570) 726-3798.*

**NPDES Permit PAS101915.** Stormwater. **James H. and Robert Mcquire**, P. O. Box 400, McElhattan, PA 17748, have applied to discharge stormwater from a construction activity located in Lamar Township, **Clinton County** to Long Run.

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

**NPDES Permit PAS10W076.** Stormwater. The **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106, has applied to discharge from a

construction activity located in Carroll and Nottingham Townships, **Washington County** to Pigeon Creek, Dry Run and Mingo Creek.

## SAFE DRINKING WATER

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

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

**3599502.** Public water supply. **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. David R. Kaufman, Oper Manager, 20 East Union Street, Wilkes-Barre, PA 18701. This proposal involves an extension to the existing PAWC system that services a large portion of **Lackawanna County**. The project will serve the PEI Power Park, to provide the necessary pressure to serve the PEI Power Park. Water will be taken from the existing White Oak Finished Water Storage Tank (1mg) and pumped to the new Salem Mountain finished water tank by way of a 16" water main. The Salem Mountain Water Tank (05.mg) feeds the PEI Power Park by gravity. The elevation difference from the White Oak Water Tank to the Salem Mountain Water Tank is approximately 300 feet. Thus, the booster station is required to adequately maintain the new Salem Mountain Water Tank. *Engineer:* John F. David, CECO Associates, Inc.

**5499502.** Public water supply. **Schuylkill County Municipal Authority**, Tremont Community Water System, David J. Holley, General Manager, Schuylkill County Municipal Authority, 221 South Centre Street, Pottsville, PA 17901. This proposal involves the construction and tie-in of a new well source along with construction of a new booster pump station and transmission line. Engineering drawings indicate two stream crossings. It is located in Tremont Borough, **Schuylkill County**. *Engineer:* William K. Corliss, P.E., Gannett Fleming, Inc.

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

**A. 1099502.** Public water supply. **LMR Enterprises**, P. O. Box 81, Herman, PA 16039. This proposal involves the addition of corrosion control treatment equipment for the water treatment at Hy-Vue Acres Mobile Home Park in Summit 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 standard, 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 a 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.*

**Ashland Chemical (Formerly American National Can)**, Falls Township, **Bucks County**. Brian FitzPatrick, QST Environmental, 5205 Militia Hill Road, Plymouth Meeting, PA 19462, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on May 6, 1999.

**Elf Atochem North America, Inc., Technical Center**, Upper Merion Township, **Montgomery County**. Mark Piazza, Elf Atochem North American, Inc., 2000 Market Street, 19th Floor, Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate site soil contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX 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 May 14, 1999.

**7500 State Road Property**, City of Philadelphia, **Philadelphia County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 18, 1999.

**Pennsylvania College of Optometry**, City of Philadelphia, **Philadelphia County**. Michael Williams, Clayton Services Corp., 1201 Bethlehem Pike, Suite 105, North Wales, PA 19454, has submitted a Notice of Intent to Remediate site soil contaminated with 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 *Philadelphia Daily News* on May 19, 1999.

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

**BRW Realty, Inc. (former Blue Ridge Winkler Textile plant)**, Bangor Borough, **Northampton County**. Stephen Skrapits, President, BRW Realty, Inc., 700 Savage Road, Suite 7, Northampton, PA 18067, has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with petroleum hydrocarbons and PCBs. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was published in *The Express Times*.

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

**New Holland Manufacturing Facility**, New Holland Borough, **Lancaster County**. New Holland North America, 500 Diller Avenue, New Holland, PA 17557, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era/Intelligencer Journal* on April 16, 1999.

**Royer Tract**, South Middleton Township, **Cumberland County**. BL TETHYS LLC, 2407 Park Drive, Harrisburg, PA 17110, has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the background standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Carlisle Sentinel* on April 2, 1999.

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

**Marino Brothers Scrap Yard**, Rochester Borough, **Beaver County**. William G. Weir, Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, and Rochester Borough, 300 West Park, Rochester, PA 15074, have submitted a Notice of Intent to Remediate soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and 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 *Beaver County Times* on May 21, 1999.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Nonmajor Sources and Modifications

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

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

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

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

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

#### OPERATING PERMITS

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

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

**39-313-037A: Fluoro-Seal, Inc.** (16360 Park 10 Place No. 325, Houston, TX 77084), for operation of a materials batch reactor in Hanover Township, **Lehigh County**.

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

**06-320-001B: Chiyoda America, Inc.** (P. O. Box 470, Morgantown, PA 19543-0470), for a surface coating operation controlled by two thermal oxidizers in Caernarvon Township, **Berks County**.

**07-05001A: Appleton Papers Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673), for operation of the No. 2 and No. 3 paper machines air flotation drying ovens at the Spring Mill in Roaring Spring Borough, **Blair County**.

**21-2005A: Pennsylvania Department of Corrections, State Corrections Institute Camp Hill** (2520 Lisburn Road, Camp Hill, PA 17001), for operation of a baghouse to control three boilers in Lower Allen Township, **Cumberland County**.

**38-313-020A: Lebanon Chemical Corp.** (1600 East Cumberland Street, Lebanon, PA 17042), for operation of a fertilizer drying system and two pug mills in South Lebanon Township, **Lebanon County**.

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

**OP-04-00052: Cutler-Hammer, Inc.** (1 Tuscarawas Road, Beaver, PA 15009), for operation of switchgear/switchboard devices at Power Distribution Components Division in Vanport Township, **Beaver County**.

**OP-63-00621: Accutrex Products, Inc.** (112 Southpointe Blvd., Canonsburg, PA 15317), for operation of surface coating in Cecil Township, **Washington County**.

**OP-65-00627: Seton Hill College** (Seton Hill Drive, Greensburg, PA 15601), for operation of college in Greensburg, **Westmoreland County**.

**OP-56-00252: Frances L. Hauger** (R. D. 1, Berlin, PA 15530), for operation of animal crematory incinerator in Jefferson Township, **Somerset County**.

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#### 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.*

**05-05005: Bedford Materials Co., Inc.** (P. O. Box 657, Bedford, PA 15522), in Napier Township, **Bedford County**. The facility is a manufacturer of flexible insulating materials. The operation primarily emits volatile organic compounds (VOC).

**28-05014: Jerr Dan** (1080 Hykes Road, Greencastle, PA 17225), in Antrim Township, **Franklin County**. The facility's major sources of emissions include three paint booths which primarily emit VOC.

**31-05002: Owens Corning** (One Owens Corning Parkway, Toledo, OH 43659), in Huntingdon Borough, **Huntingdon County**. The facility is a manufacturer of continuous filament fiberglass mat. The operation primarily emits HAPs and VOCs.

**67-05014: York Group, Inc.** (2880 Blackbridge Road, York, PA 17402), in Manchester Township, **York County**. The facility is a manufacturer of burial caskets. The operation primarily emits VOCs and HAPs.

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

**TVOP-59-00003: Osram Sylvania Products, Inc.** (One Jackson Street, Wellsboro, PA 16901), for their incandescent lightbulb facility located in Wellsboro Borough, **Tioga County**. The facility's major sources include a regenerative glass furnace, natural gas-fired boilers, a ceramic coating process, a chrome plating operation, solvent processes and several natural gas-fired processes. These sources emit major quantities of nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), hazardous air pollutants (HAPs) and particulate matter. As a result of the major quantities of NO<sub>x</sub>, SO<sub>x</sub>, HAPs and particulate matter emitted, the Osram Sylvania Products, Inc. facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The sources also emit carbon monoxide (CO) and volatile organic compounds (VOCs). This facility is also subject to all applicable requirements of Maximum Achievable Control Technology (MACT) as specified in 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks and Reasonably Available Control Technology (RACT) for NO<sub>x</sub> emissions.

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#### Notice of Intent to Issue Title V Operating Permits Including Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators

The Department of Environmental Protection (Department) intends to issue a Title V operating permit under the Air Pollution Control Act and the section 111(d)/129 Emission Guidelines (EG) specified in 40 CFR Part 60, Subpart Ce. These Emission Guidelines, incorporated by reference in 25 Pa. Code § 122.3, apply to all existing hospital/medical/infectious waste incinerators (HMIWIs) that commenced construction on or before June 20, 1996. The following Title V facility is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Article III including Chapter 127,

Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements).

**TVOP 14-00003. The Pennsylvania State University.** University Park Campus, State College, **Centre County.** *Primary Emissions:* Sulfur oxides (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), hazardous air pollutants (HAPs), volatile organic compounds (VOC) and particulate matter. *Affected HMIWI Unit:* Source ID. 120, Incinimite, hospital/medical/infectious waste incinerator, 600 pounds/hour.

*Other Sources:* Four bituminous coal-fired boilers having natural gas and #2 fuel oil cofiring capability, several #2 fuel oil/natural gas-fired boilers, space heaters, emergency generators, surface coating operations and other miscellaneous sources.

Copies of the Title V application, proposed permit and other relevant information are available for public inspection at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. An appointment to review the documents must be made by calling (570) 327-3693, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V operating permit to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512, 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 permit number of the proposed Title V operating permit. The commentator should include a concise statement of objections to the issuance of the permit 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 the hearing at least 30 days prior to the date of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

The final Title V operating permit will contain all of the applicable requirements that apply to stationary air contamination sources at the Pennsylvania State University. The applicable requirements include the section 111(d)/129 requirements for HMIWI facilities.

#### PLAN APPROVALS

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

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

**35-301-039: Finch Hill Veterinary Clinic** (436 Route 106, Greenfield Township, PA 18407), for construction of an animal crematory in Greenfield Township, **Lackawanna County.**

**39-313-029E: Carpenter Insulation Co.** (57 Olin Way, P. O. Box 129, Foglesville, PA 18051), for modification of the polystyrene manufacturing operation in Upper Macungie Township, **Lehigh County.**

**45-318-030: Custom Designs and Mfg. Co., Inc.** (Harvest Lane, P. O. Box 216, Pocono Summit, PA 18346), for construction of a wood paint spray operation in Tobyhanna Township, **Monroe County.**

**48-328-004: Mount Bethel Energy LLC** (Two North Ninth Street, GENTW-8, Allentown, PA 18101), for construction of an electric power generation plant in accordance with the prevention of significant deterioration regulations (PSD) on Depues Ferry Road, Lower Mount Bethel Township, **Northampton County.**

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

**PA-28-05021: Lane Construction Corp.** (P. O. Box 215, Willow Hill, PA 17271), for installation of a portable drum mix asphalt plant powered by a diesel powered generator set at the Dry Run Quarry in Fannett Township, **Franklin County.** This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**36-03076A: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506), for installation of a pulverizing mill at the Weaverland Quarry in East Earl Township, **Lancaster County.**

**67-304-027B: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, Hanover, PA 17331), for installation of a blast cabinet in Hanover Borough, **York County.**

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

**PA-04-003A: P. F. Environmental, Inc.** (1135 Butler Avenue, New Castle, PA 16101), for installation of rotary dryer at Kabuta Plant in Potter Township, **Beaver County.**

**PA-04-700A: Mansell Industrial Services** (1755 Pennsylvania Avenue, Monaca, PA 15061), for installation of rotary dryer at Industry Plant in Industry Borough, **Beaver County.**

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

**PA-10-037A: Witco Corp.** (100 Witco Lane, Petrolia, PA 16050), for postconstruction of hydrogen unit flash drum which is controlled by the first stage flare in Fairview Township, **Butler County.**

**PA-10-037B: Witco Corp.** (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the D-204 fractionator vent in Fairview Township, **Butler County.**

**PA-10-037C: Witco Corp.** (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the V-63 low-pressure spray chamber in Fairview Township, **Butler County.**

**PA-10-037D: Witco Corp.** (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the Lo-Cat hydrogen recovery unit vent V-64 in Fairview Township, **Butler County.**

**PA-10-037E: Witco Corp.** (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the H-1 feed heater in Fairview Township, **Butler County.**

**10-312-013A: Witco Corp.** (100 Witco Lane, Petrolia, PA 16050), for postconstruction of the H-2 stripper heater in Fairview Township, **Butler County.**

**61-00181: Scrubgrass Generating Co. LP** (Box 238, Kennerdell, PA 16374), for installation of SNCR controls

on two coal fired units on Lisbon Road in Kennerdell Township, **Venango County**.

**Notice of Intent to Issue  
Plan Approval No. 18-322-001B**

Jersey Shore Steel Co. (P. O. Box 5055, Jersey Shore, PA 17740), has submitted an application to the Department of Environmental Protection (Department) for approval to construct a steel reheat furnace in Pine Creek Township, Clinton County. The information provided by the applicant and the Department's own analysis indicates that this reheat furnace may potentially result in the emission of 0.7 ton per 12 consecutive month period of non-methane organic compounds, 17.5 tons per 12 consecutive month period of sulfur oxides, 60.4 tons per 12 consecutive month period of nitrogen oxides (expressed as NO<sub>2</sub>), and 8.7 tons per 12 consecutive month period of carbon monoxide. A preliminary review of the information submitted by the Jersey Shore Steel Company indicates that the proposed construction will meet all applicable air quality requirements. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the proposed reheat furnace.

To ensure compliance with all applicable standards, the Department proposes to place the following conditions in the respective plan approval:

1. The reheat furnace is to be constructed in accordance with the plans submitted with the application (as approved herein).
2. This plan approval is issued for the construction of a 55,000,000 BTU/hour Bricmont, Inc. walking hearth reheat furnace.
3. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the only fuels to be fired in the reheat furnace shall be:
  - a. Natural gas;
  - b. No. 2 fuel oil with a sulfur content never to exceed 0.1% by weight;

c. Landfill gas generated from the Wayne Township Landfill;

or any combination of these fuels. Additionally, no reclaimed or waste oil or other waste material shall ever be fired in the respective reheat furnace.

4. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, during furnace startup no landfill gas shall be combusted in the furnace until the furnace's outlet temperature is at least 1,600°F.

5. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the furnace shall be equipped with a continuous temperature monitoring and recording device that shall accurately monitor and record the furnace's outlet temperature during any time landfill gas is combusted in the furnace.

6. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the furnace's landfill gas feeding system shall be interlocked with the furnace's temperature monitoring and recording system such that the flow of landfill gas shall be automatically shut off should the furnace's outlet temperature drop below 1,600°F. During any time that any amount of landfill gas is being combusted in the furnace, the landfill gas shall be subjected to a furnace outlet temperature of at least 1,600°F.

7. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, during any time that the furnace is combusting landfill gas, the furnace shall provide a non-methane organic compound destruction efficiency of at least 98%.

8. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the reheat furnace shall never exceed the following emissions limitations for nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>), carbon monoxide (CO) and non-methane organic compounds (NMOCs):

*Emission Limits for:*

<i>NO<sub>x</sub></i>	<i>CO</i>
0.235 lb/mm Btu	35 lbs/mm ft <sup>3</sup>
0.243 lb/mm Btu	5 lbs/1,000 gal
0.251 lb/mm Btu	17 lbs mm ft <sup>3</sup>

lbs/mm Btu = pounds per million Btu  
 lbs/mm ft<sup>3</sup> = pounds per million cubic feet of fuel  
 lbs/1000 gal = pounds per thousand gallons of fuel

<i>NMOCs</i>	<i>When Firing:</i>
2.8 lbs/mm ft <sup>3</sup>	natural gas
0.2 lbs/1000 gal	#2 fuel oil
1.2 lbs/mm ft <sup>3</sup>	landfill gas

9. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the reheat furnace shall never exceed the following emissions limitations:

<i>Contaminant</i>	<i>Limit (tons per 12 consecutive month period)</i>
NO <sub>x</sub>	60.4
SO <sub>x</sub>	17.5
Carbon Monoxide	8.7
Non-methane Organic Compounds	0.7

10. The company shall upon Department request provide fuel analyses or fuel samples of the fuels used in the aforementioned furnace.

11. The company shall maintain comprehensive accurate records of the following:

- a. The volumes of natural gas, no. 2 fuel oil and landfill gas burned in the furnace on a monthly basis.
- b. The furnace outlet temperature including the dates and times the recordings were made.
- c. The dates and times that any landfill gas was burned in the reheat furnace.

12. Within 120 days of startup of the reheat furnace, the company shall perform stack testing upon the reheat furnace's exhaust for nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>) while being fired on natural gas, no. 2 fuel oil and landfill gas (one set of tests per fuel type) and shall additionally perform non-methane organic compound test-

ing to demonstrate compliance with the destruction efficiency requirement specified in condition 7. All testing shall be performed using reference method test procedures while the respective furnace is operating at the maximum capacity at which it will ever be operated.

13. At least 60 days prior to the performance of any testing required by condition 12 a pretest plan shall be submitted to the Department for evaluation. This test plan shall contain the specific testing and analytical procedures to be used in performing the testing.

14. The Department shall be given at least 14 days advance notice of the specific dates and times for the performance of any testing required by condition 12 so that Department personnel can arrange to be present. The Department is under no obligation to accept the results of any testing performed without adequate advance notice having been given to the Department.

15. Within 60 days of completion of any testing required by condition 12, two copies of the test report shall be submitted to the Department. The report shall contain results of the testing, a description of the testing and analytical procedures actually used, all furnace operating data collected during the tests, a copy of all raw test data and a copy of the calculations generated during the data analysis.

16. Issuance of an operating permit for the aforementioned sources is contingent upon the sources being constructed, maintained and operated as described in the application and supplemental materials submitted for plan approval, as well as in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminants emitted from the sources are in compliance with the requirements specified in any condition contained herein as well as in compliance with the requirements specified in, or established under any applicable rule or regulation contained in 25 Pa. Code Article III.

17. The company shall immediately notify the Department of any malfunction of the sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation contained in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

18. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

a. The Department must receive written notice from the owner or operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when the operator expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an operating permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of

commencement of operation, provided the Department receives notice from the owner or operator under subpart (a), above.

d. The owner or operator may request an extension if compliance with all applicable regulations and plan approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

e. The notice submitted by the owner or operator under subpart (a), above, prior to the expiration of this plan approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

19. Any notification required as a result of any condition herein should be directed to: John Twardowski, Air Pollution Control Engineer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6523.

The incorporation of the above-referenced conditions into the plan approval is intended to do one or more of the following:

1. Identify the source and location.
2. Establish allowable air contaminant emission rates and source operating requirements.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Help ensure proper operation and adequate maintenance of the air contamination source.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the address listed.

Persons wishing to protest the issuance of this plan approval or provide the Department with additional information which the individual believes should be considered prior to the issuance of the plan approval may submit the information to the Department at the address listed. All protests or comments must be received by the Department no later than 30 days after the publication of this notice. Each written protest or comment shall include the following: name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval No. 18-322-001B, and concise statements regarding the relevancy of the comments or any protests to the issuance of the plan approval.

A public hearing may be held, if the Department in their discretion, decides that such a hearing is warranted based on the information received. Persons submitting protests or comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the county in which the source is to be located or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification by telephone is sufficient. All requests for a hearing must be received by the Department no later than 30 days after publication of this notice.

Written protests, comments or requests for a public hearing should be directed to David W. Aldenderfer, Regional Air Quality Program Manager, Department of Environmental Protection, Northcentral Region—Field

Operations, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3648.

For additional information regarding the Department's analysis of the plan approval application, contact John Twardowski, Air Pollution Control Engineer, Air Quality Program, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6523.

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY**

**(RACT)**

**Public Hearing**

**Peoples Natural Gas Co.**

**Mercer County**

The Department of Environmental Protection (Department) will conduct a public hearing on Tuesday, July 6, 1999, beginning at 1 p.m. in the Air Quality conference room at the Meadville Regional Office located at 230 Chestnut Street.

The hearing is for the Department to accept testimony concerning its decision to approve, with conditions, the revised Reasonably Available Control Technology (RACT)

<i>Source</i>	<i>Control</i>	<i>Emission Limit</i>
660 BHP HRA-6 Engine #1	Plasma Ignition	20#/hr, 87.6 TPY NOx 3.37#/hr, 14.75 TPY VOC
660 BHP HRA-6 Engine #2	Plasma Ignition	20#/hr, 87.6 TPY NOx 3.37#/hr, 14.75 TPY VOC
660 BHP HRA-6 Engine #3	Plasma Ignition	20#/hr, 87.6 TPY NOx 3.37#/hr, 14.75 TPY VOC
82 BHP Standby Generator	Presumptive	
65 BHP Air Compressor	Presumptive	
1 MMBTU/hr Indirect Gas Heater	Presumptive	
32,000 BTU Hot Water Heater #1	Presumptive	
32,000 BTU Hot Water Heater #2	Presumptive	
40,000 BTU Furnace	Presumptive	
150,000 BTU Heater No. 1	Presumptive	
125,000 BTU Heater No. 2	Presumptive	
Glycol Dehydrator		
Vent Lines		
Fugitive emissions from Leaks		

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revisions. The public hearing is scheduled at the DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335, on Tuesday, July 6, 1999, 1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Matthew Williams, Air Pollution Control Engineer, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations

plans by: Peoples Natural Gas Co., Truittsburg Station (625 Liberty Avenue, Pittsburgh, PA 15222) in Redbank Township, Mercer County, to meet the requirements under 25 Pa. Code §§ 129.91—129.95 (RACT), concerning the emissions of oxides of nitrogen (NOx) and volatile organic compounds (VOC) from various air contamination sources. The final RACT proposals will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

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

The preliminary RACT determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facilities and will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

The following is a revised summary of the preliminary NOx/VOC RACT determination for Peoples Natural Gas Co.:

to do so should contact Matthew Williams at (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Matthew Williams, Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office. Appointments for scheduling a review must be made by calling the contact person noted previously.



**Public Hearing**  
**Molded Fiber Glass Companies**  
**Erie County**

Notice is given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department of Environmental Protection (Department) intends to issue a RACT approval to Molded Fiber Glass Companies (MFG) for their plant in Union City, Erie County. The facility has a Title V Operating Permit No. TV-25-00035. This RACT approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

A public hearing will be conducted on July 27, 1999, beginning at 1 p.m. in the Air Quality conference room at the Meadville Regional Office located at 230 Chestnut Street. The hearing is for the Department to accept

testimony concerning its decision to approve, with conditions, the Reasonably Available Control Technology (RACT) plans by: Molded Fiber Glass Companies, 55 Fourth Avenue, Union City, PA 16438.

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

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

The following is a revised summary of the preliminary VOC RACT determination for the above listed facility:

*Process*

*RACT VOC Emission Limits*

Open Molding:

Spray-up/Lay-up and Gel Coating

Maximum 45% VOC content of resins and gelcoats, as applied, averaged monthly over all resins and gelcoats used.

Closed Molding:

The use of closed molding technology, or newer technologies that emit less VOCs; and

Preform machines shall use water-based binder materials, or materials that contain less VOC than water-based technology.

Surface Coating:

20.0-tons VOC/year based on 12-month rolling total

4.0 lbs-VOC/gallon of coating/month, as applied, averaged over all coatings used.

For the above facility, a public hearing will be held for the purpose of receiving comments on the above proposed operating permit and the proposed SIP revisions. The public hearing is scheduled at the DEP Meadville Regional Office, Air Quality Conference Room, 230 Chestnut Street, Meadville, PA 16335, on July 22, 1999, 1 p.m. to 3 p.m.

Persons wishing to present testimony at the hearing should contact Robert Huston, Air Pollution Control Engineer, DEP, 230 Chestnut Street, Meadville, PA 16335-3494, (814) 332-6940 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony are required. Each organization is requested to designate one witness to present testimony in its own behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Robert Huston at (814) 332-6940 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing but wish to comment should provide written comments to Robert Huston, Air Pollution Control Engineer, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents (applications, review memos and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office. Appointments for scheduling a review must be made by calling the contact person noted previously.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's

newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

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

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

**56803093.** Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 79.6 acres, receiving stream unnamed tributaries to Buffalo Creek. Application received May 24, 1999.

**56723082.** Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley and Somerset Townships, **Somerset County**, affecting 55.4 acres, receiving stream unnamed tributary to Kimberly Run. Application received May 24, 1999.

**56930113.** Permit Renewal, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting 52.7 acres, receiving stream unnamed tributaries to Laurel Run and Tubs Run. Application received May 25, 1999.

**56663094.** Permit Renewal, **Croner, Inc.** (P. O. Box 157, Berlin, PA 15530), commencement, operation and restoration of bituminous-auger mine in Brothersvalley Township, **Somerset County**, affecting 182.0 acres, receiving stream unnamed tributaries to Blue Lick Creek and to Blue Lick Creek. Application received May 26, 1999.

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

**65890104R. Purco Coal, Inc.** (22 Van Voorhis Lane, Monongahela, PA 15063). Renewal application received for continued operation and reclamation of a bituminous surface mine located in South Huntingdon Township, **Westmoreland County**. Receiving streams: unnamed tributary to the Youghiogheny River and unnamed tributary to Barren Run to Jacobs Creek to the Youghiogheny River. Renewal application received: May 21, 1999.

**26713049R. Luzerne Coal Corporation** (200 Neville Road, Pittsburgh, PA 15225). Renewal application received for continued reclamation and discharge treatment on an existing bituminous surface mine located in Luzerne Township, **Fayette County**. Receiving streams: Minnow Run to the Monongahela River. Renewal application received May 21, 1999.

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

**17990111. Larry D. Baumgardner Coal Co., Inc.** (P. O. Box 186, Lanse, PA 16849), commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 93.3 acres. Receiving streams: Little Laurel Run, Laurel Run. Application received May 17, 1999.

**17990112. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 128 acres. Receiving streams: Banion Run and unnamed tributaries to Banian Run. Application received May 26, 1999.

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

**16940103. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701). Renewal of an existing bituminous surface strip, tipple refuse disposal, coal ash placement and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 764.0 acres. Receiving streams: Unnamed tributary to the Allegheny River, unnamed tributary to the Clarion River, Dunlap Creek to the Allegheny River. Application received May 24, 1999.

**37820108. Ambrosia Coal & Construction Co.** (R. D. 1, Edinburg, PA 16116). Renewal of an existing bituminous surface strip operation in North Beaver Township, **Lawrence County**, affecting 225.0 acres. Receiving streams: Unnamed tributaries to Sugar Creek to Honey Creek to North Fork Little Beaver Creek. Application for reclamation only. Application received May 28, 1999.

**16880104. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous surface and tipple refuse disposal operation in Limestone, Monroe and Porter Townships, **Clarion County**, affecting 156.2 acres. Receiving streams: One unnamed tributary to Sloan Run, one unnamed tributary to Parsons Run to Piney Creek to the Clarion River to the Allegheny River. Three unnamed tributaries to Leatherwood Creek to Redbank Creek to the Allegheny River. Application for reclamation only. Application received May 28, 1999.

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

**54820201C. Robert Shewokis** (400 Valley Street, New Philadelphia, PA 17959), correction to an existing coal refuse reprocessing operation in New Philadelphia Borough, **Schuylkill County** affecting 52.1 acres, receiving stream—none. Application received May 25, 1999.

**40920102R. Susquehanna Coal Company** (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634), renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County** affecting 1,325.0 acres, receiving stream—none. Application received May 28, 1999.

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

*Noncoal Applications Received*

**09890301C7. Naceville Material** (c/o Miller & Son Paving, Inc., 1371 West Street Road, P. O. Box 161, Warminster, PA 18974), renewal of NPDES Permit No. PA0594466 in West Rockhill Township, **Bucks County**, receiving stream—unnamed tributary to Ridge Valley Creek. Application received May 20, 1999.

**06920301C. Martin Stone Quarries, Inc.** (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit No. PA0595641 in Washington Township, **Berks County**, receiving stream—unnamed tributary to Swamp Creek. Application received May 25, 1999.

**6875SM3C. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit No. PA0612383 in Armagh Township, **Mifflin County**, receiving stream—Honey Creek. Application received May 28, 1999.

**7475SM4C3. Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064), renewal of NPDES Permit No. PA0121592 in Upper and Lower Nazareth Townships, **Northampton County**, receiving stream—unnamed tributary to East Branch Monocacy Creek. Application received May 28, 1999.

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

*Large Industrial Mineral (Noncoal) Permit Applications Received*

**4474SM14. New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664), renewal of an existing NPDES permit located in Bradford Township, **Clearfield County** affecting 39 acres. Receiving streams: unnamed tributary to Moravian Run. Application received May 12, 1999.

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

*Small Industrial Minerals Applications Received*

**32992801. John P. Shawley** (R. D. 1, Box 93A, Saltsburg, PA 15681), in Conemaugh Township, **Indiana County**, affecting 14.7 acres. Receiving stream Blacklegs Creek. Application received May 24, 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 object-

ing to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

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

**E40-525. Encroachment. David E. and Denise J. Puterbaugh**, 55 Tanager Way, Mountaintop, PA 18707-1845. To place fill in a de minimis area of wetlands equal to 0.02 acre within the drainage basin of Little Wapwallopen Creek (CWF) for the purpose of addressing a stormwater drainage issue on a residential lot. The project is located on Lot 23, Woodland Estates, Wilkes-Barre West, (PA Quadrangle N: 4.8 inches; W: 6.5 inches), Rice Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

**E45-375. Encroachment. William J. and Eileen A. Burke**, 1930 SW Seventh Street, Boca Raton, FL 33486. To place fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of constructing a single-family home on a 0.34-acre lot. The project is located on Lot 3, Unit 3, Section 6, along the south side of Hillcrest Drive in Lake Naomi Estates (Pocono Pines, PA Quadrangle N: 21.1 inches; W: 8.8 inches) Tobyhanna Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

**E64-203. Encroachment. Fred and Barbara Pingel**, R. R. 2, Box 2373, Beach Lake, PA 18405. To fill a 0.25 acre spring-fed artificial pond for the purpose of eliminating a potential safety hazard to children living in a nearby residence; and to construct and maintain a 12-inch outfall to a second-order tributary to the Delaware River (HQ-CWF). The project is located on the north side of T-519, approximately 300 feet west of the intersection of T-519 and T-626 (Narrowsburg, NY-PA Quadrangle N: 22.3 inches; W: 10.3 inches), Damascus 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.*

**E01-207. Encroachment. Conewago Enterprises, Inc.**, 660 Edgegrove Road, P. O. Box 407, Hanover, PA 17331. To place fill in 0.96 acre of wetlands to develop a lumber processing facility at the abandoned Glen Gary Brick property located south of Brickcrafters Road and west of Fleshman Mill Road (McSherrystown, PA Quadrangle N: 21.5 inches; W: 12.5 inches) in Mount Pleasant Township, **Adams County**. Permittee proposed to provide 2.63 acres of replacement wetlands.

**E21-291.** Encroachment. **Penn Township**, 1301 Centerville Rd., Newville, PA 17241. To construct and maintain a composite steel rolled I-beam bridge having a clear span of 48 feet with an underclearance of 18.62 feet over Yellow Breeches Creek (CWF) on T-344 (Farm Road) located in Hockersville Village (Dickinson, PA Quadrangle N: 18.1 inches; W: 14.2 inches) in Penn Township, **Cumberland County**.

**E36-675.** Encroachment. **Manheim Boro Authority**, 20 E. High Street, Manheim, PA 17545. To construct and maintain two 6-foot diameter off-stream overflow pipe culverts placed adjacent to the left side of the existing Rettew Lane bridge over Chickies Creek (WWF) at the Manheim Borough Wastewater Treatment Plant. The project's purpose is to increase the discharge capacity at Rettew Lane and reduce the upstream 100-year floodplain limits along Chickies Creek and Rife Run. The project will temporary impact a de minimis area of 0.026 acre of wetlands during the minor grading along the east bank of Chickies Creek to construct the overflow area. The project is located (Manheim, PA Quadrangle N: 5.25 inches; W: 4.25 inches) in both Penn Township and Manheim Borough, **Lancaster County**.

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

**E14-344.** Encroachment. **Al Hamilton Contracting Company**, R. R. 1, Box 87, Woodland, PA 16881. The applicant proposes to realign, operate and maintain the channel of an unnamed tributary to Mountain Branch (Cold Water Fishery) for the construction of an acid mine drainage abatement facility. The realignment work shall consist of constructing 970 feet of stream channel which will permanently impact 0.47 acre of existing wetland and 1,101 feet of existing waterway. The project is located along the eastern right-of-way of S. R. 0253, approximately 1.8 miles southeast of T-650 and S. R. 2007 intersection (Houtzdale, PA Quadrangle N: 7.4 inches; W: 11.2 inches) in Rush Township, **Centre County**. The project will permanently impact 0.47 acre of wetland which shall be mitigated with onsite replacement wetlands.

**E14-345.** Encroachment. **Linda Claar**, P. O. Box 63, Woodward, PA 16882. To construct, operate and maintain an agricultural crossing in an unnamed tributary to Pine Creek—an Exceptional Value Waterway. The agricultural crossing shall be constructed with a single culvert pipe that will have a minimum diameter of 24 inches and a length of 20 feet that will not impact wetlands while impacting 20 feet of waterway. The agricultural crossing is located along the northern right-of-way of SR0045 approximately 0.4 mile north of Pine Creek Road and SR0045 intersection (Millheim, PA Quadrangle N: 6.3 inches; W: 1.4 inches) in Haines Township, **Centre County**. This permit does not authorize any activity to be conducted in wetlands.

**E14-347.** Encroachment. **The Pennsylvania State University**, Office of Physical Plant, 101P Physical Plant Building, University Park, PA 16802. To remove an existing structure; (1) construct, operate and maintain a single cell stream enclosure of an unnamed tributary to Slab Cabin Run; and (2) construct, operate and maintain a foot bridge across wetlands associated to Slab Cabin Run. The unnamed tributary to Slab Cabin Run is designated as a Cold Water Fishery. The stream enclosure shall be constructed with 125-feet of horizontal elliptical reinforced concrete pipe (HERCP) that will have a rise of 32 inches and a span of 49 inches; and 100 feet of HERCP

that will have a rise of 14 inches and a span of 23 inches. The footbridge shall be constructed with a span of 80 feet and a width of 10 feet. The project will not permanently impact wetlands while impacting 225 feet of waterway that is located along the northern right-of-way of SR 0026 approximately 2,000 feet north of SR 3012 and SR 0026 intersection (State College, PA Quadrangle N: 11.25 inches; W: 13.00 inches) in College Township, **Centre County**.

**E53-327.** Encroachment. **Independence Pipeline Company**, 500 Renaissance Center, Detroit, MI 18243-1904. To install, operate and maintain a 36-inch diameter high pressure pipeline beneath Hunting Shanty Brook (High Quality-Cold Water Fishery); an unnamed tributary to Hunting Shanty Brook (High Quality-Cold Water Fishery); Bailey Run (Exception Value); First Fork, Sinnemahoning Creek (High Quality-Cold Water Fishery); Right Branch, Lushbaugh Run (Exceptional Value); four unnamed tributaries to Right Branch, Lushbaugh Run (Exceptional Value); Calhoun Branch, Trout Run (Exceptional Value); Summerson Branch, Trout Run (Exceptional Value); and wetlands associated with these respective streams for the conveyance of natural gas. The 36 inch natural gas pipeline shall be installed within the stream in the dry and at a minimal depth of 3.0 feet that will impact 110 linear feet of waterway and temporarily impact 0.4 acre of wetland. The project is located along the eastern and western right-of-way of SR 0872 approximately 1,500 feet north of East Fork Road and SR 0872 intersection (Wharton, PA Quadrangle N: 6.1 inches; W: 3.8 inches) in Portage Township and Wharton Township, **Potter County**. All impacts to the 0.40 acre of wetland shall be temporary and no mitigation will be required.

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

**E65-725.** Encroachment. **True Line Corporation**, 470 Old Frankstown Road, Monroeville, PA 15146. To place and maintain fill in 0.37 acre of wetlands (PEM) for the purpose of lot development and to construct 0.55 acre of replacement wetlands. The project is located off of School Street (Mt. Pleasant, PA Quadrangle N: 19.6 inches; W: 15.5 inches) in the Borough of New Stanton, **Westmoreland County**.

**E11-277.** Encroachment. **Borough of Cresson Municipal Authority**, P. O. Box 75, Cresson, PA 16630-0075. To expand and maintain the Cresson Borough Wastewater Treatment Plant and to construct and maintain an access roadway along an unnamed tributary to Little Conemaugh River (CWF) with the potential impact on 0.24 acre of wetlands (PEM). The project is located southwest of the intersection of S. R. 22 and S. R. 53 (Cresson, PA Quadrangle N: 15.3 inches; W: 13.5 inches) in Cresson Township, **Cambria County**.

**E26-255.** Encroachment. **Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401-1030. To remove the deck and superstructure of Fayette County Bridge No. 11 having a span of 12.3 feet and an underclearance of 4 feet and to construct and maintain new deck and superstructure across Ramcat Run (CWF) located on T-880 (Ramcat Hollow Road) at a point approximately 0.5 mile south of the intersection of T-880 and T-892 (Ohiopyle, PA Quadrangle N: 12.9 inches; W: 1.3 inches) in Henry Clay Township, **Fayette County**.

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

**E24-196.** **DCNR Forestry Bureau**, P. O. Box 8451, Harrisburg, PA 17105-8541. To amend DEP Permit No.

E24-196 which authorizes PA DCNR, Bureau of Forestry to remove the existing bridge and to construct and maintain a timber bridge having a clear span of approximately 19 feet and an underclearance of 8 feet across Paige Run on Red Run Road in Elk State Forest approximately 1.6 miles northwest of SR 2004 (Quehanna Highway) (Driftwood, PA Quadrangle N: 3.75 inches; W: 16.75 inches) in Benezette Township, **Elk County**. The proposed amendment is to change the proposed structure to a 19-foot-wide by 8-foot-high concrete box culvert having a 1-foot invert depression providing a 7-foot-high waterway opening and rock riprap aprons extending approximately 16 feet upstream and downstream in the channel of Paige Run (HQ-CWF).

**E25-404A.** Encroachment. **Erie-Western Pennsylvania Port Authority**, 17 Dobbins Landing, Erie, PA 16507-1424. To perform periodic maintenance dredging near existing docks and facilities at the following eight locations: (a) Chestnut Street launch ramp (Erie North, PA Quadrangle N: 1.25 inches; W: 13.25 inches); (b) West Canal Basin (Erie North, PA Quadrangle N: 2.00 inches; W: 12.20 inches); (c) East Canal Basin (Erie North, PA Quadrangle N: 2.40 inches; W: 12.30 inches); (d) Erie Marine, Inc., dock (Erie North, PA Quadrangle N: 2.50 inches; W: 11.70 inches); (e) the ore dock (Erie North, PA Quadrangle N: 2.60 inches; W: 11.30 inches); (f) Erie International Marine Terminal (Erie North, PA Quadrangle N: 4.50 inches; W: 11.00 inches); (g) Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.20 inches; W: 10.00 inches); (h) East Avenue launch ramp (Erie North, PA Quadrangle N: 3.60 inches; W: 08.90 inches); and to dispose of this dredged material into the Lake Erie Confined Disposal Facility (CDF) Erie (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches) or to an upland disposal site. All of these facilities are located in Presque Isle Bay and Lake Erie in the City of Erie, **Erie County**.

**E25-527.** Encroachment. **Lake Pointe Community Church**, 32 Eagle Point Blvd., Erie, PA 16511. To place fill in a total of 0.22 acre of wetland to provide a permanent access road into the property owned by Lake Pointe Community Church. The project is located on the north side of Iroquois Ave. (SR 0955) approximately 600 feet west of the intersection of Iroquois Ave. (SR 0955) and Walbridge Road. This project will also include creation of 0.22 acre of replacement wetland on this property adjacent to existing wetlands (Harborcreek, PA Quadrangle N: 5.8 inches; W: 1.5 inches) in Harborcreek Township, **Erie County**.

**E25-582.** Encroachment. **National Fuel Gas Supply Corp.**, 1100 State Street, Erie, PA 16501-1918. To place, operate and maintain a 20-inch-diameter and a 12-inch-diameter steel natural gas pipelines across and under French Creek (WWF, Nominated 1-A Scenic) along the existing pipeline approximately 2,000 feet east of the Borough of Wattsburg boundary (Wattsburg, PA-NY Quadrangle N: 0.65 inch; W: 6.0 inches) in Venango Township, **Erie County**, and to operate and maintain the existing 20-inch-diameter and 12-inch-diameter steel natural gas pipelines across and under West Branch French Creek (WWF, Nominated 1-A Scenic) along the existing pipeline approximately 100 feet north of the SR 0089 bridge across West Branch French Creek (Wattsburg, PA-NY Quadrangle N: 1.9 inches; W: 8.45 inches) in Venango Township, **Erie County**.

**E61-224.** Encroachment. **Polk Borough**, P. O. Box 1037, Polk, PA 16342. To remove the existing Church Street bridge and to construct and maintain a reinforced

concrete adjacent box beam bridge with a clear normal span of 26.55 meters and a minimum underclearance of 2.66 meters on Church Street across Sandy Creek (WWF, Trout stocked). This project is located on Church Street across Sandy Creek approximately 150 meters southeast of the intersection of SR 0062 and Church Street in Polk Borough (Polk, PA Quadrangle N: 21.0 inches; W: 7.4 inches) in Polk Borough, **Venango County**.

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## ACTIONS

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### 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, Rachel Carson 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.

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

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

**NPDES Permit No. PA-0020435-A1.** Sewerage. **White Haven Municipal Authority**, 50 East Woodhaven Drive, White Haven, PA 18661, is authorized to discharge from a facility located in White Haven Borough, **Luzerne County**, to Lehigh River.

**Permit No. 1399401.** Sewerage. **White Haven Municipal Authority**, 50 East Woodhaven Drive, PA 18661. Permit to construct a sanitary sewer system to serve existing commercial establishments and proposed real estate development along Route 940 in Kidder Township, **Carbon County**.

**Permit No. 5499201.** Industrial waste. **Papetti's Acquisitions, Inc., d/b/a Quaker State Farms, Inc.**, P. O. Box 76, Klingersstown, PA 17941-0076. Permit to modify and add to existing industrial waste treatment plant to

serve Quaker State Farms, located in Upper Mahantango Township, **Schuylkill County**.

**INDIVIDUAL PERMITS**

**(PAS)**

The following approvals for coverage under NPDES Individual Permit for discharge of stormwater from construction activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by aggrieved persons 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form

and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

*Southcentral Regional Office: Section Chief, Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.*

**PAS-10-H081.** Individual NPDES. **Hooke & Suter**, 322 South Hanover Street, Carlisle, PA 17013. To implement an erosion and sedimentation control plan for a housing development called LeTort Meadows on 9.8 acres in Carlisle Borough, **Cumberland County**. The project is located on the eastside of PA 34 about 1,600 feet south of Interchange 14 of I-81 (Carlisle, PA Quadrangle N: 10.5 inches; W: 9.0 inches). Drainage will be to LeTort Spring Run.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G339	Morgan Brothers Builders 288 Lancaster Avenue P. O. Box 1074 Frazer, PA 19355	East Vincent Township Chester County	Unnamed Tributaries to French Creek

*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>
PAS101300-2	Blue Ridge Real Estate Co. P. O. Box 707 Blakeslee, PA 18610-0707	Carbon County Kidder Township	Porter Run
PAS10Q009-1R	Pointe West Associates 6866 Chrisphalt Drive Bath, PA 18014-8503	Lehigh County Upper Macungie, Lowhill, Weisenberg Township	Jordan, Little Lehigh, Hasson Creek
PAS10Q039-R	Mill Run Associates 7660 Imperial Way Allentown, PA 18195	Lehigh County Upper Macungie Township	Little Lehigh Creek
PAS10Q166	William F. King III 504 Carnegie Center Princeton, NJ 08540	Lehigh County South Whitehall Township	Little Lehigh Creek

**INDIVIDUAL PERMITS**

**(PAR)**

**Approvals to Use NPDES and/or Other General Permits.**

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

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

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

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

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

*General Permit Type—PAG-2*

*Facility Location*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
East Bradford Township Chester County	PAR10-G306	Regimental Development Corporation 835 West Baltimore Pike Kennett Square, PA 19348	Plum Run	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Dowlingtown Borough Chester County	PAR10-G319	Borough of Downingtown 410 West Lancaster Avenue Downingtown, PA 19335	Brandywine Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Goshen Township Chester County	PAR10-G283	Megill Construction 2 Huntrise Lane West Chester, PA 19382	Pocopson Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
West Goshen Township Chester County	PAR10-G314	Electronics Boutique, Inc. 931 South Matlack Street West Chester, PA 19382	Unnamed Tributary to East Branch Chester Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Chester Heights Borough Delaware County	PAR10-J151	Darlington Square Shopping 1001 Baltimore Pike, Springfield, PA	Chester Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR10-T503	Upper Merion Area School District 535 Crossfield Drive King of Prussia, PA 19406	Tributary to Crow Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Salford Township Montgomery County	PAR10-T525	Indian Valley Properties 601 Dresher Rd. Horsham, PA 19044	Unnamed Tributary to Skippack Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T527	Indian Valley Properties 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	Crossman Run	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<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>
Upper Merion Township Montgomery County	PAR10-T512	Liberty Property Trust, GVCC 65 Valley Stream Parkway Malvern, PA 19355	Matsunk Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Skippack Township Montgomery County	PAR10-T494	Philomeno and Salamone 450 South Gravers Plymouth Meeting, PA	Perkiomen Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Frederick Township Montgomery County	PAR10-T529	Philip Tyson 1075 Collegeville Rd. Collegeville, PA	Swamp Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Gwynedd Township Montgomery County	PAR10-T539	Corpus Christi Parish 900 Sumneytown Pike Lansdale, PA 19446	Tributary to Towamencin Creek	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Providence Township Montgomery County	PAR10-T387	Emmanuel Demutis 174 Bridge Street Phoenixville, PA 19460	Unnamed Tributary to School House Run	Suite 6010 Lee Park, 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Carbon County East Penn Township	PAR101322	John H. Goss, Sr. P. O. Box F Ashfield, PA 18212	Lizard Cr.	Carbon CD (610) 377-4894
Carbon County Mahoning Township	PAR101323	Russell E. Eckhart, Jr. 458 Strauss Valley Dr. Lehighton, PA 18235	Mahoning Cr.	Carbon CD (610) 377-4894
Carbon County Mahoning Township	PAR101324	Carbon Co. Airport Auth. c/o Paul Smith 2321 Mahoning Dr. East Lehighton, PA 18235	Mahoning Cr.	Carbon CD (610) 377-4894
Wyoming County Clinton Township	PAR107611	Lackawanna Trail High School P. O. Box 85 Factoryville, PA 18419	Unnamed Tributary to Tunkhannock Cr.	Wyoming CD (570) 836-2589
Northampton County Lower Saucon Township	PAR10U116	K. Hovnanian @ Lower Saucon I 1842 Caryn Drive Hellertown, PA 18055	Saucon Creek	Northampton CD (610) 746-1971
Northampton County City of Bethlehem	PAR10U113	Patrick Loughlin Bethintermodal, Inc. 1170 Eighth Avenue Room 668, Martin Towers Bethlehem, PA 18016-7699	Saucon Creek	Northampton CD (610) 746-1971
Northampton County Bethlehem Township	PAR10U108	Santo & Victoria Calantoni Highland Park Partners 6065 William Penn Highway Easton, PA 18042	Nancy Run	Northampton CD (610) 746-1971
Oxford Township Adams County	PAR-10-0079	United Natural Foods, Inc. 100 Lincoln Street New Oxford, PA 17350	South Branch Conewago Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636



## 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>
Straban Township Adams County	PAR-10-0078	Seward, Inc. c/o Wolfe & Rice 47 West High Street Gettysburg, PA 17325	Rock Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Bern Township Berks County	PAR-10-C277	Reading Fairgrounds Dave Souders, V.P. Reading Fair Assoc. P. O. Box 13368 Reading, PA 19612-3368	Trib. to Plum Creek	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
North Middleton Township Cumberland County	PAR-10-H192	Shaffer Park Associates Shaffer Business Park 906 Newville Road Carlisle, PA 17013	Conodoguinet Creek	Cumberland County CD 43 Brookwood Avenue, Suite 4 Carlisle, PA 17013 (717) 240-7812
Southampton Township Franklin County	PAR-10-M168	Rohe Family Limited Partnership 405 Lurgan Avenue Shippensburg, PA 17257	Middle Spring Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
West Donegal Township Lancaster County	PAR-10-O-360	Rheems Fire Company P. O. Box 103 Rheems, PA 17570	Unt. Donegal Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAR-10-O-369	Luke N. Ulrich 150 Netzley Drive Denver, PA 17517	UNT Muddy Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717)299-5361
West Hempfield Township Lancaster County	PAR-10-O-373	Corporate Site Consultants 161 Woodlawn Avenue Depew, NY 14043	UNT Little Conestoga Creek	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR-10-O-378	Lancaster Area Sewer Auth. 130 Centerville Road Lancaster, PA 17061	Swarr Run, Millers Run, UNT Swarr Run, UNT Little Conestoga	Lancaster County CD 1383 Arcadia Road Rm. 6 Lancaster, PA 17601 (717) 299-5361
Mercer County Pine Township	PAR 104339	Montgomery Truss and Panel, Inc. P. O. Box 866, 803 Main St. Grove City, PA 16127	Wolf Creek Tributary	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Mercer County City of Hermitage	PAR 104340	Hermitage School District 419 North Hermitage Rd. Hermitage, PA 16148	Pine Hollow Run Tributary	Mercer Conservation District R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242
Bradford County Athens Township	PAR100814	Equity Enterprises 416 N. Elmira St. Sayre, PA 18840	Wolcott Creek	Bradford County CD R. R. 5, Box 5030C Stoll Natural Res. Center Towanda, PA 18848 (570) 265-5539

<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>
Centre County Harris Township	PAR10F090	Development Co., Inc. P. O. Box 508 Lewistown, PA 17044	Unt. Spring Creek	Centre County CD 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Snyder County Selinsgrove Borough	PAR105916	Susquehanna University 514 University Ave. Selinsgrove, PA 17870	Unt. Penns Creek	Snyder County CD 403 W. Market St. Middleburg, PA 17842 (570) 837-0007

*General Permit Type—PAG-4*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Marshall Township	PAG046178	Margaret Dismukes and Dennis Delmonaco 365 Locust Drive Baden, PA 15005	UNT of Big Sewickley Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

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

**Permit No. 3998502.** Public water supply. **Lehigh County Authority**, P. O. Box 3348, Allentown, PA 18106. This proposal involves installation of a chemical feed system to feed soda ash for raising the pH to approximately 7.5. It is located in Upper Milford Township, **Lehigh County**. Construction Permit issued on May 3, 1999.

**Permit No. 4598507.** Public water supply. **Penn Estates Utilities, Inc., Well No. 6.** This proposal involves a new well source (well no. 6) and wellhouse containing the hypochlorination system, meter and valving to distribution. It is located in Stroud Township, **Monroe County**. Construction Permit issued on May 14, 1999.

**Permit No. 3599501.** Public water supply. **Pennsylvania American Water Company, Abington District.** This proposal involves the installation of 10,000 linear feet of 16" diameter pipeline and improvements to the Brook Street Pump Station. It is located in South Abington Township, **Lackawanna County**. Construction Permit issued on May 7, 1999.

**Minor Amendment to Borough of Ringtown Water Supply.** Public water supply. This proposal involves corrosion control amendment to Wells No. 1 and 3. It is located in the Borough of Ringtown, **Schuylkill County**. Construction Permit issued on April 30, 1999.

**Operations Permit Minor Amendment** issued to **New Milford Municipal Authority**, New Milford Borough, **Susquehanna County**.

**Operations Permit Minor Amendment** issued to **Weatherly Borough Municipal Authority**, Weatherly Borough, **Carbon County**.

**Operations Permit** issued to **Honey Brook Water Company**, McAdoo Borough, **Schuylkill County**.

**Operations Permit** issued to **Hanson Park, Inc.**, Harveys Lake Borough, **Luzerne County**.

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

**Permit No. 7380053.** Public water supply, **Peter B. Shirk**, R. D. 2, Box 62A, Denver, PA 17517, Millcreek Township, **Lebanon County**. *Responsible Official:* Peter B. Shirk. *Type of Facility:* Installation and operation of public water supply system for Newburg Village consisting of a well, disinfection and finished water storage. *Consulting Engineer:* David Gettle, Kohl Bros., Inc. *Permit to Operate Issued/Denied:* May 14, 1999.

**Permit No. 5099501.** Public water supply. **Triple Crown Corporation**, Centre Township, **Perry County**.

*Responsible Official:* Mark DiSanto, Vice-President of Operations, 5351 Jaycee Ave., Harrisburg, PA 17112.

*Type of Facility:* The Department has issued a Construction Permit for a new community water system. It is to consist of two wells, hypochlorite disinfection, greensand filtration for manganese removal, finished water storage, a distribution system and a finished water booster station. This system is not designed to provide water for fire protection.

*Consulting Engineer:* Robert J. Fisher, P.E., R. J. Fisher & Associates, Inc., 1546 Bridge St., New Cumberland, PA 17070.

*Permit to Construct Issued:* May 25, 1999.

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

**Permit No. 2599501.** Public water supply. **North East Borough**, 58 East Main Street, North East, PA 16428, has been issued a public water supply permit for the construction of a transmission main for transporting water from Lake Erie to the entrance chamber of the

existing filter plant located on Filter Plant Road in North East Township, **Erie County**.

*Type of Facility:* Community Water Supply.

*Consulting Engineer:* August E. Maas, P.E., Hill Engineering, Inc., 8 Gibson Street, North East, PA 16428.

*Permit to Construct Issued:* May 25, 1999.

**Permit No. 1098507.** Public water supply. **CSC Academy (Summit Academy)**, 900 Agnew Road, Pittsburgh, PA 15227, has been issued a public water supply to use Well Nos. 1 and 3 at the Summit Academy in Herman, PA in Summit Township, **Butler County**.

*Type of Facility:* Community Water Supply.

*Consulting Engineer:* James R. Ryan, P.E., Killam Associates, 100 Allegheny Drive, Warrendale, PA 15086-7565.

*Permit to Construct Issued:* May 26, 1999.

## HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

### Notice of Settlement Under the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department) under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675) has entered into a settlement regarding past and future response costs related to the Strasburg Landfill Superfund Site. The settlement involves a Consent Decree to be lodged in the United States District Court for the Eastern District of Pennsylvania, between the Department, Somerset Strippers of Virginia, Inc., Buckley & Company, Inc., Robert R. Buckley, Sr. and Joseph M. Martosella, Sr.

The Strasburg Landfill Superfund Site (site) is located in Newlin and West Bradford Townships, Chester County, PA. The site encompasses approximately 300 acres and includes the groundwater, soil and other media affected by any release of hazardous substances from the Strasburg Landfill. The Strasburg Landfill accepted waste from February 1979, to May 1983. The Department's predecessor, the Department of Environmental Resources, suspended the Strasburg Landfill operating permit in May 1983, and ordered the landfill closed due to construction flaws and permit violations. The United States Environmental Protection Agency (EPA) placed the site on the National Priorities List on March 31, 1989. The EPA conducted a remedial investigation/feasibility study at the site, during which they determined that hazardous substances and contaminants, including but not limited to, VOCs, benzene, PCE, TCE, toluene, arsenic and chromium, has been released at the site. The EPA designated four operable units at the site, and has selected remedial responses for three of the four. The EPA has initiated implementation of the remedial actions relating to leachate collection and treatment (Operable Unit 1), site access control (Operable Unit 2), and subsurface remediation and construction of a landfill cap (Operable Unit 3). The Department has incurred \$1,907,705.53 in costs associated with the implementation of these remedial actions. The EPA has not yet selected a remedy for groundwater at the site (Operable Unit 4). The Department anticipates it will incur approximately

\$5,092,294 in future costs associated with completion, and operation and maintenance of the remedial actions at the site.

The Department has asserted that Somerset Strippers of Virginia, Inc., Buckley & Company, Inc., Robert R. Buckley, Sr. and Joseph M. Martosella, Sr. all have liability under section 701 of HSCA and section 107 of CERCLA associated with the releases of hazardous substances from the Strasburg Landfill because they were owners, alter egos of the owners or corporate officers of entities owning an interest in the property on which the landfill was located, during the time when releases or threatened releases of hazardous substances occurred.

Under the terms of the Consent Decree, the settling parties shall pay to the Department \$750,000 for their share of the costs incurred and to be incurred by the Department for the Strasburg Landfill site. Upon payment under the Consent Decree, Somerset Strippers of Virginia, Inc., Buckley & Company, Inc., Robert R. Buckley, Sr. and Joseph M. Martosella, Sr. resolve any liability they may have with the Department and are eligible for contribution protection under HSCA and CERCLA regarding matters addressed in the Consent Decree, as provided in HSCA section 705(c)(2), 35 P. S. § 6020.705(c)(2) and CERCLA section 113(f), 42 U.S.C.A. § 9613(f).

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department intends to file the Consent Decree with the United States District Court for the Eastern District of Pennsylvania upon the filing by the Department of its response to the significant written comments. The Consent Decree which contains the specific terms of the settlement is available for public review and comment. The Consent Decree can be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Tim Sheehan at (610) 832-6149. A public comment period on the Consent Decree will extend for 60 days from today's date. Persons may submit written comments regarding the Consent Decree to the Department by August 11, 1999, by submitting them to Tim Sheehan at the previous address.

## 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.*

**SMK-Speedy International, Inc.**, City of Chester, **Delaware County**. Sean Grexa, The Tyree Organization, Ltd., 1350 S. US Highway 130, Burlington, NJ 08016, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet site-specific standards.

**Trust of Samuel H. Keiser**, Pottstown Borough, **Montgomery County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Mad Platter**, West Chester Borough, **Chester County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Suite A1, Doylestown, PA 18901, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Paulovic-Larrara Residences**, Plumstead Township, **Bucks County**. Kevin P. Van Kuren, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons and 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.

**Murata-Wiedemann Facility (Former)**, Upper Merion Township, **Montgomery County**. Dean C. Seman, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet background standards.

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

**909 Partners, LP Site**, Susquehanna Township, **Dauphin County**. 909 Partners, LP, 3701 Perkiomen Avenue, Reading, PA 19606, has submitted a remedial investigation and final report concerning remediation of site groundwater contaminated with heavy metals and solvents. The report is intended to document remediation of the site to the site-specific standard.

**Royer Tract**, South Middleton Township, **Cumberland County**. BL TETHYS LLC, 2407 Park

Drive, Harrisburg, PA 17110, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to the background standard using an areawide contamination designation.

## 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.*

**Ray Brady Residence**, St. Clair Boro, **Schuylkill County**. Arthur J. Raymond, R. A. West Associates, 865 South Eagle Road, Suite 359, Newtown, PA 18940, submitted a Final Report (on behalf of his client, Ray Brady, 41 Ann Street, East Mines, PA 17901) concerning the

remediation of site soils found to have been contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) compounds, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The final report demonstrated attainment of the Statewide health standard and was approved on May 27, 1999.

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

**909 Partners, L. P., Site**, Susquehanna Township, Dauphin County. 909 Partners, LP, 3701 Perkiomen Avenue, Reading, PA 19606, has submitted a Remedial Investigation and Final Report concerning the remediation of site groundwater contaminated with heavy metals and solvents. The final report demonstrated attainment of the site-specific standard, and the Remedial Investigation and Final Report were approved by the Department on May 25, 1999.

## SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

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

**Permit No. 400682. East Norriton-Plymouth-Whitpain Joint Sewer Authority**, 200 Ross Street, Norristown, PA 19401. Permit was modified to increase the amount of sewage sludge allowed to be incinerated at the facility. No increase in waste acceptance limitations was included in the modification request. Permit modified by the Southeast Regional Office on May 12, 1999.

**Permit No. 101411. MM SKB Energy LLC**, 1221 Lincollet Mall, Suite 700, Minneapolis, MN 55403. Permit was issued to MM SKB for the continued operation of a landfill gas processing and energy recovery facility located in Upper Merion Township, **Montgomery County**. The permit issued for a new 10-year term and for permit reissuance from O'Brien Energy to MM SKB. The Southeast Region Office issued the permit on May 12, 1999.

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

**Permit ID No. 301307. Allegheny Liquid Systems, Inc.**, 1815 Washington Road, Pittsburgh, PA 15241. Operation of a residual waste processing facility in the City of Pittsburgh, **Allegheny County**. Permit modification reflecting the merger of Allegheny Liquid Systems, Inc. and Ellwood Processing, Inc. with the surviving corporation name and the permittee changed to Allegheny Liquid Systems, Inc. Permit modification issued in the Regional Office on May 20, 1999.

**Application withdrawn 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.**

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

**A. 101618. Thermal Pure Systems, Inc. c/o Ally Capital Corp.**, 17 East Sir Francis Drake Blvd., Larkspur, CA. Applicant withdrew its modification request for the Thermal Pure Systems, Inc. facility located in the City of Chester, **Delaware County**. The Southeast Regional Office returned the application on May 25, 1999.

## 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.*

**35-302-109GP: Scranton Lace Co.** (1313 Meylert Avenue, Scranton, PA 18509), for construction and operation of a 500 HP Cleaver Brooks boiler in Scranton, **Lackawanna County**.

**35-310-035GP: Linde Enterprises, Inc.** (RR 1, Golf Hill Road, Honesdale, PA 18431), for construction and operation of a portable stone crushing plant at the PEI Power Park, Archbald Borough, **Lackawanna County**.

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

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

**14-399-009H: Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799), on May 20, 1999, to specify different model number binder removal ovens and after-burners in Ferguson Township, **Centre County**.

**08-316-014: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848), on May 20, 1999, to extend the allowable duration of hardboard resin formulation trials by 12 months in Wysox Township, **Bradford County**.

**08-316-011A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848), on May 20, 1999, to extend a stack test performance deadline by 30 days in Wysox Township, **Bradford County**.

**08-318-024A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848), on May 21, 1999, to decrease the allowable volatile organic compound emission rate of a surface coating operation (Coating II) from 103.9 tons per 12 consecutive month period to 77.9 tons per 12 consecutive month period in Wysox Township, **Bradford County**.

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

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

**07-302-031: Appleton Papers, Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673), issued May 21, 1999,

for a power boiler no. 4 at the Spring Mill in Roaring Spring Borough, **Blair County**. This source is subject to 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

**28-318-032: Grove U. S., L.L.C.** (P. O. Box 21, Shady Grove, PA 17256), issued May 17, 1999, for a paint spray booth and drying oven controlled by dry filters in Antrim Township, **Franklin County**.

**36-02012A: Quality Custom Kitchens, Inc.** (P. O. Box 189, New Holland, PA 17557), issued May 1, 1999, for a wood cabinet surface coating operation at the New Holland Plant in Earl Township, **Lancaster County**.

**36-02027A: R. R. Donnelley & Sons, Co.** (216 Greenfield Road, Lancaster, PA 17601), issued May 6, 1999, for operation of a printing facility at the Lancaster East Plant in Lancaster City, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart QQ of the Performance for New Stationary Sources and 40 CFR Part 63, Subpart KK of the National Emission Standards for Hazardous Air Pollutants.

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

**30-000-099: West Penn Power Co.** (800 Cabin Hill Drive, Greensburg, PA 15601), issued May 17, 1999, for operation of NOx and VOC sources at Hatfield Power Station in Monongahela Township, **Greene County**.

**04-000-043: Centria** (401 FSC Industrial Park, 14th St., Ambridge, PA 15003), issued May 17, 1999, for operation of coil coating at Ambridge Coil Coating Operations in Ambridge Borough, **Beaver County**.

#### **Nitrogen Oxides (NOx) Allowance Program**

##### **Issuance of State Only Operating Permit**

The Department of Environmental Protection (Department) has revised the State Only Operating Permit issued to the Cheswick Plant, owned and operated by Duquesne Light Company located in Springdale Borough, Allegheny County. The Operating Permit revised the NOx Allowances available to the facility.

Copies of the revised operating permit and other relevant information are available at the following address:

*Bureau of Air Quality: Division of Permit, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.*

**02-0054: Duquesne Light Company, Cheswick Plant** (411 Seventh Avenue, Box 1930, Pittsburgh, PA 15230), located in Springdale Borough, **Allegheny County**.

*NOx Affected Source:*

Boiler            Point ID: 001            Allowance: 2500

#### **PLAN APPROVALS**

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

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

**35-313-010: Taylor Chemical, Inc.** (Stauffer Industrial Park, Taylor, PA 18504), on May 4, 1999, for

construction of a polyacrylamide operation in Taylor Borough, **Lackawanna County**.

**45-320-003B: Mack Printing Co.** (1991 Northampton Street, Easton, PA 18042), on May 10, 1999, for construction of new printing line in East Stroudsburg Borough, **Monroe 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), issued May 27, 1999, for modification of the No. 5 dust collection system at the Charmian in Hamiltonban Township, **Adams County**.

**06-1003E: Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396), issued May 17, 1999, for construction of a photoresist spray developer controlled by a catalytic oxidizer at the Reading Plant in Muhlenberg Township, **Berks County**.

**06-1069D: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147), issued May 21, 1999, for construction of four lead grid casters and one associated lead pot located at Plant A-2 in Richmond Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart KK of the Performance for New Stationary Sources.

**06-1069E: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147), issued May 28, 1999, for construction of a battery assembly operation controlled by a fabric collector at Plant A-1 in Richmond Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart KK of the Performance for New Stationary Sources.

**38-03019A: Allied Veterinary Cremation Service** (1587 Town Hill Road, York Springs, PA 17372), issued May 21, 1999, for installation of an animal crematory with built-in afterburner in South Londonderry Township, **Lebanon County**.

**67-02008A: York International Corp.** (P. O. Box 1592, York, PA 17405-1592), issued May 27, 1999, for construction of a paint spray booth at the Grantley Plant in Spring Garden Township, **York County**.

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

**PA-32-055C: Homer City Generation, LP** (1750 Power Plant Road, Homer City, PA 15748), issued May 25, 1999, for operation of Unit 1, Unit 2 and Unit 3 at Homer City Station in Center Township, **Indiana County**.

**PA-56-262A: Mostoller Landfill, Inc.** (420 Bedford Street, Suite 300, Lexington, MA 02173), issued May 25, 1999, for operation of municipal waste landfill in Somerset Township, **Somerset County**.

**PA-65-408A: Perfect Plastic Industries** (14th Street, Building 201, New Kensington, PA 15068), issued May 17, 1999, for operation of VOC evaporation in New Kensington, **Westmoreland County**.

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

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

**21-323-014: L. B. Smith, Inc.** (2001 State Road, Camp Hill, PA 17011), on May 15, 1999, to authorize temporary operation of chrome plating tanks controlled by a fume suppressant and three-stage mist eliminator, covered under this Plan Approval until September 12, 1999, in Lower Allen Township, **Cumberland County**. This source is subject to 40 CFR Part 63, Subpart N of the National Emission Standards for Hazardous Air Pollutants.

**22-322-001A: Dauphin Meadows, Inc.** (Route 209, Millersburg, PA 17061), on May 23, 1999, to authorize temporary operation of a landfill gas extraction system, vaporator and internal combustion engine controlled by an enclosed ground flare, covered under this Plan Approval until September 19, 1999, in Upper Paxton and Washington Townships, **Dauphin County**. This source is subject to 40 CFR Part 60, Subpart WW—Standards of Performance for Municipal Solid Waste Landfills.

**38-318-031: Alcoa, Inc.** (3000 State Drive, Lebanon, PA 17042), on February 19, 1999, to authorize temporary operation of a laminator controlled by a catalytic incinerator, covered under this Plan Approval until June 19, 1999, in South Lebanon Township, **Lebanon 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 Encroachment Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

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

#### Coal Permits Issued

**56823066.** Permit Renewal for reclamation only, **Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), for continued restoration of bituminous strip mine in Elk Lick Township, **Somerset County**, affecting 224.5 acres, receiving stream unnamed tributaries to Elk Lick Creek and unnamed tributaries to the Casselman River. Application received January 7, 1999; issued May 21, 1999.

**56723082.** Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley and Somerset Townships, **Somerset County**, affecting 55.4 acres, receiving stream unnamed tributary to Kimberly Run. Application received May 24, 1999; issued May 24, 1999.

**56803093.** Permit renewal for reclamation only, **Croner, Inc.** (629 Main Street, Suite 1, Berlin, PA 15530), for continued restoration of bituminous strip mine in Brothersvalley Township, **Somerset County**, affecting

79.6 acres, receiving stream unnamed tributaries to Buffalo Creek. Application received May 24, 1999; issued May 24, 1999.

**56980108. Fieg Brothers** (3070 Stoystown Road, Stoystown, PA 15563), commencement, operation and restoration of a bituminous strip mine in Milford Township, **Somerset County**, affecting 160.7 acres, receiving stream unnamed tributaries to Coxes Creek. Application received October 16, 1998; permit issued May 20, 1999.

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

**65810113R. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Renewal permit issued for continued reclamation of a bituminous surface mine located in Cook and Donegal Townships, **Westmoreland County**, affecting 10.38 acres. Receiving streams: unnamed tributary to Four Mile Run to Loyalhanna Creek. Renewal application received: March 3, 1999. Renewal permit issued: May 21, 1999.

**65880106R. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Renewal permit issued for continued operation and reclamation of a bituminous surface mine located in Loyalhanna and Salem Townships, **Westmoreland County**, affecting 484.0 acres. Receiving streams: unnamed tributary to Getty Run and Getty Run. Renewal application received: February 25, 1999. Renewal permit issued: May 21, 1999.

**02940201R. ACV Power Corporation** (403 Main Street, P. O. Box 402, Emlenton, PA 16373). Renewal permit issued for continued reclamation of a coal refuse reprocessing surface mine located in Hampton Township, **Allegheny County**, affecting 42.5 acres. Receiving stream: Pine Creek. Renewal application received: February 23, 1999. Renewal permit issued: May 21, 1999.

**03793072R. Kent Coal Mining Company** (P. O. Box 219, Shelocta, PA 15774). Renewal permit issued for continued reclamation only of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**, and Young Township, **Indiana County**, affecting 302 acres. Receiving streams: unnamed tributary to Long Run and Big Run. Application received: March 5, 1999. Renewal permit issued: May 27, 1999.

**65920105R. FRB, Inc.** (234 Rt. 30 West, Ligonier, PA 15658). Renewal permit issued for continued reclamation only of a bituminous surface mine located in Unity Township, **Westmoreland County**, affecting 79.6 acres. Receiving streams: unnamed tributaries to Crabtree Creek. Application received: March 9, 1999. Renewal permit issued: May 27, 1999.

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

#### Noncoal Permits Issued

**28900301C2. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), correction to an existing quarry operation and renewal of NPDES Permit No. PA0595861 in Greene Township, **Franklin County** affecting 55.1 acres, receiving stream—unnamed tributary to Rocky Spring Creek. Correction issued May 25, 1999.

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

#### Small Noncoal (Industrial Mineral) Permits Issued

**58990808. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Auburn

Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued May 24, 1999.

**50990801. Glenn R. McNaughton** (RR 1, Box 159, Elliottsburg, PA 17024), commencement, operation and restoration of a quarry operation in Saville Township, **Perry County** affecting 1.0 acre, receiving stream—none. Permit issued May 24, 1999.

**66990802. Donald A. Stanton, Jr.** (RR 1, Box 1018, Nicholson, PA 18446), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 3.0 acres, receiving stream—none. Permit issued May 26, 1999.

**66990803. Algerd Choplosky, Jr.** (RR 1, Box 1598, Hop Bottom, PA 18824), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 1.0 acre, receiving stream—none. Permit issued May 26, 1999.

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

*Industrial Minerals NPDES Permit Renewal Applications Issued*

**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; issued May 21, 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; issued May 21, 1999.

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

*Noncoal Applications Returned*

**10960305. H. W. Cooper & Sons, Inc.** (P. O. Box 786, Slippery Rock, PA 16057), commencement, operation and restoration of a bituminous strip operation in Worth Township, **Butler County** affecting 67.0 acres. Receiving streams: Unnamed tributary to Black Run. Application received: November 15, 1996. Application returned: May 27, 1999.

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

### **ENCROACHMENTS**

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

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals

must be filed with the Environmental Hearing Board within 30 days of receipt of the written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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**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.)

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

**E13-117. Encroachment. White Haven Municipal Authority**, 50 East Woodhaven Drive, White Haven, PA 18661. To construct and maintain a 6-inch H.D.P.E. sanitary sewer force main utility line stream crossing of the Lehigh River, to be accomplished using directional bore drilling. The crossing is part of a wastewater collection system project along the S. R. 0940 corridor. The project includes four additional sanitary sewer line crossings of tributaries to Black Creek and a tributary to the Lehigh River, located in Kidder Township, Carbon County, which will be constructed in accordance with the Department's General Permit BDWM-GP-5. The Lehigh River crossing is located immediately south of S. R. 0940 bridge (White Haven, PA Quadrangle N: 11.1 inches; W: 2.8 inches), in East Side Borough, **Carbon County** and White Haven Borough, **Luzerne County**.

**E39-361. Encroachment. Church of the Assumption, B.V.M.**, 4101 Old Bethlehem Pike, Bethlehem, PA 18105. To fill in 0.36 acre of wetlands for the construction of a combination soccer and softball field. The project, associated with the expansion of St. Michael's School, is located east of the intersection of S. R. 2038 (Oakhurst Road) and T-835 (Old Bethlehem Pike) (Allentown East, PA Quadrangle N: 12.9 inches; W: 2.6 inches) in Upper Saucon Township, **Lehigh County**. The permittee is required to provide 0.36 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.*

**E07-307. Encroachment. Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602. To excavate approximately 300 feet of stream channel to a depth of 2.5 feet and a width of 10 feet and replace the excavated material with limestone rock for the purpose of adding alkalinity to Glenwhite Run as part of an acid mine drainage abatement project in the Glenwhite Run watershed located about 2.5 miles upstream of the Horseshoe Curve (Cresson, PA Quadrangle N: 22.6 inches; W: 3.8 inches) in Allegheny Township, **Blair County**. The permit also acknowledges The Altoona Water Authority's use of General Permit No. 5 (Utility Line Stream Crossing) GP 05-07-99-104, General Permit No. 4 (Intake and Outfall



Structures) GP 04-07-99-103 and General Permit No. 8 (Temporary Road Crossing) GP 08-07-99-101. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E07-308.** Encroachment. **Blair Township**, 575 Cedarcrest Drive, Duncansville, PA 16635. To rehabilitate 470 feet of the stream channel of Poplar Run (CWF) which will include reconstructing 140 feet of channel with a 5-foot deep, 41-foot base, 2:1 side slope trapezoidal cross section and constructing R6 riprap revetment on approximately 313 feet of streambank to protect the bank from erosion for the purpose of providing flood protection to a nearby residence located about 900 feet upstream of the SR 0036 Bridge over Poplar Run (Hollidaysburg, PA Quadrangle N: 2.6 inches; W: 5.5 inches) in Blair Township, **Blair County**. 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.*

**E14-338.** Encroachment. **The Pennsylvania Department of Transportation, District 2-0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. To remove the existing structure and to construct and maintain a single span prestressed concrete spread box beam bridge with a clear span of 29 feet on a skew of 75 degrees and a minimum underclearance of 3.6 feet and a temporary coffer dam and to construct and maintain approximately 90 feet of roadway widening fill with R-5 streambank rip rap in the floodway of Roaring Run. The project is located on SR 0445 approximately 0.8 mile south of the intersection of Rt. 64 and SR 0445 (Madisonburg, PA Quadrangle N: 19.3 inches; W: 6.1 inches) in Walker Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E49-223.** Encroachment. **Northumberland Sewer Authority**, 100 Water Street, P. O. Box 325, Northumberland, PA 17857. To construct and maintain an 18 foot addition comprised of 580 cubic yards of clean fill which will be finished with a bituminous surface (total acreage of work 0.128) to an existing maneuvering area in the floodway of the Susquehanna River located on Route 11 North immediately after the Susquehanna River bridge in Northumberland (Northumberland, PA Quadrangle N: 1.8 inches; W: 6.3 inches) in Northumberland Borough, **Northumberland County**. This permit was issued under section 105.13(e) "Small Projects."

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

**E10-293.** Encroachment. **Trees Development Company**, 5 Treedale Commons, Gibsonia, PA 15044. To fill 0.1 acre of wetland for construction of an extension of Four Lakes Drive to access Treedale Development's Four Lakes Neighborhood Phase 6 approximately 1,600 feet northwest of the intersection of S. R. 3015 (Mars/Valencia Road) and Camp Trees Road (Mars, PA Quadrangle N: 10.2 inches; W: 1.0 inch) located in Adams Township, **Butler County**.

This project includes creation of 0.12 acre of replacement wetland adjacent to the site.

**E10-295.** Encroachment. **Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066-6499. To conduct the following activities associated with the widening of approximately 6,500 feet of S. R. 0228 beginning at the I-79 interchange and extending east to the Cranberry

Township—Seven Fields Borough boundary located in Cranberry Township, **Butler County**:

1. Extend the existing 48-inch diameter pipe from 105 feet to 125 feet and install a parallel 125-foot-long, 36-inch-diameter pipe and maintain dual pipe stream enclosure having grooved ends in a concrete headwall in a tributary to Brush Creek at Station 179+75 (Mars, PA Quadrangle N: 11.0 inches; W: 12.1 inches).

2. Extend and maintain the existing 54-inch-diameter culvert from 94 feet to 150 feet having a grooved end in a concrete headwall in a tributary to Brush Creek at Station 183+25 (Mars, PA Quadrangle N: 11.0 inches; W: 11.9 inches).

3. Realign approximately 600 feet of the channel of a tributary to Brush Creek between Station 182+00 and Station 188+00 (Mars, PA Quadrangle N: 10.95 inches; W: 11.8 inches) including construction of a berm along the left bank.

4. Place and maintain fill in a total of 0.04 acre of two wetland areas associated with the pipe extensions and roadway widening.

**E10-296.** Encroachment. **City of Butler**, 140 West North Street, Butler, PA 16001. To remove the existing culvert and to construct and maintain a Con/Span concrete arch having a span of 12 feet and a maximum rise of 5 feet across a tributary to Sullivan Run (Shanks Hollow Run) on Wick Street approximately 0.4 mile north of the West End School (Butler, PA Quadrangle N: 21.5 inches; W: 4.5 inches) located in the City of Butler, **Butler County**.

**E43-270.** Encroachment. **Chirstner Realty, Inc.**, 235 Alpha Drive, Pittsburgh, PA 15238. To place and maintain fill in a total of 0.22 acre of a wetland for development of Lot 12 and Lot 14 along Manor Drive in Phase IV of Village Park Residential Subdivision east of S. R. 0173 approximately 1,400 feet north of Airport Road (Grove City, PA Quadrangle N: 1.3 inches; W: 10.3 inches) located in Pine Township, **Mercer County**. Project includes creation of 0.66 acre of replacement wetland in the Village Park Residential Subdivision.

## ENVIRONMENTAL ASSESSMENT

### Environmental Assessment Approvals and Actions on 401 Certifications

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

**EA24-004NW.** Environmental Assessment. **National Resources 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**.

## 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.**

*Northwest Regional Office: Regional Manager; Water Supply Management, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6899.*

**Permit No. WA 25-1003.** Water Allocation. **North East Borough**, 58 East Main Street, North East, PA 16428, grants the right to withdraw up to 3.4 mgd on the annual average from Lake Erie. The Lake Erie withdrawal will be in the vicinity of Freeport Beach in North East Township, **Erie County**, to meet the projected water demands of the Borough. This permit issued in conjunction with public water supply permit for the construction of raw water transmission main. *Type of Facility:* City Water Authority August E. Maas, Project

Engineer, Hill Engineering, Inc., 8 Gibson Street, North East, PA 16428. *Permit Issued Date:* May 25, 1999.

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 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) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Arick Amspacker	3262 Reeve Drive Bethlehem, PA 18020	Testing
Jay Bauder	585-B Mountain Trail Road Newmanstown, PA 17073	Mitigation
Best Inspect, Inc.	1053 High Meadows Drive Gibsonia, PA 15044	Mitigation
Carl Cura	21 Brookview Drive Glenmoore, PA 19343	Testing
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory
David Faulds Todd Giddings & Associates, Inc.	3049 Enterprise Drive State College, PA 16801	Testing
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Mitigation
Marc Fleischman	123 Hepler Road Sarver, PA 16055	Testing
Vilas Godbole	307 Dogwood Lane Wallingford, PA 19086	Testing
Home Inspections Plus, Inc.	43 Elwyn Avenue Carnegie, PA 15106	Testing
LDH Waterproofing & Radon Control	218-D West Main Street Leola, PA 17540	Mitigation
Robert Meyer, Jr.	2843 North Front Street Harrisburg, PA 17110	Mitigation
Pillar to Post NE	721 South State Street Clarks Summit, PA 18411	Testing
Brian Reuss HouseMaster Home Inspections	20300 Route 19, Suite 138 Cranberry Township, PA 16066	Testing
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory
Michael Schneider	108 Tartline Drive Glenshaw, PA 15116	Testing
Jack Stanizzo	915 Brookline Boulevard Pittsburgh, PA 15226	Mitigation
Michael Tyrell	100 West Hillcrest Avenue Havertown, PA 19083	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
ValueGuard USA, Inc.	123 Coulter Avenue, Suite 206 Ardmore, PA 19003	Testing

[Pa.B. Doc. No. 99-936. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Small Water Systems Technical Assistance Center Advisory Board; Special Committee Meeting

The Legislation/Regulation Committee will hold a special meeting on Tuesday, June 22, 1999, from 9:30 a.m. to 12 noon in the 11th Floor Conference Room of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting will be to discuss the regulation development questions revolving around the major issues identified during the development of the draft Legislation for operator certification. Answers to these questions will be utilized to draft regulations later in the year.

Questions concerning this schedule or agenda items can be directed to Donna Green at (717) 787-0122 or e-mail at [Green.Donna@dep.state.pa.us](mailto:Green.Donna@dep.state.pa.us). This schedule, an agenda for the meeting, and notices of meeting changes will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Donna Green directly at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-937. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Extension of Public Comment Period on the Draft Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 2000

By notice published May 1, 1999, the Department of Health (Department) advised that copies of the draft Maternal and Child Health Services Block Grant Application for FFY 2000 would be available for public comment. The Department stated it would accept comments on the Block Grant Application until 4 p.m. on Wednesday, June 9, 1999. The Department has decided to extend that date until Friday, June 18, 1999.

The draft Block Grant Application describing proposed services, program goals and objectives and activities can be obtained on the Department's web site at <http://www.health.state.pa.us/php/> or by contacting the Department of Health, Bureau of Family Health, Room 733 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, (717) 787-7192; V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

Written comments should be sent to the previous address and must be received no later than 4 p.m. on Friday, June 18, 1999.

Persons with a disability who require an alternative format of the above-mentioned application or who desire to comment in alternative format (for example, large print, audio tape, braille) should notify the Bureau of Family Health at the above-referenced address or phone numbers.

ROBERT S. ZIMMERMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 99-938. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Notice of Requests for Exceptions

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Fairways at Brookline  
1950 Cliffside Drive  
State College, PA 16801

Saint John Neumann Nursing Home  
10400 Roosevelt Boulevard  
Philadelphia, PA 19116

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(b) (relating to patient bedrooms):

Green Ridge Nursing Home  
1530 Sanderson Avenue  
Scranton, PA 18509

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.20(m) (1) (relating to patient bedrooms):

Butler Memorial Hospital  
911 East Brady Street  
Butler, PA 16001-4697

Skilled Nursing Unit, Armstrong County Memorial Hospital  
One Nolte Drive  
Kittanning, PA 16201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(a) (relating to kitchen):

The Ball Pavilion  
5416 East Lake Road  
Erie, PA 16511

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.34 (relating to treatment rooms or examining rooms):

Hospitality Care Center  
3726 East State Street  
Hermitage, PA 16148

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(h)(1)(5) (relating to

patient bedrooms) and 28 Pa. Code § 205.71(a), (b) and (d) (relating to bed and furnishings):

Wesbury United Methodist Community  
31 North Park Avenue  
Meadville, PA 16335-9430

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.71(a), (b) and (d) (relating to bed and furnishings):

Cherry Tree Nursing Center  
410 Terrace Drive  
Uniontown, PA 15401

Lakeside Nursing Center  
Rt. 4, Box 357  
Dallas, PA 18612

Presbyterian Health Center  
400 East Marshall Street  
West Chester, PA 19380

The Wightman Center for Nursing and Rehabilitation  
2025 Wightman Street  
Pittsburgh, PA 15217

Rosemont Manor  
35 Rosemont Avenue  
Rosemont, PA 19010

Lafayette Manor, Inc.  
120 Old New Salem Road  
Uniontown, PA 15401

Country Meadows Nursing Center of Bethlehem  
4025 Green Pond Road  
Bethlehem, PA 18020

Orwigsburg Center  
1000 Orwigsburg Manor Drive  
Orwigsburg, PA 17961

Lutheran Home for the Aged  
149 West 22nd Street  
Erie, PA 16502-0383

John J. Kane Regional Center Glen Hazel  
955 Rivermont Drive  
Pittsburgh, PA 15207

Towne Manor West Nursing and Rehabilitation Center  
205 East Johnson Highway  
Norristown, PA 19401

Wayne Center  
30 West Avenue  
Wayne, PA 19087

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 211.2(g) and (h) (relating to medical services):

United Zion  
722 Furnace Hills Pike  
Lititz, PA 17543-9502

Luther Acres Manor  
400 St. Luke Drive  
Lititz, PA 17543

ManorCare Health Services-Monroeville  
885 MacBeth Drive  
Monroeville, PA 15146

The Cedars of Monroeville  
4363 Northern Pike  
Monroeville, PA 15146

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(m)(1) (relating to patient bedrooms), 28 Pa. Code § 205.72(b) (relating to furniture), 28 Pa. Code § 205.33(a) (relating to utility room), 28 Pa. Code § 205.36(k) (relating to bathing facilities, and 28 Pa. Code § 201.17 (relating to location):

Germantown Hospital and Community Health Services  
1735 Market Street, 53rd Floor  
Philadelphia, PA 19103-2921

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(m) (relating to patient bedrooms), 28 Pa. Code § 205.72(h) (relating to furniture), 28 Pa. Code § 205.38(d)(f) (relating to toilet facilities), 28 Pa. Code § 205.39(a) (relating to toilet room equipment), and 28 Pa. Code § 205.24(b)(c)(d) (relating to dining room):

Neshaminy Manor Nursing Home  
Route 611 and Almshouse Roads  
Doylestown, PA 18901

These requests are on file with the Department. Persons may receive a copy of a request for an exception by requesting a copy from:

Division of Nursing Care Facilities  
Room 526, Health and Welfare Building  
Harrisburg, PA 17120  
(717) 787-1816  
Fax: (717) 772-2163

E-Mail Address: PAEXCEPT@HEALTH.STATE.PA.US

Those persons who wish to comment on an exception request may do so by sending a letter by mail, E-Mail, or facsimile to the division and address listed above.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove a request for an exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 99-939. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractor referenced as follows has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P.S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P.S. § 165-11(e)), this firm or any firms, corporations or partnerships in which the firm has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
A-K Computers, Inc., a/k/a A/K Technologies, Inc. (Fed. ER I.D. Nos. 25-1638066, 23- 2196007 -and- 25-1828932)	738 Cumberland Street Lebanon, PA 17042	May 27, 1999

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 99-940. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Public Hearing on Closure of Western Center

The Department of Public Welfare (Department) will hold a public hearing on the closure of Western Center on June 25, 1999, at the Holiday Inn-Meadowlands, Washington County. The hearing will be held in two sessions, 2 p.m. to 5 p.m. and 6 p.m. to 8 p.m.

The Department under authority of the act of April 28, 1999 (P. L. 24) is required to hold a public hearing on any State mental health or mental retardation facility within 30 days of a closure announcement or following a downsizing of 20% or more. The hearing on Western Center must be held by June 28, 1999.

Individuals or organizations wishing to testify should contact Mary Puskarich, Regional Director at (412) 565-5144 by June 21, 1999. Individuals requiring special accommodations are asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 99-941. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Public Hearing on Declining Patient Population at Allentown State Hospital

The Department of Public Welfare (Department) will hold a public hearing on the declining patient population at Allentown State Hospital, Lehigh County, on June 21, 1999, at the Northampton County Community College. The hearing is scheduled to begin at 7 p.m. A new State law, Act 1999-3, requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days following a reduction of 20% or more in resident/patient census or staff complement or a closure announcement.

There has been a decrease of at least 20% in patient population at Allentown State Hospital since December 31, 1997, due to numerous factors, primarily implementation of successful Community Hospital Integration Project Program initiatives, advancement in pharmacological treatment for many patients and enhancements to the community mental health system which provide alterna-

tives to State hospital inpatient treatment. The hearing on Allentown State Hospital must be held no later than June 28.

Individuals or organizations wishing to testify should contact Frank Hehman, Office of Mental Health and Substance Abuse Services' Scranton Field Office Director at (570) 963-3040 by June 17. Individuals requiring a special accommodation are asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 99-942. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Public Hearing on Declining Patient Population at Wernersville State Hospital

The Department of Public Welfare (Department) will hold a public hearing on the declining patient population at Wernersville State Hospital, Berks County on June 29, 1999, at the Reading Area Community College. The hearing is scheduled to begin at 7 p.m. A new State law, Act 1999-3, requires the Department to hold a public hearing on any State mental health or mental retardation facility within 30 days following a reduction of 20% or more in resident/patient census or staff complement or a closure announcement.

There has been a decrease of at least 20% in patient population at Wernersville State Hospital since December 31, 1997, due to numerous factors, primarily implementation of successful Community Hospital Integration Project Program initiatives, advancement in pharmacological treatment for many patients and enhancements to the community mental health system which provide alternatives to State hospital inpatient treatment.

Individuals or organizations wishing to testify should contact Gary Beese, Office of Mental Health and Substance Abuse Services' Harrisburg Field Office Director at (717) 772-6650 by June 25. Individuals requiring a special accommodation are asked to inform the Department at the time of scheduling.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 99-943. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Lucky 8's 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 8's.
2. *Price:* The price of a Pennsylvania Lucky 8's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Lucky 8's instant lottery game ticket will contain four play areas known as "Box 1," "Box 2," "Box 3" and "Box 4." Each "Box" is played separately. The play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOUR DOL), \$8<sup>00</sup> (EIGHT DOL), \$16<sup>00</sup> (SXTN DOL), \$24\$ (TWY FOR), \$40\$ (FORTY), \$80\$ (EIGHTY) and \$8,000 (EGT THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$24, \$40, \$80 and \$8,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Lucky 8's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$8,000 (EGT THO) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$8,000.

(b) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$80\$ (EIGHTY) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$80.

(c) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$40\$ (FORTY)

appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$24\$ (TWY FOR) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$24.

(e) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$16<sup>00</sup> (SXTN DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$16.

(f) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$8<sup>00</sup> (EIGHT DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$8.

(g) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$4<sup>00</sup> (FOUR DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "Prize" area for that "Box," on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with a play symbol of 8 (EIGHT) in any "Box," and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "Prize" area for that "Box," 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:

*Find an 8 In Any of The 4 Boxes With Prize(s) Of:*

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$1	1:8.82	1,142,400
\$1 x 2	1:21.43	470,400
\$2	1:50	201,600
\$1 x 4	1:300	33,600
\$1 x 2 + \$2	1:300	33,600
\$2 x 2	1:375	26,880
\$4	1:1,500	6,720
\$2 x 4	1:150	67,200
\$4 x 2	1:300	33,600
\$8	1:300	33,600
\$4 x 4	1:300	33,600
\$8 x 2	1:1,500	6,720
\$2 x 2 + \$4 + \$8	1:750	13,440
\$4 x 2 + \$8	1:1,500	6,720
\$16	1:1,500	6,720
\$4 x 2 + \$8 x 2	1:750	13,440
\$8 x 3	1:1,500	6,720
\$8 + \$16	1:1,500	6,720
\$24	1:1,500	6,720
\$8 x 3 + \$16	1:24,000	420
\$8 + \$16 x 2	1:30,000	336
\$16 + \$24	1:60,000	168
\$40	1:120,000	84
\$8 x 2 + \$24 + \$40	1:30,000	336
\$16 + \$24 + \$40	1:30,000	336

Find an 8 In  
Any of The 4  
Boxes With  
Prize(s) Of:

\$40 x 2	Win	\$80
\$80		\$80
\$8,000		\$8,000

Approximate Odds	Approximate No. of Winners Per 10,080,000 Tickets
1:120,000	84
1:120,000	84
1:840,000	12

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 8's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky 8's, prize money from winning Pennsylvania Lucky 8's 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 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky 8's or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 99-944. Filed for public inspection June 11, 1999, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S., Subsection 513(e)(7), intends to sell certain land owned by it located along State Route 0879 in the Township of Lawrence, Clearfield County. The parcel contains 0.24 acres of unimproved land. Fair market value is \$23,000.00. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Pennsylvania Department of Transportation, George M. Khoury,

P.E., District Engineer, Engineering District 2-0, P. O. Box 342, 1924-30 Daisy Street, Clearfield, PA 16830.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 99-945. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Finding Centre 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 remove and replace the Axemann Bridge on Township Road 423 in Spring Township, Centre County.

The proposed project will have No Adverse Effect on the Axemann Historic District, which has been determined eligible for the National Register of Historic Places. There is no feasible and prudent alternative to the usage of the Axemann Historic District.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,  
Secretary

[Pa.B. Doc. No. 99-946. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Finding

#### Huntingdon 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 replace the existing bridge carrying SR 22 over Shaffers Run in the Village of Shaffersville, Morris Township, Huntingdon County. This project will require the acquisition of 445 square meters (0.11 acres) of right of way from the Shaffersville Historic District and 283 square meters (0.07 acres) of right of way from the Huntingdon, Cambria, and Indiana Turnpike Remnants Historic District. The effect of this project on the Schaffersville Historic District and the Huntingdon, Cambria and Indiana Turnpike Remnants Historic District will be mitigated by the following mitigation measures:

1. Concrete form liners and stained concrete will be used for the construction of the bridge abutments and wingwalls to give the appearance of stonework.

2. The proposed concrete structure will be tinted to make it less obtrusive.

3. Clearing of vegetation for this project will be minimized.

4. The minimum design criteria for pavement and structure width and for guiderail placement will be used to minimize impacts to the historic districts.

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 prudent and feasible alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-947. Filed for public inspection June 11, 1999, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Cancellation of Meeting

The June 15, 1999, Environmental Quality Board meeting has been canceled. The next meeting is scheduled for July 20, 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. 99-948. Filed for public inspection June 11, 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) (act) hereby announces the publication of the stipulations of fact, findings of fact, conclusions of law, final decision and order, made after a public hearing on the issue of damages under section 9(e)—(g) of the act, in the following case:

*Yolanda Santos v. Vanguard Manufacturing, Inc.*; Doc. No. E86658DH; (Pennsylvania Human Relations Commission, May 25, 1999); Race- and disability-based refusal to honor medical restrictions; Damage Ruling for Complainant, 7-0 decision; 14 pages.

The final order in the above-listed case is subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinion listed in this notice may be obtained by mailing a request indicating the opinions 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. 99-949. Filed for public inspection June 11, 1999, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (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 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 regulations. 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-655	State Board of Physical Therapy Fees 29 Pa.B. 1615 (March 27, 1999)	5/27/99	4/26/01
16A-5310	State Board of Osteopathic Medicine Application Fees 29 Pa.B. 1613 (March 27, 1999)	5/27/99	4/26/01
106-4	Environmental Hearing Board Practice and Procedure 29 Pa.B. 1074 (February 27, 1999)	5/28/99	4/28/01

### State Board of Physical Therapy Regulation No. 16A-655 Fees May 27, 1999

We have reviewed this proposed regulation from the State Board of Physical Therapy (Board) and submit for consideration the following objections and recommendations. Section 5.1(h) and (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 fiscal impact, consistency and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.



### 1. Section 40.5. Fees—Fiscal Impact, Consistency and Clarity.

#### *Administrative overhead costs*

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 8(b) of the Physical Therapy Practice Act (63 P. S. § 1308(b)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

#### *Board duties for certification and verification*

The House Professional Licensure Committee requested additional information from the Board in two areas. First, it questioned the Board's role in the certification of scores, licensure, certification and registration. In addition, it noted that the description of Board staff functions in the fee report forms for certification and verification fees were the same. However, there was a significant difference in the staff time and costs for these fees. Staff time for certification equaled 45 minutes at a cost of \$15.23. Staff time for verification was 4.8 minutes at a cost of \$1.62.

Why does the Board certify scores? What is the difference between certification and verification? How much work is required to provide these services? The Board should explain in detail the answers to these questions when it submits the final-form version of this regulation.

**State Board of Osteopathic Medicine  
Regulation No. 16A-5310  
Application Fees  
May 27, 1999**

We have reviewed this proposed regulation from the State Board of Osteopathic Medicine (Board) and submit for consideration the following objections and recommendations. Section 5.1(h) and (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 fiscal impact

and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

### **Sections 25.231 and 25.503. Schedule of Fees; and Fees—Fiscal impact and Clarity.**

#### *Administrative overhead costs*

In the proposed regulation's fee report forms, there are significant differences in the costs covered by different fees except for "Administrative Overhead" costs. According to staff at the Department of State and its Bureau of Professional and Occupational Affairs (BPOA), the allocated share of overhead cost for each fee category is calculated by dividing total overhead costs by the number of active licensees. This methodology for overhead cost allocation is not unreasonable and has been consistently applied. On the other hand, the staff cost allocations are based on estimates of the actual time BPOA staff spends performing the tasks related to each fee.

For overhead cost allocations, there appears to be no relationship to the services covered by the fees or frequency of fee payments. Therefore, there is no indication that the fees will recover actual or projected overhead costs. In addition, the allocated costs are based on past expenditures rather than estimates or projections of future expenditures. Hence, there is no certainty that the fees' "projected revenues will meet or exceed projected expenditures" under section 13.1(a) of the Osteopathic Medical Practice Act (63 P. S. § 271.13a(a)).

We question the use of a constant overhead cost allocation that appears to be unrelated to the actual costs of activities covered by different fees. Even though this process was used to determine other fees, why should BPOA maintain this approach? The Board and BPOA should specifically identify the overhead costs, or portion of the total overhead, to be recouped by these fees, and review their methodology for allocating these overhead costs. Is it the Board's goal to allocate all overhead costs by category to each fee? If so, we do not believe the current allocation formula gives the desired result.

#### *Inconsistency in fee title*

In the Regulatory Analysis Form, question eight states that "... certification of any license, grades or hours..." fee will be adjusted. In the Fee Report Form, the same fee is entitled, "Certification of Scores or Hours." And in the proposed rulemaking, the fee is entitled, "Certification of any License, Examination Grades, or Hours." This inconsistency needs to be clarified in the preamble to the Board's final-form rulemaking.

#### *Similarity in tasks*

The Board's staff time and administrative costs for the Verification of License or Temporary Permit as outlined in the Fee Report Form are 0.08/hour and \$1.62, respectively. The staff time and administrative costs for the Certification of License, Scores, or Hours outlined in the Fee Report Form are 0.75/hour and \$15.23, respectively. Yet the administrative functions the Board staff performs for both are identical. The Board should explain the cost and time differentials when it submits its final-form rulemaking.

**Environmental Hearing Board Regulation No. 106-4  
Practice and Procedure  
May 28, 1999**

We have reviewed these proposed regulations from the Environmental Hearing Board (Board) and submit for consideration the following objections and recommenda-

tions. Section 5.1(h) and (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 reasonableness and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulations.

### 1. Section 1021.31(a). Service by the Board—Clarity.

Subsection (a) provides that service of orders, notices and other documents is to be made, by mail or in person, upon the person designated in the notice of appearance. The Board proposes to have this rule supersede, rather than supplement, the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31, relating to service by the agency. This change leaves unanswered the question of whom to serve if a party has not yet entered an appearance.

The Board advises that this problem arises only in one specific type of case involving a permittee. In that type of case, the permittee's name and address is attached to the complaint. Service may then be made on the permittee, or on the permittee's attorney. To ensure that this process is clear, the Board's rules should continue to supplement, and not supersede, 1 Pa. Code § 33.31. In the alternative, the Board should revise § 1021.31 to indicate that service should be made on a permittee before the permittee enters an appearance.

### 2. Section 1021.51. Commencement, forms and content—Clarity.

Subsection (f) requires an appellant to prepay a penalty in an appeal from an assessment of a civil penalty. This section should be revised to clearly indicate that the prepayment requirement only applies when required by statute. The following amendment will accomplish this change:

"Where the appeal is from an assessment of a civil penalty [that] for which the statute requires an appellant to prepay the penalty or post a bond, . . ."

### 3. Section 1021.56. Complaints filed by the Department—Reasonableness and Clarity.

In subsection (b), the Board has replaced notice to plead with notice of right to respond. Given the large number of pro se defendants who appear before the Board, we question whether the change in language will give adequate notice of the consequences of a failure to respond, or the failure to specifically deny factual allegations.

The Board should revise the regulation to provide that complaints will contain a notice advising defendants of these consequences, or explain in its response document how defendants are advised of these consequences through other means (pamphlets, and the like).

### 4. Section 1021.57. Answers to Complaints filed by the Department—Reasonableness and Clarity.

In § 1021.57, the Board has proposed a new rule pertaining to answers. This rule, which will replace § 1021.66, will apply to all proceedings which must be instituted by complaint. Although § 1021.66 will be deleted, most of its substantive provisions will be incorporated into the new § 1021.57. However, certain differences between the new and deleted provisions have created confusion.

First, § 1021.57(b) combines in one provision the following two distinct directives: (1) all defenses, legal and

factual, should be combined in a single pleading; and (2) answers should be written and complete, should admit or deny specifically each allegation, and should clearly state the facts and legal arguments relied upon. This provision incorporates the substance of Subsections (b) and (d) of § 1021.66. Combining these two provisions into a single provision results in diminished clarity. Therefore, § 1021.57(b) should be divided into two lettered paragraphs, modeled after subsections (b) and (d) of § 1021.66.

Second, § 1021.57 leaves doubt as to whether a party must reply to new matter and preliminary objections. Section 1021.57(b) contains the same requirement as § 1021.66(c), that preliminary objections must be included in answers and may not be filed separately. However, § 1021.66(e), which requires the filing of a reply to new matter and answer to preliminary objections, was not carried over to § 1021.57. This has resulted in confusion as to whether: (1) replies to new matter and answers to preliminary objections are still required; and (2) the same "deemed admitted" rule applies to a failure to file a reply or answer. The regulation should be amended to resolve these questions.

Third, § 1021.57(c) leaves unclear how facts may be deemed admitted against a party. This provision was modeled after § 1021.66(c), with one important difference. Section 1021.66(c) provides that a defendant failing to file an answer within the prescribed time shall be deemed in default and, **upon motion made**, all relevant facts stated in the complaint for civil penalties may be deemed admitted (emphasis ours). Section 1021.57(c) leaves out the phrase "upon motion made." The absence of this language gives rise to the question whether all relevant facts may be deemed admitted against a party even if its opponent does not make a motion to that effect.

Under § 1021.70(h), motions may be made orally during the course of a hearing, and do not have to be preliminarily filed in writing. In the interest of fairness, and given the ease with which a motion may be made, the requirement for a motion should be retained in § 1021.57(c).

### 5. Section 1020.70. General—Clarity.

The new language proposed to be added to § 1020.70(e) is inconsistent with both §§ 1020.70(f) and 1021.73(b). The new language in subsection (e) would presumably apply to all motions, including motions for summary judgment and motions for partial summary judgment. It would provide that material facts set forth in a motion that are not denied may be deemed admitted for the purposes of deciding the motion. Subsection (f), however, does not apply to motions for summary judgment or motions for partial summary judgment. It provides that, for the purposes of the relief sought, the Board will deem a party's failure to respond to a motion to be an admission of all properly pleaded facts contained in the motion. Section 1021.73(c), which incorporates by reference Pa.R.C.P. Rule 1035.3(d), provides that summary judgment may be entered against a party who does not respond.

This inconsistency gives rise to several questions. First, with respect to motions for summary judgment and motions for partial summary judgment, it is not clear whether failure to respond at all, or failure to specifically deny factual allegations, will result in an order granting summary judgment. Compare the proposed change to § 1020.70(e) with § 1021.73(b) and Pa.R.C.P. Rule 1035.3(d). If a failure to respond at all results in this

penalty, what consequences will result from a failure to specifically deny factual allegations?

Second, with respect to motions that are not dispositive, it is not clear why the Board would differentiate between the purpose of deciding the motion in subsection (e) and the purpose of the relief sought in subsection (f). Presumably, if a motion were decided in the mover's favor, the relief sought would be granted. Third, subsection (e) does not explain whether facts that are not specifically denied will be deemed admitted upon motion of the opposing party or the Board's own motion, or whether the Board may deem facts admitted even if a motion to that effect is not made. The Board should revise the language in subsection (e) to resolve these inconsistencies.

#### 6. Section 1021.80. Consolidation—Clarity.

Section 1021.80 provides that the Board, upon motion made, may consolidate proceedings involving a common question of law or fact. The proposed change to subsection (b) indicates that § 1021.80 will supersede, rather than supplement, the Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.45. This change would seem to prevent the Board from issuing orders necessary to have the proceedings conducted in an efficient manner. Therefore, the Board should retain "supplements" and not replace it with "supersedes."

The Board has explained that this authority is reserved under the newly proposed § 1021.4, which is patterned after the Pa.R.C.P. Rule 126. So that this will be made apparent, the Board should cross-reference § 1021.4 in § 1021.80.

#### 7. Section 1021.104. Transcript—Reasonableness and Clarity.

Section 1021.104 sets forth the requirement for transcripts. In subsection (d), the Board proposes to have this section supersede, rather than supplement, the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 35.131–35.133. Superseding 1 Pa. Code § 35.132 will have the effect of eliminating the procedure for correcting errors in transcripts. Therefore, the Board should not replace "supplements" with "supersedes." In the alternative, the Board should revise § 1021.104 to indicate how errors in transcripts can be corrected.

#### 8. Section 1021.125. Sanctions—Clarity.

Section 1021.125 provides that the Board may impose sanctions for failure to abide by a Board order or practice and procedure rule. With respect to the type of sanctions that may be imposed, the Board proposes to delete the phrase "as are permitted in similar situations by Pa.R.C.P. for practice before the court of common pleas," and replace that phrase with "appropriate." By deleting the reference to the Pa.R.C.P., the Board has not provided any means through which a party may be put on notice as to what sanctions the Board may find "appropriate."

The Board has explained that it intends to be guided by Pa.R.C.P. Rule 4019 (relating to production of documents and things; sanctions), and will state its intention in the Preamble to the final-form regulations. However, the Board does not want to include a cross-reference to Rule 4019 in the regulation, because this rule has limited application to discovery practice.

Because the Preamble is not codified, the mention of the Board's intention therein is not sufficient to place parties on notice as to how the Board's discretion will be limited. Therefore, the cross-reference to Rule 4019

should be included, with clarification that it will apply generally to proceedings before the Board. In the alternative, the Board should list in § 1021.125 the sanctions set forth in Rule 4019 that it will apply where circumstances warrant.

#### 9. Miscellaneous—Clarity.

The following revisions will improve the clarity of the regulation:

1. Section 1021.35(a)(2). Insert the word "than" between "other" and "motions."

2. Sections 1021.17, 1021.107 and 1021.161. Do not place substantive provisions in "Note" paragraphs, which are neither numbered nor lettered. To avoid confusion, use the standard format for regulations established by the Joint Committee on Documents, 1 Pa. Code, § 7.6 and Chapter 9.

3. Section 1021.162. Replace "In the event" with "If." Also, divide the first and second sentences into subsections (a) and (b).

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 99-950. Filed for public inspection June 11, 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

Reg. No.	Agency/Title	Received
63-06	Lobbying Disclosure Committee	5/26/99
	Lobbying Disclosure	

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 99-951. Filed for public inspection June 11, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws

*John A. Mongeluzzo; Doc. No. SC99-05-015*

Notice is hereby given of the Order to Show Cause issued on May 27, 1999, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Section 604 of Insurance Department Act of June 11, 1992, P. L. 284, as amended (40 P. S. § 234), 40 P. S. § 279 and 31 Pa. Code §§ 37.46, 37.47, 37.48 and 37.33.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S.

§§ 501—508 and 701—704 (relating to the Administrative Agency Law); General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1—35.251; Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-952. Filed for public inspection June 11, 1999, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas

#### Over-Order Premium

Under the Milk Marketing Law (31 P. S. § 700j-101 et seq.), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1, 2, 3, 4, 5 and 6 on August 3, 1999, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning whether the over-order premium established by Official General Order A-901 should be continued, adjusted or allowed to expire as scheduled at 12 midnight on September 30, 1999.

#### *Entries of appearance*

The staff of the Board is deemed to be a party to this hearing, and the attorneys representing staff are deemed to have entered their appearances. Other persons that may be affected by the Board order pertaining to an over-order premium may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on June 21, 1999, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25, which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21, filing with the Board, by 4 p.m. on June 21, 1999, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

#### *Witnesses, exhibits, presentation of evidence*

The parties shall observe the following requirements for advance filing of witness information and exhibits. The

Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 12 noon on July 9, 1999, each party shall file with the Board six copies and serve on all other parties one copy of:
  - a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.
  - b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on July 19, 1999, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

*Note:* A document is filed with the Board when it is received in the Board office. When more than one copy of a document is required, all copies must be received by the date and time indicated.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

#### *Requests for data from Board staff*

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 1, 1999.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 99-953. Filed for public inspection June 11, 1999, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Meeting Notice

Notice is hereby given of a working group meeting of the Radiological Emergency Preparedness Advisory Committee (REPAC) of the Pennsylvania Emergency Management Council (PEMC) to review the State policy regarding the use of potassium iodide (KI) in connection with a nuclear power plant incident. The meeting will be held at

10 a.m., Tuesday, July 13, 1999, in Room C3621 at M.S. Hershey Medical Center.

Questions concerning this meeting should be directed to Vice Chair William P. Kirk at (717) 783-9730.

JOSEF C. JORDAN,  
*Director*

[Pa.B. Doc. No. 99-954. Filed for public inspection June 11, 1999, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 5, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests 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-00115933. Barbara Bibla, t/d/b/a Mountain Top Taxi** (P. O. Box 42, Mountain Top, Luzerne County, PA 18707)—persons upon call or demand in the boroughs of Ashley, Nuangola, Sugar Notch and Warriors Run, and the townships of Conyngham, Fairview, Rice, Wright, Bear Creek, Dorrance, Slocum, Dennison, Butler, Hollenback and Hanover, all in Luzerne County.

**A-00115934. John Schumacher, t/d/b/a At Your Service Transportation** (1283 Plainfield Drive, Pen Argyl, Northampton County, PA 18072)—persons in limousine service, between points in the county of Northampton, and from points in the said county, to points in Pennsylvania, and return. *Attorney:* Yvonne A. Falcone, P. O. Box 19, Bangor, PA 18013.

**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-00102577, F. 4. Action Transit Enterprises, Inc.** (330 Poplar Street, Pittsburgh, Allegheny County, PA 15223-2295), 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 Armstrong, Beaver, Butler, Washington, Fayette and Westmoreland, and from points in the said counties and the county of Allegheny, to points in Pennsylvania, and

return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

**Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.**

**A-001138761153, F. 1, Am-A. Blaise Rolison, t/d/b/a Pioneer City Cab** (69 North Main Street, Carbondale, Lackawanna County, PA 18407)—persons upon call or demand, in the city of Carbondale, Lackawanna County, and within an airline radius of 5 statute miles of the limits of said city: *so as to permit* the transportation of persons upon call or demand, in the city of Honesdale, Wayne County, and within an airline radius of 5 statute miles of the limits of said city.

**A-00111153, F. 1, Am-A. Absolute Limousine Service, Inc.** (1115 Farragut Street, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, from points in the county of Allegheny, to other points in Pennsylvania, and return; subject to the following conditions: That no right, power or privilege is granted to provide service to points in the counties of Beaver, Butler, Westmoreland and Somerset, and, that no right, power or privilege is granted to provide service for funeral homes or to transport persons attending funerals: *so as to permit* the transportation of persons in limousine service, between points in the counties of Washington and Beaver, and from points in the said counties and the county of Allegheny, to points in Pennsylvania, and vice versa; subject to the following condition: That no right, power or privilege is granted to provide service for funeral homes or for persons attending funerals. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-955. Filed for public inspection June 11, 1999, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Notice of Sale

The Philadelphia Regional Port Authority will sell the following vehicles:

1988 Chevrolet King Cab  
1981 Ford Pick-Up  
1986 Ford Bronco II, 4 x 4

Sealed or faxed bids will be accepted for these vehicles. Bids can be for one or all vehicles. Bids for all vehicles must list individual prices. No warranties are implied or given. Vehicles are sold "as is."

The vehicles may be examined by appointment only. Contact Donna Powell, Director of Procurement at (215) 928-9100 Ext. 247 to schedule an appointment. Please call before the close of business Friday, June 18, 1999, to arrange to see the vehicles.

Sealed bids must be received by 2 p.m., Thursday, June 24, 1999, at which time they will be opened publicly. Bids should be mailed or delivered to: Philadelphia Regional

Port Authority, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, Attn: Donna Powell, Reference: #99-147-001.

Vehicles must be paid for not later than 10 days after notification of award. No cash payments nor personal checks will be accepted. Bidders must make arrangements to pick up the vehicles. Bid prices are subject to 7% Pennsylvania Sales Tax (Do not include tax in bid price).

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 99-956. Filed for public inspection June 11, 1999, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, June 24, 1999, for Project #99-146-001 (Trash Removal), Project #99-146-002 (Water Requirements), Project #99-146-003 (Janitorial Supplies).

The bid documents can be obtained from the Director of Procurement, 210 W. Washington Square, 13th Floor, Philadelphia, PA 19106, (215) 928-9100 and will be available June 15, 1999. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 99-957. Filed for public inspection June 11, 1999, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### Common Level Ratios

The State Tax Equalization Board (Board) has established a Common Level Ratio for each county in the Commonwealth for the calendar year 1998. The ratios were mandated by Act 267-1982.

The law requires the State Tax Equalization Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 1998 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 1998.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the State Tax Equalization Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the State Tax Equalization Board is certifying as the Common Level Ratio for each county for 1998.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 1998 of 100% will utilize valid sales from 1% to 200%.

The Common Level Ratios for 1998 follow.

MARTHA BELL SCHOENINGER,  
*Chairperson*

### 1998 COMMON LEVEL RATIOS

<i>County</i>	<i>Ratio</i>
Adams	39.5
Allegheny	19.8
Armstrong	49.0
Beaver	38.9
Bedford	9.2
*Berks	96.3
Blair	11.1
Bradford	42.2
Bucks	4.6
Butler	13.1
Cambria	17.8
Cameron	40.2
Carbon	8.4
Centre	45.0
*Chester	93.4
Clarion	23.7
Clearfield	22.0
Clinton	32.5
Columbia	37.1
Crawford	41.2
Cumberland	6.6
*Dauphin	54.4
Delaware	3.2
Elk	17.2
Erie	8.5
Fayette	10.6
Forest	29.7
Franklin	7.3
Fulton	17.6
Greene	27.7
Huntingdon	20.5
Indiana	16.7
Jefferson	20.4
Juniata	14.1
*Lackawanna	21.2
*Lancaster	95.6
Lawrence	15.8
Lebanon	9.2
Lehigh	49.3
Luzerne	7.5
Lycoming	69.9
McKean	25.5
Mercer	10.7
Mifflin	11.1
Monroe	23.7
*Montgomery	96.4
Montour	10.1
Northampton	50.0
Northumberland	7.1
Perry	13.1
Philadelphia	30.0
Pike	32.8
Potter	12.8
Schuylkill	45.5
Snyder	19.1
Somerset	46.8
Sullivan	28.5
Susquehanna	49.2

<i>County</i>	<i>Ratio</i>
Tioga	34.8
Union	18.5
Venango	19.7
Warren	41.6
Washington	19.4
Wayne	8.8
*Westmoreland	26.0

<i>County</i>	<i>Ratio</i>
Wyoming	28.3
*York	94.6

\*Counties with a Predetermined Assessment Ratio of 100%.

[Pa.B. Doc. No. 99-958. Filed for public inspection June 11, 1999, 9:00 a.m.]

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