

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Christmas Tree Marketing and Research Program

Under the applicable provisions of the Agricultural Commodities Marketing Act, a referendum was held from June 1 to June 15, 1999, to determine if the producers affected by the proposed Pennsylvania Christmas Tree Marketing and Research Program desired to have the Program established. To pass, a majority of eligible producers voting, both by number of producers and by the number of trees cut and sold during the previous marketing season, had to vote in favor of the Program's establishment. An impartial Teller Committee met on June 22, 1999, to count the ballots. The following results were submitted by the Teller Committee: a total of 81 eligible votes were cast, with 58 producers voting in favor of and 23 producers voting against the establishment of the program by number of producers. There were 347,885 trees eligible for inclusion in the referendum count. Producers voted 268,066 trees in favor of and 79,819 trees against the establishment of the program by volume of trees cut and sold during the previous marketing season. The eligible votes favoring establishment of the Program by number of producers represented 72% of the eligible votes and those against establishment of the program represented 28% of the eligible votes. The eligible votes favoring establishment of the Program by number of trees cut and sold during the previous marketing season represented 77% of the eligible votes and those against establishment of the Program by number of trees cut and sold during the previous marketing season represented 23% of the eligible votes by number of trees. There were 20 spoiled or ineligible ballots. Because a majority of the votes were cast in favor of the Program, the Pennsylvania Christmas Tree Marketing and Research Program shall become effective 21 days from publication of this notice in

accordance with section 4509 of the Agricultural Commodities Marketing Act.

SAMUEL E. HAYES, Jr.  
*Secretary*

[Pa.B. Doc. No. 99-1093. Filed for public inspection July 9, 1999, 9:00 a.m.]

### Pennsylvania Agricultural Product Promotion Matching Grant Program; Application Period

Notice is given of the commencement of an application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (Program) administered by the Department of Agriculture (Department). The statement of policy describing the Program is published at 7 Pa. Code, Chapter 105.

In summary, the Program provides matching funds to Pennsylvania nonprofit agricultural product promotion and marketing organizations for projects intended to increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products.

Applications for the Program will be accepted by the Department beginning August 2, 1999, for a 30-day period. Applications will not be accepted if received by the Department after August 31, 1999. Information and a grant application may be obtained from Michael Varner, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110-9408.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1094. Filed for public inspection July 9, 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 29, 1999.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-15-99	United Bank of Philadelphia Philadelphia Philadelphia County  Purchase of Assets/Assumption of Liabilities of four Branch Offices of First Union National Bank, Charlotte, North Carolina, Located At:  1620 Wadsworth Avenue Philadelphia Philadelphia County	Philadelphia        3945-49 Chestnut Street Philadelphia Philadelphia County	Filed

**NOTICES**

**3637**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	2836 West Girard Avenue Philadelphia Philadelphia County	1501 North Broad Street Philadelphia Philadelphia County	

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-21-99	Wayne Bank Honesdale Wayne County	Stroud Mall U. S. Route 611 Stroud Township Monroe County	Opened
6-25-99	Harris Savings Bank Harrisburg Dauphin County	Shoppes at Kissel Village Route 501 Lititz Warwick Township Lancaster County	Filed
6-28-99	Main Street Bank Reading Berks County	555 Penn Avenue West Reading Berks County	Approved
6-28-99	Parkvale Savings Bank Monroeville Allegheny County	3801 Washington Road McMurray Peters Township Washington County	Approved
6-28-99	Northwest Savings Bank Warren Warren County	Dutchway Shopping Mall Route 501 North Schaefferstown Heidelberg Township Lebanon County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-23-99	Parkvale Savings Bank Monroeville Allegheny County	<i>To:</i> Brodhead Rd. and Mill St. Aliquippa County  <i>From:</i> 913 23rd Street Aliquippa Beaver County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-28-99	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	274 N. Craig Street Pittsburgh Allegheny County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-29-99	East Penn Bank Emmaus Lehigh County	Provides for the amendment to Article Fifteenth of the Articles of Incorporation eliminating cumulative voting rights.	Approved and Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

DAVID E. ZUERN,  
*Secretary*

[Pa.B. Doc. No. 99-1095. Filed for public inspection July 9, 1999, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Consolidated Plan; Public Meeting and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing the Commonwealth's Consolidated Plan for Federal fiscal years 2000-2004. This document must be submitted to and approved by the United States Department of Housing and Urban Development (HUD) in order for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's Consolidated Plan will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS.

Individuals or organizations may give testimony or comments at the public meeting. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Annual Plan and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Individuals who want to speak must call to schedule a time to give oral testimony at the meeting. The public meeting will be shortened if no one is scheduled to testify or if there is minimal response. Please call Aldona Kartorie at (717) 720-7409 to schedule oral testimony at the public meeting at least 24 hours prior to the meeting date.

### *Written Comments*

Written testimony, in lieu of oral testimony, may be submitted by 5 p.m., August 9, 1999. Please submit comments to Aldona Kartorie, Office of Community Development and Housing, Department of Community and Economic Development, Room 509, Forum Building, Harrisburg, PA 17120.

### *Public Meeting*

The public meeting will be held as follows:

*August 10, 1999*  
Forum Building  
Room 321  
Walnut Street and Commonwealth Avenue  
Harrisburg, PA 17120  
10 a.m. to 1 p.m.\*

\*Note: The public meeting may be shortened if there is minimal response.

### *Regional Housing Advisory Committee Meetings*

The Commonwealth has six Regional Housing Advisory Committees across the State comprised of appointed members. Meetings of these committees are open to the

public under the Sunshine Act. These committees advise the Department regarding housing and community development needs as well as assist in fair housing planning. These meetings will be held as follows:

<i>July 19, 1999</i> State Office Building Penthouse Broad and Spring Garden Streets Philadelphia, PA 19130 9 a.m. to 12 noon	<i>July 20, 1999</i> Borough Council Chambers 118 South Fraser Street State College, PA 16801 10 a.m. to 1 p.m.
<i>July 22, 1999</i> City of York Council Chambers One Marketway West 3rd Floor York, PA 17401 1 p.m. to 3:30 p.m.	<i>July 28, 1999</i> Economic Development Council of Northeast Pennsylvania 1151 Oak Street Pittston, PA 18641 9 a.m. to 12 noon
<i>August 4, 1999</i> Brookside Apartments 829 South Grant Street Extension Meadville, PA 16335 1 p.m. to 4 p.m.	<i>August 5, 1999</i> State Office Building Room 218 300 Liberty Avenue Pittsburgh, PA 15222 9 a.m. to 12 noon

Persons who have a disability and wish to attend the public meeting or any of the Advisory Committee meetings and requires an auxiliary aid, service or other accommodation to participate in the proceeding should contact Aldona Kartorie, Room 509 Forum Building, Harrisburg, PA 17120, (717) 720-7409, to discuss how the Department may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

SAMUEL A. MCCULLOUGH,  
*Secretary*

[Pa.B. Doc. No. 99-1096. Filed for public inspection July 9, 1999, 9:00 a.m.]

## Machinery and Equipment Loan Participation and Interest Rates

The Department of Community and Economic Development (Department) gives notice of the adoption of MELF participation and interest rates for loans approved by the Department. The rates are effective as of July 1, 1999, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow this notice as Annex A.

*Exception:* Projects located in any county or municipality in which the interest rate has increased will not be subject to the new rates until October 1, 1999.

The Department retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

Further information can be obtained from the Department of Community & Economic Development, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
*Secretary*

**Annex A  
MELF**

**PARTICIPATION AND INTEREST RATES FOR  
COUNTIES AND MUNICIPALITIES\*  
OVER 25,000 POPULATION**

Effective July 1, 1999 through June 2000

*Maximum  
MELF  
Participation\*\**      *Interest  
Rate\*\*\*  
%*

	<i>Maximum MELF Participation**</i>	<i>Interest Rate*** %</i>
ADAMS	50%	5.25
ALLEGHENY	50%	5.25
McKeesport City	50%	3.75
ARMSTRONG	50%	3.75
BEAVER	50%	5.25
BEDFORD	50%	3.75
BERKS	50%	5.25
Reading City	50%	3.75
BLAIR	50%	5.25
Altoona City	50%	3.75
BRADFORD	50%	5.25
BUCKS	50%	6.75
Bensalem Twp.	50%	5.25
Bristol Twp.	50%	5.25
BUTLER	50%	5.25
CAMBRIA	50%	3.75
CAMERON	50%	3.75
CARBON	50%	3.75
CENTRE	50%	6.75
CHESTER	50%	6.75
CLARION	50%	3.75
CLEARFIELD	50%	3.75
CLINTON	50%	3.75
COLUMBIA	50%	3.75
CRAWFORD	50%	3.75
CUMBERLAND (MSA)	50%	6.75
DAUPHIN (MSA)	50%	6.75
Harrisburg	50%	5.25
DELAWARE	50%	5.25
Chester City	50%	3.75
ELK	50%	3.75
ERIE	50%	5.25
Erie City	50%	3.75
FAYETTE	50%	3.75
FOREST	50%	3.75
FRANKLIN	50%	5.25
FULTON	50%	3.75
GREENE	50%	3.75
HUNTINGDON	50%	3.75
INDIANA	50%	3.75
JEFFERSON	50%	3.75
JUNIATA	50%	3.75
LACKAWANNA	50%	3.75
LANCASTER	50%	6.75
Lancaster City	50%	5.25
LAWRENCE	50%	3.75
LEBANON (MSA)	50%	6.75
Lebanon City	50%	5.25
LEHIGH	50%	5.25
LUZERNE	50%	3.75
LYCOMING	50%	3.75
McKEAN	50%	3.75
MERCER	50%	3.75
MIFFLIN	50%	3.75
MONROE	50%	3.75
MONTGOMERY	50%	6.75
Norristown Boro	50%	5.25
Upper Dublin Twp.	50%	5.25

MONTOUR	50%	6.75
NORTHAMPTON	50%	5.25
NORTHUMBERLAND	50%	3.75
PERRY(MSA)	50%	6.75
PHILADELPHIA	50%	3.75
PIKE	50%	3.75
POTTER	50%	3.75
SCHUYLKILL	50%	3.75
SNYDER	50%	5.25
SOMERSET	50%	3.75
SULLIVAN	50%	3.75
SUSQUEHANNA	50%	3.75
TIOGA	50%	5.25
UNION	50%	6.75
VENANGO	50%	3.75
WARREN	50%	5.25
WASHINGTON	50%	5.25
WAYNE	50%	3.75
WESTMORELAND	50%	5.25
WYOMING	50%	3.75
YORK	50%	6.75
York City	50%	3.75

\* Municipalities are listed only if interest rate differs from County's rate.

\*\* Maximum participation; MELF loans are \$500,000 or 50% of eligible project costs, whichever is less.

\*\*\* Based on calendar year 1998 unemployment rate. Subject to change at discretion of DCED.

MSA Metropolitan Statistical Area (Cumberland, Dauphin, Lebanon and Perry)

*Special Note:* Projects located in designated enterprise zones, planning stage enterprise zones, financially distressed municipalities under Act 47, Federal empowerment zones, Federal enterprise communities, Keystone Opportunity Zones and brownfields will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate of 4.25% or 3.75% depending on the location of the project (for example, if area rate is 5.25% or 6.75%, the interest rate will be 4.25%).

10% equity injection required for all projects.

*Financially Distressed Municipalities Under Act 47\**

- Aliquippa City
- Beaver County
- Braddock Borough
- Allegheny County
- Chester City
- Delaware County
- Clairton City
- Allegheny County
- Duquesne City
- Allegheny County
- East Pittsburgh Borough
- Allegheny County
- Farrell City
- Mercer County
- Franklinn Borough
- Cambria County
- Homestead Borough
- Allegheny County

Johnstown City  
Cambria County  
Millbourne Borough  
Delaware County  
North Braddock Borough  
Allegheny County  
Rankin Borough  
Allegheny County  
Scranton City  
Lackawanna County  
Wilkesburg Borough  
Allegheny County

*Federal Empowerment Zones\**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities\**

Portions of Harrisburg, Dauphin County  
Portions of Lock Haven, Clinton County

\*Eligible for 3.75% Interest Rate

[Pa.B. Doc. No. 99-1097. Filed for public inspection July 9, 1999, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

**Professional Standards and Practices Commission; Application of Martin Baracca for Reinstatement of Teaching Certificate; Doc. No. RE-99-01**

*Notice of Opportunity for Hearing and  
Invitation to Protest*

Under the Teacher Certification Law (24 P. S. §§ 2070.1—2070.18) the Professional Standards and

Practices Commission (Commission) will consider the application of Martin Baracca for reinstatement of his professional teaching certificate.

Martin Baracca filed an application for reinstatement of his teaching certificate as stated previously under section 16 of the Teacher Certification Law (24 P. S. § 2070.16), §§ 35.1 and 35.2 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.1—35.2) and 22 Pa. Code § 233.14 (relating to reinstatements). Under section 16 of the Teacher Certification Law, the Department of Education (Department) on June 16, 1999 opposed his reinstatement.

In accordance with the Teacher Certification Law, the General Rules of Administrative Practice and Procedure and 22 Pa. Code § 233.14(d) (relating to waiver of hearing), the Commission will act upon the application without hearing, unless within 30 days after the publication of this notice a written request for public hearing is filed with the Commission, 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).

Petitions to intervene, protests and requests for hearing shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice.

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

CAROLYN ANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1098. Filed for public inspection July 9, 1999, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and 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.

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

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

**PA 0013676.** Industrial waste, SIC: 5541, **Pocono Auto/Truck Plaza**, P. O. Box 98, Bartonsville, PA 18321.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater runoff into Pocono Creek in Hamilton Township, **Monroe County**.

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

Effluent requirements for Outfall 001 were determined at the point of discharge.

<i>Parameter</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor and report

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 0027014.** Sewage, SIC: 4952, **Altoona City Authority (Easterly Treatment Facility)**, 20 Greenwood Road, Altoona, PA 16602-7114.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Little Juniata River, in Logan Township, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 8.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	22		30
(11-1 to 4-30)	20	30		40
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N (5-1 to 10-31)	2			4
(11-1 to 4-30)	3.5			7
Dissolved Oxygen (2-15 to 7-31)			minimum of 6.0 at all times	
(8-1 to 2-14)			minimum of 5.0 at all times	
pH			from 6.0—9.0 inclusive	
Fecal Coliforms (5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		2,000/100 ml as a geometric average		
Total Phosphorus			monitor and report	
Total Nitrogen			monitor and report	
Total Copper	0.017			0.042
Total Zinc	0.108			0.270

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

The EPA waiver is not in effect.

**PA 0055123.** Industrial waste, SIC: 4951, **Borough of Bally Municipal Authority**, P. O. Box 217, Bally, PA 19503.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of West Branch Perkiomen Creek, in Bally Borough, **Berks County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0—9.0 inclusive	
Total Suspended Solids		monitor and report	
Chloroform	0.002	0.004	0.005
Methylene Chloride		monitor and report	
1,1,1-Trichloroethane		monitor and report	
Trichloroethylene	0.003	0.006	0.007
Tetrachloroethylene	0.0007	0.0014	0.0017

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 0080225.** Sewage, SIC: 4952, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to East Branch Antietam Creek, in Washington Township, **Franklin County**.

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

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	5.5	XXX	11
(11-1 to 4-30)	16.5	XXX	33
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,400/100 ml as a geometric average	
Total Nitrogen		monitor and report	
Total Phosphorus		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 not in effect.

---

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

**PA 0102385.** Sewage. **Springfield Restaurant Group, Iron Bridge Inn**, 1438 Perry Highway, Mercer, PA 16137-3738.

This application is for renewal of an NPDES permit to discharge treated sewage to the Neshannock Creek in Springfield Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: trout stocking fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River located at Eastvale, approximately 32 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 0.011 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	100,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0000329.** Industrial waste, SIC: 4941. **Pennsylvania American Water Company, Ellwood System**, 2736 Ellwood Road, New Castle, PA 16107-7559.

This application is for renewal of an NPDES permit, to discharge industrial waste to Slippery Rock Creek in Wayne Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Municipal Authority of the Township of North Sewickley on the Beaver River located at North Sewickley Township, approximately 9 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.22 mgd, are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
TSS	30	60	75
Iron	2.0	4.0	5.0
Aluminum	0.75	1.5	1.88
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The proposed discharge limits, based on a design flow of 0.24 mgd, are:

*Outfall No. 002*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)			
TSS	30	60	75
Iron	2.0	4.0	5.0
Aluminum	0.75	1.5	1.88
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**NPDES Minor Renewals**

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0080799	Newburg-Hopewell Joint Authority Box 128 Newburg, PA 17240	Cumberland Newburg Borough	UNT to Newburg Run	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 commentator 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. 2199404.** Sewage, submitted by **Township of East Pennsboro**, 98 South Enola Drive, Enola, PA 17025-2976, East Pennsboro Township, **Cumberland County** to construct a trunk sewer interceptor along Holtz Run/Magaro Road was received in the Southcentral Region on June 8, 1999.

**A. 0699405.** Sewage, submitted by **Kevin W. Ernst**, 35 Ridge Drive, Fleetwood, PA 19522, Alsace Township, **Berks County** to construct a wastewater treatment facility was received in the Southcentral Region on June 14, 1999.

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

**A. 0399402.** Sewerage. **Shannock Valley General Services Authority**, P. O. Box 157, Yatesboro, PA 16263. Application for the construction and operation of the Numine Wastewater Treatment Plant located in Cowanshannock Township, **Armstrong County**.

**A. 0399403.** Sewerage. **Shannock Valley General Services Authority**, P. O. Box 157, Yatesboro, PA 16263. Application for the construction and operation of the Yatesboro Wastewater Treatment Plant located in Cowanshannock Township, **Armstrong County**.

**A. 0499403.** Sewerage. **Jack Schweiger**, 259 Church Road, Fombell, PA 16123. Application for the construction and operation of a small flow sewage treatment plant to serve the Schweiger Residence located in Franklin Township, **Beaver County**.

**A. 6399405.** Sewerage. **Cecil Township Municipal Authority**, 3655 Millers Run Road, Cecil, PA 15321. Application for the construction and operation of the Georgetown Estates Phase VI Pump Station located in Cecil Township, **Washington County**.

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

**WQM Permit No. 4399416.** Sewage. **Forrest Brooke Mobile Home Park**, 7266 West Market Street, Mercer, PA 16137. This project is for the expansion of an existing sewage treatment plant to serve a mobile home park in Lackawannock Township, **Mercer County**.

**WQM Permit No. 2599410.** Sewage. **Edinboro University of Pennsylvania**, Earley Hall, Edinboro, PA 16444. This project is for the installation of a single pump station to replace two existing pump stations in the Borough of Edinboro, **Erie County**.

**WQM Permit No. 4399415.** Sewage. **Werner Company, Greenville Division**, 93 Werner Road, Greenville, PA 16125-9499. This project is for modifications to an existing wastewater treatment plant in Sugar Grove Township, **Mercer 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 effluent limitations set forth in the permit and special conditions. The 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 of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day 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, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

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

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

**NPDES Permit No. PAS10-G369.** Stormwater. **Robert H. and Elizabeth W. Hodge**, 1007 Appleville Road, West Chester, PA 19380, has applied to discharge stormwater from a construction activity located in East Brandywine Township, **Chester County**, to Unnamed Tributary to East Branch Brandywine Creek.

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

*Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

**NPDES Permit PAS10S019-R.** Stormwater. **Country Club of the Poconos at Big Ridge**, Mid Monroe Development Corp., P. O. Box 447, Route 209, Bushkill, PA 18324, has applied to discharge stormwater from a construction activity located in Middle Smithfield Township, **Monroe County**, to Bushkill Creek, Long Shore Creek, and UNT to Pond Creek.

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104.*

**NPDES Permit PAS10Q176.** Stormwater. **Jaindl Land Company**, David Jaindl, 3150 Coffeetown Road, Orefield, PA 18069, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

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

*Dauphin County Conservation District, District Manager, 1451 Peters Mountain Road, Dauphin, PA 17018, (717) 921-8100.*

**NPDES Permit PAS-10-I016-1.** Stormwater. **McNaughton Homes**, 1800 Linglestown Road, Suite 201, Harrisburg, PA 17110, has applied to discharge stormwater from a construction activity located in Susquehanna Township, **Dauphin County**, to Paxton Creek.

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

**NPDES Permit PAS-10-M034-R.** Stormwater. **Jefferson & Eastern**, 8730 Fox Gap Road, Middletown, MD 21769, has applied to discharge stormwater from a construction activity located in Antrim Township, **Franklin County**, to Muddy Run.

**NPDES Permit PAS-10-M051-R.** Stormwater. **Preston E. and Patricia A. Deardorff Sr.**, 8961 Antrim Church Road, Greencastle, PA 17225, has applied to discharge stormwater from a construction activity located in Antrim Township, **Franklin County**, to UNT to Muddy Run.

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

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

**NPDES Permit PAS10f077.** Stormwater. **David L. Nevins**, Cambridge Crossing Subdivision, 671 Boalsburg Road, Boalsburg, PA 16827, has applied to discharge

stormwater from a construction activity located in Patton Township, **Centre County** to UNT to Buffalo Run.

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

**NPDES Permit PAS106109.** Stormwater. **The Confluence Borough Municipal Authority**, P. O. Box 6, Confluence, PA 15424, has applied to discharge water from a construction activity located in Addison Township, Confluence Borough and Lower Turkeyfoot Township, **Somerset County** to Casselman River, Drake Run and Youghiogheny River.

## SAFE DRINKING WATER

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

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

**A. 1599509.** Public water supply. **Modern Mushroom Farms, Inc.**, 1330 Newark Road, Toughkenamon, PA 19374. This proposal involves the installation of a nitrate removal system to be added to the existing water treatment facilities in New Garden Township, **Chester County**.

**A. 1599508.** Public water supply. **Warwick Water Works, Inc.**, 200 Bethlehem Drive, Suite 201, New Morgan, PA 19543. This proposal involves the installation of a pH adjustment system and a phosphate inhibitor and permitting of St. Peter's Village existing public water supply system in Warwick Township, **Chester County**.

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

**A. 9996478.** **Culligan Water of Akron**, 31 Lewis Road, Akron, NY 14001, Charles E. Keepler, Jr., President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name Culligan Drinking Water.

**A. 9996217.** **Great Spring Waters of America, Inc.**, P. O. Box 499, Poland Spring, Maine 04274, Kristin Tardiff, Eastern Region Water Resources Manager. Applicant requests Department approval for a major permit amendment to use new wells nos. 9 and 10 at their Poland Spring bottling facility in Poland Spring, Maine. The following bottled water brands will be marketed in Pennsylvania: Poland Spring Natural Spring Water, Poland Spring Sparkling Spring Water, Deer Park Spring Water, Deer Park Distilled Water, Ice Mountain Spring Water, Great Bear Natural Spring Water and Poland Spring Distilled Water.

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

**0399503.** **Manor Township Joint Municipal Authority**, 2130 Pleasant View Drive, Ford City, PA 16226. Development of Well No. 4 to augment existing Wells Nos. 1, 2 and 3 serving Manorville Borough, **Armstrong County**.

**1199502.** **Borough of Lilly**, 602 Evergreen Street, Lilly, PA 15938. Development of Well No. 2A serving Washington Township, **Cambria 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 identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background 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 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 cleanup 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 the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Wonder Chemical Corporation**, Falls Township, **Bucks County**. Cliff Harper, Harper Environmental Associates, Inc., 1811 Hale Hollow Road, Bridgewater Corners, VT 05035, has submitted a Notice of Intent to Remediate site soil contaminated with chlorides and groundwater contaminated with chlorides and 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 June 11, 1999.

**Elizabeth Gardner and Mary Lynn Stephan Residences**, New Hope Borough, **Bucks County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with 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 Intelligencer Record* on May 19, 1999.

**2900 Samuel Drive Site**, Bensalem Township, **Bucks 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 soil and groundwater contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and 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 June 4, 1999.

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

**Former Penn Reed & Harness Factory**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032, has submitted a Notice of Intent to Remediate (on behalf of his client, Ruth Burchill Forrest, Penn Reed & Harness, 119 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on June 9, 1999.

**Robert Morgan Residence**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032, has submitted a Notice of Intent to Remediate (on behalf of Robert Morgan, 127 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on June 9, 1999.

**Eli J. Deily, Jr. Residence**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032, has submitted a Notice of Intent to Remediate (on behalf of Eli J. Deily, Jr., 115 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated

with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on June 9, 1999.

**Tami J. Van Horn Residence**, City of Allentown, **Lehigh County**. Doug Sammak, President, American Analytical and Environmental, Inc., 738 Front Street, Catasauqua, PA 18032, has submitted a Notice of Intent to Remediate (on behalf of Tami J. Van Horn, 117 South Aubrey Street, Allentown, PA 18103) concerning the remediation of site soils found to have been contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on June 9, 1999.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**Lock Haven University of Pennsylvania—Former KCSO Vocational Agriculture Center and Athletic Fields**, City of Lock Haven, **Clinton County**. Seth E. Narehood, Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of his client, Lock Haven University of Pennsylvania has submitted a Notice of Intent to Remediate soil contaminated with heavy metals. The applicant proposes to remediate the site to meet the background standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lock Haven Express* on May 21, 1999.

**Abandoned Garnier Portfolio Site**, City of Sunbury, **Northumberland County**. James F. Mallison, P.G., Russell Environmental Services, Inc., 504 Fair Street SW, Atlanta, GA 30313, on behalf of his client, Coca-Cola Enterprises, Inc., has submitted a Notice of Intent to Remediate soil contaminated with lead, heavy metals, solvents and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Item* on June 11, 1999.

## SOLID AND HAZARDOUS WASTE

### BENEFICIAL USE DETERMINATIONS

**Beneficial Use Determinations received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.**

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

The Southeast Regional Office received written notice from **Longview Development L.P.** to use coal ash as structural fill under 25 Pa. Code § 287.661. The 31.52 acre project, entitled **Phoenixville Town Center**, is located on State Route 23 in the Borough of Phoenixville and Schuylkill Township. Approximately 18,000 cubic yards of coal ash is projected to be utilized as structural fill on the site, either directly or in mixture with other structural fill material. Final site development will consist of a retail shopping center and associated parking areas. This notification is being placed to comply with the Department's requirement to publish a summary of the written notice received prior to the beneficial use of coal ash as structural fill. The required written notice was received on June 14, 1999.

## RESIDUAL WASTE PROCESSING FACILITIES

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

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

**General Permit Application No. WMGR062. Gemark Service Corp.**, 99 Stevens Lane, Exeter, PA 18643. General Permit No. WMGR062 for processing silver bearing films and sludges through washing and calcining to recover silver. The Department accepted the application as administratively complete on June 22, 1999. Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

#### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**Applications received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P.S. §§ 6019.1—6019.6), and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Carlos Express Corp.**, 157 Coddington Street, Rahway, NJ 07065; Carlos Ruano, President; application received June 7, 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. Comments or protests filed with the Department's Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

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

#### OPERATING PERMITS

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

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

**36-308-068B: J. Walter Miller Co.** (411-427 East Chestnut Street, Lancaster, PA 17602), for operation of a foundry sand system controlled by a fabric filter in Lancaster City, **Lancaster County**.

**36-308-085: J. Walter Miller Co.** (411-427 East Chestnut Street, Lancaster, PA 17602), for operation of an automatic molding line system controlled by a fabric collector in Lancaster City, **Lancaster County**.

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

**OP-63-00540: Box USA** (10 Wilson Road, Eighty Four, PA 15330), for operation of corrugated box manufacturing at Corrugated Container in North Strabane Township, **Washington County**.

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

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

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

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

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

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

**31-05005: Containment Solutions, Inc.** (U. S. 522 South, Mount Union, PA 17066-0299), located in Shirley Township, **Huntingdon County**. The facility is a fiberglass reinforced plastic tank manufacturer. The operation primarily emits volatile organic compounds (VOC) and hazardous air pollutants (HAP).

**67-05026: DONSCO, Inc.** (P. O. Box 2001, Wrightsville, PA 17368), located in Wrightsville Borough, **York County**. The facility is a gray iron foundry and primarily emits carbon monoxide (CO).

**22-05005: Statoil Energy Power Paxton** (Harrisburg Steam Works, 100 North Tenth Street, Harrisburg, PA 17105), located in City of Harrisburg, **Dauphin County**. The facility's major sources of emissions include four boilers and two engine-generators which primarily emit NOx.

**67-05022: Leisters Furniture, Inc.** (433 Ridge Avenue, Hanover, PA 17331), located in Hanover Borough, **York County**. The facility manufactures wood tables and other residential wood furniture. The operations primarily emit volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

#### PLAN APPROVALS

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

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

**07-05001B: Appleton Papers, Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673), for modification of the bleach plant operation, controlled by a packed column wet scrubber, at the Spring Mill in Roaring Spring Borough, **Blair County**. This source is subject to 40 CFR 63, Subpart S, National Emission Standards for Hazardous Air Pollutants: Pulp and Paper Production.

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

**19-317-022A: Perdue Specialty Feeds, Inc.** (P. O. Box 1537, Salisbury, MD 21802-1537), for installation of an air cleaning device (a high efficiency cyclone) on a fish food pellet dryer in Catawissa Borough, **Columbia County**.

**OP-18-0005A: International Paper Co.** (P. O. Box 268, Lock Haven, PA 17745), for installation of air cleaning devices (flue gas recirculation systems) on two spreader stoker bituminous coal-fired boilers (Boilers 1 and 2) in Castanea Township, **Clinton County**.

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

**PA-56-272A: Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), for installation of a coal crushing facility at Joepa Strip Mine in Summit Township, **Somerset County**.

**PA-30-072C: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241), for installation of coal prep plant/thermal dryers at Bailey Prep Plant in Richhill Township, **Greene County**.

**PA-63-110C: Corning Consumer Products Co.** (100 8th Street, Charleroi, PA 15022), for installation of glass melting tank 56 at Charleroi Plant in Charleroi Borough, **Washington County**.

## 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 limita-

tions, 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*

**56940105. Permit Renewal, Action Mining, Inc.** (1117 Shaw Mines Road, Meyersdale, PA 15552), commencement, operation and restoration of bituminous strip mine in Summit and Elk Lick Townships, **Somerset County**, affecting 108.0 acres, receiving stream unnamed tributaries to/and Casselman River. Application received June 23, 1999.

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

**03990104. Reichard Contracting, Inc.** (R. D. 3, New Bethlehem, PA 16242). Application received for commencement, operation and reclamation of a bituminous surface mine/coal preparation plant/processing facility located in Wayne Township, **Armstrong County**, affecting 11.1 acres. Receiving streams: two unnamed tributaries to North Branch to North Branch to Southfork Pine Creek to Pine Creek to the Allegheny River; one unnamed tributary to Glade Run to Glade Run to Mahoning Creek to the Allegheny River. Application received: June 18, 1999.

**63803009. Robinson Coal Company** (200 Neville Road, Pittsburgh, PA 15225). Application received to change the postmining land use from forestland to pastureland or land occasionally cut for hay at a bituminous surface/auger mine located in Robinson Township, **Washington County**, affecting 215.5 acres. Receiving streams: unnamed tributary to Robinson Run to Robinson Run to Ohio River; also, Little Raccoon Run to Raccoon Creek to the Ohio River. Application received: June 23, 1999.

**63940103R. Twilight Industries** (212 State Street, Belle Vernon, PA 15012). Renewal application received for continued reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, affecting 51.0 acres. Receiving streams: unnamed tributary to Pigeon Creek. Renewal application received: June 28, 1999.

**03830116R. Walter L. Houser Coal Co., Inc.** (R. R. 9, Box 434, Kittanning, PA 16201). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Kittanning Township,

**Armstrong County**, affecting 812.0 acres. Receiving streams: unnamed tributaries to Mill Run and Mill Run. Renewal application received: June 28, 1999.

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

**33830102. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Perry and Oliver Townships, **Jefferson County**, affecting 505.0 acres. Receiving streams: three unnamed tributaries to Big Run to Little Sandy Creek to Redbank Creek. Application for reclamation only. Application received June 22, 1999.

**16940104. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Toby Township, **Clarion County**, affecting 28.4 acres. Receiving streams: one unnamed tributary to Cherry Run to Licking Creek to the Clarion River. Application for reclamation only. Application received June 22, 1999.

**33890110. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Renewal of an existing surface strip and auger operation in Snyder Township, **Jefferson County**, affecting 223.0 acres. Receiving streams: two unnamed tributaries to Little Toby Creek and unnamed tributaries of Curry Run and Curry Run, all to Little Toby Creek to the Clarion River to the Allegheny River. Application for reclamation only. Application received June 23, 1999.

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

**03841302. Canterbury Coal Co.** (R. D. 1, Box 119, Avonmore, PA 15618), to revise the permit for the David and Dianne Mine in Kiskiminetas Township, **Armstrong County** to add 16,176 acres to the underground permit area, no additional discharges. Application received May 17, 1999.

**03870701. TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the CRD No. 2 Mine in Plumcreek Township, **Armstrong County** to revise and to add 60.5 acres, Dutch Run. Application received June 3, 1999.

**30831303. Cyprus Cumberland Resources Corp.** (145 Elm Drive, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add No. 7A shaft site, unnamed tributary to Dyers Fork. Application received June 17, 1999.

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

**54840101R3. Lensco Corp.** (313 Pottsville Street, Minersville, PA 17954), renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 222.0 acres, receiving stream—Lorberr Creek. Application received June 21, 1999.

**54840204R3. F & P Coal Company, Inc.** (R. D. 1, Box 148, Pine Grove, PA 17963), renewal of an existing anthracite surface mine/coal refuse reprocessing operation in Walker Township, **Schuylkill County** affecting 36.9 acres, receiving stream—Wabash Creek. Application received June 21, 1999.

**54840106R3. City of Philadelphia** (21 South 12th Street, Philadelphia, PA 19107-3614), renewal of an existing anthracite surface mine operation in West Mahanoy

and Butler Townships, **Schuylkill County** affecting 447.6 acres, receiving stream—Mahanoy Creek. Application received June 21, 1999.

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

*Noncoal Applications Received*

**300360-33950303-E-1. Southdown, Inc.** (1200 Smith Street, Suite 2400, Houston, TX 77002). Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 1 to McKee Run, along with mining and support activities, maintaining a 25 foot barrier on the stream except where the outslope of sediment pond A will encroach within the buffer zone in Shenango and Taylor Townships, **Lawrence County**. Receiving streams: unnamed tributaries to McKee Run and McKee Run. Application received June 25, 1999.

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

**40960304T. Pacton Corporation** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), transfer of an existing quarry operation from Pork Properties, Inc. in Plains Township, **Luzerne County** affecting 71.9 acres, receiving stream—none. Application received June 15, 1999.

**50940301C. Fred D. Thebes & Sons, Inc.** (R. R. 2, Box 555, New Bloomfield, PA 17068), correction to an existing quarry operation in Centre Township, **Perry County** affecting 13.0 acres, receiving stream—unnamed tributary to Little Juniata Creek. Application received June 15, 1999.

**7174SM1C2. Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation in Steelton Borough and Swatara Township, **Dauphin County** affecting 213.27 acres, receiving stream—Susquehanna River. Application received June 22, 1999.

**6476SM19T. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), transfer of an existing quarry operation from Lester G. Crider and addition of NPDES Permit No. PA0224006 in Greene Township, **Cumberland County** affecting 19.0 acres, receiving stream—unnamed tributary to Rocky Spring Branch of Back Creek. Application received June 21, 1999.

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

### ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

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

**E09-789.** Encroachment. **Bucks County Board of Commissioners**, Bucks County Court House, Doylestown, PA 18901. To remove a single span steel truss bridge (Bucks County Bridge 145) which spans over Mill Creek (WWF) and to construct and maintain, in its place, a single span prestressed concrete bridge with a clear span of approximately 63 feet and underclearance of approximately 4.6 feet. The skew angle will also be modified from 71 degrees to 72.35 degrees. This bridge carries Pickertown Road (T-334) over Mill Creek (Doylestown, USGS Quadrangle N: 2.4 inches; W: 8.0 inches) in Warrington Township, **Bucks County**.

**E09-790.** Encroachment. **Sesame Place**, 100 Sesame Road, Langhorne, PA 19047. To extend and maintain the upstream end of an existing 84-inch reinforced concrete stream enclosure along an unnamed tributary to Queen Anne Creek. The new conduit will measure an additional 490 linear feet and will consist of smooth lined corrugated metal pipe. This work is associated with the construction of a new parking lot to accommodate the Sesame Place Amusement Park. The site is located within Lot No. 57 just north of the intersection of Old Oxford Valley Road and North Buck Town Drive (Trenton West, PA-NJ USGS Quadrangle, N: 12.0 inches; W: 16.5 inches) in Middletown Township, **Bucks County**.

**E15-619.** Encroachment. **Natural Lands Trust**, 201 Piersol Road, Elverson, PA 19520-8833. To install and maintain a "Beaver Deceiver," consisting of fencing using concrete reinforcing-wire (5 to 6 inch square openings, 6 gauge welded wire), in French Creek immediately upstream from the Trythall Road stream crossing. This structure will form a diamond shape in front of the aforementioned roadway stream crossing at Crow's Nest Preserve. The site is located 400 feet north of the intersection of Harmonyville Road and Trythall Road (Elverson, PA Quadrangle N: 10.7 inches; West: 4.0 inches) in Warwick Township, **Chester County**.

**E15-622.** Encroachment. **West Whiteland Township**, 222 North Pottstown Pike, Exton, PA 19341. To remove a single span 6.5 foot by 3.0 foot reinforced concrete box culvert along an unnamed tributary to Valley Creek (CWF-MF) and to install and maintain, in its place, a 200-foot long stream enclosure consisting of twin 68-inch by 43-inch concrete elliptical pipes. This work will also impact 0.04 acre of wetland (PFO). The site is located at the intersection of Swedesford Road (T-413) and Ship Road (S. R. 1001) (Malvern USGS Quadrangle N: 6.8 inches, W: 16.3 inches) in West Whiteland Township, **Chester County**.

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

**E06-525.** Encroachment. **Lehigh Valley Amateur Astronomical Society**, 620 E. Rock Road, Allentown, PA 18103. To remove an existing structure and to construct and maintain a 14-foot x 3.5-foot concrete box culvert in

the channel of Furnace Creek (TSF) at a point approximately 900 feet downstream of the Hamburg Reservoir (Hamburg, PA Quadrangle N: 16.3 inches; W: 9.55 inches) in Windsor Township, **Berks County**.

**E07-314.** Encroachment. **Lawruk Properties, Inc.**, Daniel Lawruk, 210 W. Plank Road, Altoona, PA 16602. To place fill in 0.36 acre of wetland for the purpose of constructing a 25,000 square foot warehouse facility in conjunction with the development of a 5 acre commercial property located on the north side of Kuhn Lane about 800 feet west of its intersection with SR 0764 (Holidaysburg, PA Quadrangle N: 10.5 inches; W: 9.0 inches) in Allegheny Township, **Blair County**.

**E22-401.** Encroachment. **Dauphin County Commissioners**, P. O. Box 1295, Harrisburg, PA 17108. To remove an existing structure and to construct and maintain a bridge having a normal span of 68 feet and an underclearance of 5.7 feet across the channel of Conewago Creek (TSF) at a point at Old Hershey Road (T-602) (Elizabethtown, PA Quadrangle N: 10.6 inches; W: 15.6 inches) in Conewago Township, **Dauphin County** and Mount Joy Township, **Lancaster County**.

**E22-402.** Encroachment. **Jeffrey Neely**, 161 Rehrer Lane, Harrisburg, PA 17112. To excavate an impoundment area within the floodway for construction of a recreational pond in and along a tributary to Manada Creek (CWF) at a point approximately 1,100 feet upstream of Route 443 (Grantville, PA Quadrangle N: 4.4 inches; W: 14.0 inches) in East Hanover Township, **Dauphin County**. Issuance of this permit constitutes approval of the Environmental Assessment for the nonjurisdictional dam proposed at the project site.

**E34-093.** Encroachment. **Susquehanna Township**, R. D. 1, Liverpool, PA 17045. To replace the deck, raise the approaches and maintain an existing bridge across the channel of Lenninger's Run (CWF) at a point at T-514 (Richfield, PA Quadrangle N: 1.9 inches; W: 8.75 inches) in Susquehanna Township, **Juniata County**.

**E38-126.** Encroachment. **TEPPCO**, Highway 136 West, Greensburg, PA 15601. To construct and maintain a remediation project by placing 8 inches of rock riprap over 50 feet of exposed pipeline and along the stream banks. The purpose of the project is to provide protective cover over approximately 50 feet of exposed section of a 6-inch petroleum products pipeline (Line A-3) across Snitz Creek (WWF) located about 250 feet downstream of Tice Lane (Lebanon, PA Quadrangle N: 5.9 inches; W: 4.0 inches) in Cornwall Borough, **Lebanon County**.

**E50-197.** Encroachment. **PA Department of Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105. To remove an existing structure and to construct and maintain a bridge having a span of 36 feet, 4.5 inches; and an underclearance of 8.5 feet across the channel of Laurel Run (HQ-CWF) at a point at Laurel Run Road (Andersonburg, PA Quadrangle N: 3.9 inches; W: 14 inches) in Jackson Township, **Perry County**.

**E67-666.** Encroachment. **Hoss's Steak and Sea House**, One 764 Plaza, P. O. Box 1018, Duncansville, PA 16635. To remove an existing 30 foot long structure and to construct and maintain a 9'-8" wide by 2'-7" high by 301 feet long low profile corrugated metal plate box culvert in an unnamed tributary to Kreutz Creek (WWF) located behind Hoss's Steak and Sea House restaurant south of SR 0462, 4.8 miles east of I-83 for the purpose of expanding an existing parking lot (York, PA Quadrangle N: 19.2 inches; W: 3.9 inches) in Springettsbury Township, **York County**.



**E67-667.** Encroachment. **Harry Fox**, 15 Montego Court, Dillsburg, PA 17019. To place fill in a de minimis area of wetlands equal to 0.029 acre for the purpose of creating a stormwater basin, utility line crossing and access road in the Radford Court residential development located southeast of the Golf Course Road and Baltimore Street intersection south of Dillsburg (Dillsburg, PA Quadrangle N: 17.6 inches; W: 4.2 inches) in Carroll Township, **York County**.

**E67-668.** Encroachment. **Harry M. and Carole C. Laspino**, 6713 Mountain Road, Felton, PA 17322. To remove an existing structure and to construct and maintain a 12 foot long, 59-inches high by 81-inches wide corrugated metal culvert in an unnamed tributary to North Branch Muddy Creek (CWF) to access an existing private residence located 250 feet south of the intersection of Lebanon Church Road and Mountain Road (Stewartstown, PA Quadrangle N: 15.8 inches; W: 11.1 inches) in North Hopewell Township, **York County**.

**E67-669.** Encroachment. **L & C Partners**, Vincent Leto, 990 S. Pleasant Avenue, Dallastown, PA 17313. To construct and maintain two access roads with associated wetland fill and one utility line crossing for the proposed Rose Brooks Residential Subdivision located west of Dieb Road and 4,000 feet north of Ness Road in Windsor Township, York County. Culvert No. 1 (Primrose Lane) is 56 linear feet of a 5-foot diameter RCP and Culvert No. 2 (Cranberry Lane) is 96 linear feet of a 5-foot diameter RCP both in an unnamed tributary to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 13.8 inches; W: 16.3 inches and N: 13.6 inches; W: 16.3 inches respectively) in Windsor Township, **York County**. The permittee will fill 0.38 acre of wetland in association with the roadway crossings. The permittee is required to provide a minimum of 0.38 acre of replacement wetlands.

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

**E08-348.** Encroachment. **PA Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure, to construct and maintain a single span concrete box beam bridge with a normal span of 54 feet and underclearance of 6.6 feet across Sugar Run on SR2011, Section 001 and to construct and maintain stream deflectors just upstream of the bridge. This project is located approximately 0.3 mile south of SR2010 (Colley, PA Quadrangle N: 22.5 inches; W: 8.37 inches) in Terry Township, **Bradford County**. This permit also authorizes a temporary crossing to be used to detour traffic during construction. Total estimated stream disturbance is 300 feet with no wetland impacts; stream classification is CWF.

**E12-115.** Encroachment. **Allegheny Partners, LP**, 312 Main Street, Smethport, PA 16749. To replace and maintain the existing four 20 inch diameter pipes culvert with an 85 inch by 54 inch corrugated metal arch culvert pipe in Bobby Run located .75 mile west on Bobby Run Road from the intersection with Rich Valley Road (Rich Valley, PA Quadrangle, N: 6 inches, W: 13 inches) in Shippen Township, **Cameron County**. This project proposes to impact 30 linear feet of Bobby Run which is designated a high quality cold water fishery and does not propose to impact any wetlands.

**E17-332.** Encroachment. **James A. Epply, Department of Conservation and Natural Resources**, Bureau of Facilities Design and Construction, Box 8451, Harrisburg, PA 17105-8451. To replace and maintain the

existing single span, I-beam bridge with a 21.65 foot clear span and a roadway width of 10.5 feet with new concrete box beam bridge having a 21.85 foot waterway opening and a roadway width of 18 feet in Jack Dent Branch and a temporary causeway located 3.5 miles southwest on Jack Dent Road from the intersection with SR 2004 (Huntley, PA Quadrangle, N: 17.1 inches, W: 15.8 inches) in Goshen Township, **Clearfield County**. This project proposes to impact 300 linear feet of Jack Dent Branch which is designated a high quality cold water fishery and does not proposed to impact any wetlands.

**E17-333.** Encroachment. **Robert A. Stanko and Gary H. Broberg**, R. R. 1, Box 172E, Selinsgrove, PA 17870. To maintain the existing timber plank bridge in Morgan Run located 2 miles north on SR 2011 from the intersection with Route 53 continue east on unpaved road to the crossing of Morgan Run (Glen Richey, PA Quadrangle, N: .25 inch, W: 7.0 inches) in Woodward Township, **Clearfield County**. This project proposes to impact 30 linear feet of Morgan Run which is designated a cold water fishery and does not propose to impact any wetlands.

**E41-446.** Encroachment. **Mark Bisett, Transcontinental Gas Pipe Line Corp.**, P. O. Box 1396, Houston, TX 77251-1396. To install operate and maintain: 1) a 42-inch diameter high pressure pipeline beneath Mill Race (Cold Water Fishery); Muncy Creek (Trout Stocked Fishery); Pine Run (Cold Water Fishery); three unnamed tributaries to Wolf Run (High Quality—Cold Water Fishery); Wolf Run (High Quality—Cold Water Fishery); four unnamed tributaries to Oak Run (Cold Water Fishery); an unnamed tributary to Carpenters Run (Warm Water Fishery); Carpenters Run (Warm Water Fishery); three unnamed tributaries to Margaret Run (Warm Water Fishery); Margaret Run (Warm Water Fishery); Twin Run (Warm Water Fishery); two unnamed tributaries to Bennetts Run (Trout Stocked Fishery); Bennetts Run (Trout Stocked Fishery); four unnamed tributaries to Mill Creek No. 1 (Trout Stocked Fishery); Mill Creek No. 1 (Trout Stocked Fishery); two unnamed tributaries to Loyalsock Creek (Trout Stocked Fishery); two unnamed tributaries to Mill Creek No. 2 (Trout Stocked Fishery); Mill Creek No. 2 (Trout Stocked Fishery) and Loyalsock Creek (Trout Stocked Fishery); 2) a 36-inch diameter high pressure pipeline beneath an unnamed tributary to Mill Creek No. 2 (Trout Stocked Fishery); two unnamed tributaries to Millers Run (Cold Water Fishery); and Millers Run (Cold Water Fishery) (Huntersville, PA Quadrangle, N: 5.19 inches; W: 12.56 inches) in Penn Township, Wolf Township, Muncy Township, Upper Fairfield and Loyalsock Township, **Lycoming County**. This project proposes to insignificantly impact 900 linear feet of streams and 3.1 acres of wetlands.

**E41-450.** Encroachment. **Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. To remove the existing structure and to construct and maintain a single span concrete box beam bridge with a normal span of 35 feet and underclearance of 3.9 feet across an unnamed tributary to Blockhouse Creek on SR 1009, Section 003 about 700 feet south of SR 1011 (Liberty, PA Quadrangle N: 2.75 inches; W: 16.56 inches) in Jackson Township, **Lycoming County**. Estimated stream disturbance is 150 feet; stream classification is CWF; permanent wetland impact is 0.003 acre.

**E57-085.** Encroachment. **James A. Epply, Department of Conservation and Natural Resources**, Bureau of Facilities Design and Construction, Box 8451, Harrisburg, PA 17105-8451. To replace and maintain the

existing single span, I-beam bridge with a 25.5 foot clear span and a roadway width of 9 feet with new concrete box beam bridge having a 30 foot waterway opening and a roadway width of 18 feet in Mill Creek and a temporary causeway located 2.5 miles northwest on Mill Creek Road from the intersection with Route 87 continue west on Big Hollow Road for 800 feet (Hillsgrove, PA Quadrangle, N: 17.1 inches, W: 15.8 inches) in Hillsgrove Township, **Sullivan County**. This project proposes to impact 120 linear feet of Mill Creek which is designated a high quality cold water fishery and does not propose to impact any wetlands.

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

**E02-1276.** Encroachment. **Bill Gleason**, 4972 Lakewood Road, Gibsonia, PA 15044. To remove the existing structure and to construct and maintain a new 137" x 87" galvanized arch culvert across Breakneck Creek (WWF) to provide access to undeveloped lots. The culvert will be located on the north side of Valencia Road approximately 1 mile west of its intersection with Bakerstown Road (Valencia, PA Quadrangle N: 8.1 inches; W: 15.0 inches) in Richland Township, **Allegheny County**.

**E26-257.** Encroachment. **Fayette County Commissioners**, Courthouse 61 East Main Street, Uniontown, PA 15401-1030. To rehabilitate, operate and maintain the existing Fayette County Bridge No. 113 having a normal span of 30.0 feet and an underclearance of 4.5 feet across Mill Run (HQ-CWF) located on TR-579 approximately 0.75 mile west of its intersection with Route 381 (Mill Run Quadrangle N: 17.4 inches; W: 12.2 inches) in Springfield Township, **Fayette County**.

**E02-1279.** Encroachment. **James S. Tortorice and Vicky Jeremko**, Old Route 837, Clairton, PA 15025. To remove the existing culvert and replace it with a single span bridge over Lobbs Run (WWF). The site is located at 634 Walton Road at a point 500 feet downstream of the intersection with Scheinbach Road (Glassport, PA Quadrangle N: 3.4 inches; W: 7.0 inches) in Jefferson Hills Borough, **Allegheny County**.

**E26-258.** Encroachment. **Fayette County Commissioners**, Courthouse 61 East Main Street, Uniontown, PA 15401. To remove the existing structure (County Bridge No. 66) and to construct and maintain a 10-m long box culvert having a normal clear span of 7.00 m and an underclearance of 1.99 (invert depressed 0.3 m) across an unnamed tributary to Dunlap Creek (WWF) located on T-509 (Lambert-Footdale Road) at the intersection of T-509 and T-456 (New Salem, PA Quadrangle N: 6.7 inches; W: 12.1 inches) in German Township, **Fayette County**.

**E65-728.** Encroachment. **Robert D. Shrum, Jr.**, R. D. 1, Latrobe, PA 15650. To rehabilitate and maintain a bridge having a clear span of 11.5 feet and an underclearance of 3.5 feet across an unnamed tributary to Ninemile Run (WWF) located on a private road just east of SR 982 halfway between Bagley and Lycippus. The rehabilitation consists of raising the bridge deck 1 foot and reinforcement of the existing headwalls (Mammoth, PA Quadrangle N: 21.7 inches; W: 2.7 inches) in Unity Township, **Westmoreland County**.

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

**E20-481.** Encroachment. **Conneaut Valley Economic and Industrial Development Authority**, 103 Main

Street, P. O. Box 33, Springboro, PA 16435. To dredge approximately 812 cubic yards of accumulated sediments, and maintain channel capacity along a reach of 850 linear feet of a tributary to Conneaut Creek (CWF-MF) starting at S. R. 0018 and moving downstream (west) (part of the Former Erie Extension Canal), and to construct and maintain an 850-linear-foot-long levee with a top elevation of 937 feet on the north bank of a tributary of Conneaut Creek starting at S. R. 0018 moving upstream (east and north) to provide flood protection to the Logan Drive Trailer Court. The projects are located approximately 0.7 mile north of the intersection of S. R. 0018 and S. R. 0198 in the Borough of Conneautville (Conneautville, PA Quadrangle N: 2.8 inches; W: 16.9 inches) located in Spring Township and Borough of Conneautville, **Crawford County**.

### DAM SAFETY

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

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

**D21-017.** Dam. **Borough of Carlisle** (53 West South Street, Carlisle, PA 17013). To modify, operate and maintain the Carlisle Raw Water Intake Dam across Conodoguinet Creek (WWF), for the purpose of public water supply and installing a fish passage facility (Carlisle, PA Quadrangle N: 17.85 inches; W: 9.1 inches) in North Middleton Township, **Cumberland County**. Modifications will not change normal pool level.

### ENVIRONMENTAL ASSESSMENT

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

**EA09-007SE.** Environmental Assessment. **C & M Developers**, 2421 Bristol Road, Warrington, PA 18976. A request for an environmental assessment for the construction, operation and maintenance of the nonjurisdictional dam across a small intermittent drainage swale, upstream from an unnamed tributary to the Little Neshaminy Creek (WWF). The proposed dam will provide stormwater management for the Woodrose Manor Subdivision. The project is situated approximately 2,000 feet northwest of the intersection of Bristol Road and Valley Road. (Hatboro, PA Quadrangle N: 21.50 inches; W: 16.50 inches) in Warwick Township, **Bucks County**.

**EA46-002SE.** Environmental Assessment. **Fortress PA LLC**, 2 EF Raymond Drive, Havertown, PA 19083. To construct, operate and maintain a nonjurisdictional dam for stormwater management across an unnamed tributary to Lodal Creek (TSF) associated with the Cranberry VIII Subdivision. The site is located approximately 4,000 feet east of the intersection of Schwenksville and Graterford Roads (Collegeville PA Quadrangle N: 18.1 inches; W: 14.1 inches) in Perkiomen Township, **Montgomery County**.

---

**ACTIONS**


---

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

[National Pollution Discharge Elimination System  
Program (NPDES)]

**DISCHARGE OF CONTROLLED INDUSTRIAL  
WASTE AND SEWERAGE WASTEWATER**
**(Part I Permits)**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, 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 written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

---

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


---

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

**NPDES Permit No. PA0006254-A2.** Industrial waste, **NOVA Chemicals, Inc.**, 400 Frankfort Road, Monaca, PA 15061-2298, is authorized to discharge from a facility located at Beaver Valley Plant, Potter Township, **Beaver County**.

**NPDES Permit No. PA0204579.** Industrial waste, **Lyondell Chemical Company**, 3801 West Chester Pike, Newton Square, PA 19073-2387, is authorized to discharge from a facility located at the Beaver Valley Plant, Potter Township, **Beaver County** to receiving waters named Ohio River—Outfalls 023 and 024.

**NPDES Permit No. PA0216500.** Industrial waste, **CBS Corporation**, 11 Stanwix Street, Pittsburgh, PA 15222-1384, is authorized to discharge from a facility located at the groundwater treatment facility, Vanport Township, **Beaver County** to receiving waters named Ohio River.

**NPDES Permit No. PA0093530.** Sewage, **Dunbar Township Municipal Authority**, P. O. Box 815, Con-

nellsville, PA 15425, is authorized to discharge from a facility located at Georgetown Manor STP, Dunbar Township, **Fayette County** to receiving waters named Unnamed Tributary of Youghiogheny River.

**NPDES Permit No. PA0030651.** Sewage, **Canon-McMillan School District**, 1 North Jefferson Avenue, Canonsburg, PA 15317, is authorized to discharge from a facility located at Wylandville Elementary STP, North Strabane Township, **Washington County** to receiving waters named Unnamed Tributary of Little Chartiers Creek.

**NPDES Permit No. PA0090638.** Sewage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701, is authorized to discharge from a facility located at Kittyhawk STP, White Township, **Indiana County** to receiving waters named Unnamed Tributary of Two Lick Creek.

**NPDES Permit No. PA0094935.** Sewage, **The Pennsylvania State University**, Office of Physical Plant Building, University Park, PA 16802, is authorized to discharge from a facility located at Fayette County Campus STP, North Union Township, **Fayette County** to receiving waters named drainage swale to an Unnamed Tributary of Redstone Creek.

**NPDES Permit No. PA0218154.** Sewage, **Robert Gearhart**, 617 Portersville Road, Ellwood City, PA 16117, is authorized to discharge from a facility located at Lock 6 Landing Restaurant and Lounge STP, Industry Borough, **Beaver County** to receiving waters named Ohio River.

**Permit No. 8046-A1.** Sewerage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Modification and rehabilitation of a sewage treatment plant located in McCandless Township, **Allegheny County** to serve the Longvue No. 2 STP.

**Permit No. 0299411.** Sewerage, **Danner Doak**, P. O. Box 334, Elizabeth, PA 15037. Construction and operation of a single residence sewage treatment plant located in Forward Township, **Allegheny County** to serve the Doak Residence.

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

**WQM Permit No. 1099408.** Sewerage, **Robert M. Petrick SRSTP**, 1283 Lakevue Dr., Butler, PA 16002. Construction of Robert M. Petrick SRSTP located in Penn Township, **Butler County**.

**WQM Permit No. 6299408.** Sewerage, **Robert G. Chase, Sr. SRSTP**, R. R. 2, Box 123, Sugar Grove, PA 16350. Construction of Robert G. Chase, Sr. SRSTP located in Sugar Grove Township, **Butler County**.

**NPDES Permit No. PA0002429.** Industrial waste, **Duferco Farrell Corporation/Caparo Steel Company, Inc.**, 15 Roemer Boulevard, Farrell, PA 16121, is authorized to discharge from a facility located in the City of Farrell, **Mercer County** to the Shenango River.

**NPDES Permit No. PA0222844.** Industrial waste, **Ellwood Industrial Facilities Company**, 700 Moravia Street, New Castle, PA 16101, is authorized to discharge from a facility located in New Castle, **Lawrence County** to the Shenango River.

**INDIVIDUAL PERMITS  
(PAS)**

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.  
*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D101	Toll Brothers 3103 Philmont Avenue Huntingdon Valley, PA 19006	Lower Makefield Township Bucks County	Core Creek
PAS10-G359	Columbia Transmission Communication Corporation P. O. Box 10146 Fairfax, VA 22030-0146	West Vincent, West Nottingham, East Fallowfield, East Vincent, Upper Uwchlan, Upper Oxford, Caln, Lower Oxford, West Bradford, East Nottingham, East Brandywine and East Coventry Townships, Chester County; and Milford and Springfield Townships, Bucks County; and Marlborough, Limerick and Upper Frederick Townships, Montgomery County; and Williams and Lower Saucon Townships, Northampton County; and Upper Saucon Township, Lehigh County; and Fulton and Little Britain Townships, Lancaster County	Unnamed Tributary to Octorara Creek and Octorara Creek, Unnamed Tributary to Reynolds Run and Reynolds Run, Unnamed Tributary to McCreary Run and McCreary Run, Tweed Creek, Leech Run, Muddy Run and Unnamed Tributary to Muddy Run, Unnamed Tributary, Unnamed Intermittent Tributary to Doe Run and Doe Run, Buck Run, Unnamed Tributary to Brandywine Creek, West Branch Brandywine Creek, Broad Run, Unnamed Tributary to Beaver Creek and Beaver Creek, Shamona Creek, Unnamed Tributary to Marsh Creek Lake, Pine Creek, Unnamed Tributary to Birch Run and Birch Run, French Creek, Stoney Run, Pigeon Creek, Unnamed Tributary to Schuylkill River and Schuylkill River, Brook Evans Creek, Possum Hollow Creek, Hartenstine Creek, Tributary to Green Lane Reservoir and Green Lane Reservoir, Tributary to Macoby Creek and Macoby Creek, Hazelback Creek, Schmoutz Creek, Unnamed Tributary to Molasses Creek and Molasses Creek, Unnamed Tributary Licking Run and Licking Run, Unnamed Tributary to Unami Creek and Unami Creek, Unnamed Tributary to Tohickon Creek, Unnamed Intermittent Tributary, Unnamed Tributary Headwater to Cooks Creek and Cooks Creek, Polk Valley Run, Silver Creek, Unnamed Tributary, Tributary to East Branch Saucon Creek and East Branch Saucon Creek, Tributary to Frya Run, Delaware Canal and Delaware River.

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

**PAS-10-O-078.** Individual NPDES. **Mechanic Grove Church of the Brethren**, 1392 Robert Fulton Highway, Quarryville, PA 17566. To implement an erosion and sedimentation control plan for the construction of a building addition and a new parking area on 8.24 acres in East Drumore Township, **Lancaster County**. The project is located along the west side of SR 222, approximately 1/2 mile south of Mechanic Grove (Wakefield, PA Quadrangle N: 16.3 inches; W: 4.3 inches). Drainage will be to a tributary of the Conowingo 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 Residen-

tial Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the

following coverages under the specified General Permit.

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

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the 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  
County and  
Municipality*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Aston and Concord Townships Delaware County	PAR10-J161	Elsmere Realty Corporation 405 South Dupont Rd. Wilmington, DE	West Branch Chester Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Plymouth Township Montgomery County	PAR10-T510	LFT, Inc. 600 Old Elm Street Conshohocken, PA	Plymouth Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Horsham Township Montgomery County	APR10-T536	Mr. and Mrs. Martin Pulli 529 Leamington Court Ambler, PA	Little Neshaminy Creek	Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Exeter Township Berks County	PAR-10-C263	Pioneer Crossing Landfill Pasquale Mascaro 727 Red Lane Road Birdsboro, PA 19508	UNT Schuylkill River	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Cumru Township Berks County	PAR-10-C271	Tricorn Estates Thomas Dobson 322 Hendle Street Shillington, PA 19607	Wyomissing Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Greenwich Township Berks County	PAR-10-C169-R	Kutztown Road & Gun Club Jeffrey Rothermel, Director 490 Gun Club Drive Kutztown, PA 19530	Mill Creek	Berks County CD P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
Washington Township Franklin County	PAR-10-M171	Greenridge Farms, Inc. 1144 Old Forge Road Waynesboro, PA 17268	Baily Run	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074

<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>
Fannett Township Franklin County	PAR-10-M172	Lane Construction Corporation P. O. Box 215 Willow Hill, PA 17271	UNT Dry Run	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
East Lampeter Township Lancaster County	PAR-10-O-351	FSA Enterprises & Rockvale Grp. 1755 Oregon Pike Box 5200 Lancaster, PA 17606	UNT Mill Creek	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Borough Lancaster County	PAR-10-O-366	Arthur H. Hostetter P. O. Box 218 Mt. Joy, PA 17562	Little Chickies Creek	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR-10-O-374	PennDot Dist. 8-0 2140 Herr Street Harrisburg, PA 17105-1699	Little Conestoga Creek	Lancaster County CD 1383 Arcadia Road, Rm. 6 Lancaster, PA 17601 (717) 299-5361
Fairview Township York County	PAR-10-Y103-R-1	Dorwart Apartment Phase 2 James Dorwart 1375 Old Quaker Road Etters, PA 17319	Bennetts Run	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Windsor Township York County	PAR-10-Y389	Taylor Estates Timothy F. Pasch 2215 East Market Street York, PA 17402	Kreutz Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR-10-Y393	Harley Davidson Motor Co. Harley Davidson Phase 1 Grading 1425 Eden Road York, PA 17402	Codorus Creek	York County CD 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Lycoming County Muncy Creek Township	PAR103929	Neidig Subdivision P. O. Box 275 Muncy, PA 17756	Wolf Run	Lycoming County CD 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Northumberland County Turbot and Delaware Townships	PAR104929	PA Dept. of Transportation 715 Jordan Ave. Montoursville, PA 17754	W. Br. Susquehanna River	Northumberland County CD RR 3, Box 238C Sunbury, PA 17801 (570) 988-4224
Lehigh County Hanover Township	PAR10Q124	Lucent Technologies, Inc. Keith A. Foucher 283 King George Road Warren, NJ 07059	Lehigh River	Lehigh CD (610) 391-9583
Northampton County Lower Nazareth and Palmer Townships	PAR10U115	Gemstone Resources, L.P. 3 Manhattansville Rd. Purchase, NY 10577	Shoeneck Cr.	Northampton CD (610) 746-1971
Erie County North East Township	PAR10K127	USF Holland 750 East 40th Street Holland, MI 49423	Twenty-Mile Creek	Erie Conservation Dist. 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203
Mercer County City of Farrell and Borough of Wheatland	PAR104341	Sharon Tube Company 134 Mill Street Sharon, PA 16146	Shenango River	Mercer Conservation Dist. R. D. 2, Box 2055 747 Greenville Road Mercer, PA 16137 (724) 662-2242

<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>
Somerset County Brothersvalley and Somerset Townships	PAR-106132	Mostoller Landfill, Inc. P. O. Box 260 Friedens, PA 15541	UNT to Kimberly Run (wetland)	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Berks County City of Reading	PAR803625	Reading Body Works, Inc. P. O. Box 650 Shillington, PA 19607-0650	Storm sewers going to the Schuylkill River	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County East St. Clair Township	PAR233536	Bedford Reinforced Plastics, Inc. 264 Reynoldsdale Road Bedford, PA 15522-7401	Dunnings Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County City of Lebanon	PAR803627	United States Postal Service Lebanon Post Office 101 South 8th Street Lebanon, PA 17042	Quittapahilla Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Borough of Camp Hill	PAR803629	United States Postal Service Camp Hill Post Office 1675 Camp Hill Bypass Camp Hill, PA 17011	Conodoguinet Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County City of Harrisburg	PAR803628	United States Postal Service Uptown State Post Office 2345 North 7th Street Harrisburg, PA 17110	Paxton Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Lower Paxton Township	PAR803626	United States Postal Service Lower Paxton Post Office 5901 Jonestown Road Harrisburg, PA 17110	Beaver Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Monroe County E. Stroudsburg Borough	PAR-112224	Cooper Industries Texas Commerce Tower 600 Travis St., Suite 5800 Houston, TX 77002	Unnamed Trib. to Brodhead Cr.	Northeast Office 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*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>
Penn Township Butler County	PAG048597	Robert M. Petrick 1283 Lakevue Dr. Butler, PA 16002	Unnamed Tributary to Thorn Creek	Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481
Sugar Grove Township Warren County	PAG048598	Robert G. Chase, Sr. R. R. 2, Box 123 Sugar Grove, PA 16350	Unnamed Tributary to Stillwater Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481

<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>
Franklin County Hamilton Township	PAG043618	Kenneth E. and Mary M. Heckman 265 W. Burkhart Avenue Chambersburg, PA 17201	UNT to Dennis Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Hamilton Township	PAG043619	William N. and Carolyn F. Hartman 1046 Tallow Hill Road Chambersburg, PA 17201	UNT to Conococheague Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Amity Township	PAG043620	George W. Thompson, Jr. 43 Valley Road Birdsboro, PA 19508	UNT to Monocacy Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County West Hanover Township	PAG043621	William A. Wagner 664 Picketown Road Harrisburg, PA 17112	UNT to Beaver Creek	Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Land Application Site</i>	<i>Contact Office and Telephone No.</i>
West Hempfield Township Lancaster County	PAG-08-3509	Kline's Services, Inc. Five Holland Street P. O. Box 626 Salunga, PA 17538	Kenneth and Bernice Zurin Farm 2075 Spooky Nook Rd. Mount Joy, PA 17552	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Land Application Site</i>	<i>Contact Office and Telephone No.</i>
Tuscarora Township Juniata County	PAG-09-3521	Norman Thatcher RR 1, Box 3 East Waterford, PA 17021	Herbert Burd Farm RR 1, Box 614 Honey Grove, PA 17035	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<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>
Fayette Township Juniata County	PAG-09-3523	William Kemps Septic Tank Service RR 1, Box 2930 McAlisterville, PA 17049	N/A	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**SEWAGE FACILITIES ACT  
PLAN APPROVAL**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of

written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure 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.

**Plan Approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553.*



### Plainfield Township, Northampton County

The Department has reviewed and approved an Official Sewage Facilities Plan Update for Plainfield Township, Northampton County.

This Update Revision addresses the extension of the Wind Gap Municipal Authority sanitary sewer franchise area so as to include the entire Chandler Estates property. All sewage collection and conveyance facilities on the property will be privately owned and maintained. Two small pump stations will move the sewage to an existing manhole on the Chandler Estates property which is connected by a gravity system to the Wind Gap Municipal Authority sewer main on Teels Road. The Wind Gap Municipal Authority has indicated that conveyance and treatment capacity is available in their facilities for the proposed 2,970 gpd of sewage flows.

Wind Gap Borough Council has given their concurrence to the special study by sealed resolution to authorize the Wind Gap Municipal Authority to extend their sanitary sewer service franchise area.

This project is approved with the understanding that it will be constructed using local moneys and that PennVest funding will not be required for the implementation of this project.

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

*Location: Shade Township, Somerset County, RoxCoal, Augustus Deep Mine Portal. Along Township Road 792 approximately .25 mile northwest of the Village of Gahagen.*

Approval of a revision to the Official Sewage Plan of Shade Township, **Somerset County**. The project involves the construction of a small flow sewage treatment facility to serve a proposed bath house. Treated effluent is to be discharged to a sedimentation pond which discharges to a drainage swale that discharges to Coal Run.

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

*Location: City of Erie, Center City Area, The Honorable Joyce A. Savocchio, Mayor, City of Erie, 626 State Street, Erie, PA 16501*

*Project Description:* The approved plan provides for construction of facilities to significantly reduce and/or eliminate combined sewer overflows in the Mill Creek Tube area. This project will be completed in two stages: the first stage being to convey wet weather flows to the sewage treatment plant with completion by the end of 2001. Based on the results of monitoring conducted by the end of 2002, the second stage will involve construction of primary treatment and disinfection facilities on combined sewer overflows as needed.

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

## SAFE DRINKING WATER

### Operation Permit issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

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

**Permit No. 5797501.** The Department issued an operation permit to **Laporte Borough**, P. O. Box 171, Laporte, PA 18626, Laporte Borough, **Sullivan County** for operation of corrosion control facilities to comply with the lead and copper rule.

**Permit No. MA.** The Department has issued an operation permit to **Hidden Valley Mobile Home Park**, R. D. 2, Box 856, Lock Haven, PA 17745, Woodward Township, **Lycoming County**, for expansion of the existing system to a maximum of 46 homes or 92 residents. This includes operation of the recently constructed chlorine contact piping, finished water storage tanks and duplicate booster pumps.

**Permit No. 4999502.** The Department issued a construction permit to **Merck and Company, Inc., Cherokee Plant**, P. O. Box 600, Danville, PA 17821, Riverside Borough, **Northumberland County**, for construction of an additional clarifier and chemical treatment facilities to match the existing plant capacities of the sedimentation and filtration units.

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

**Permit No. 1099501.** Public water supply. **Mars Borough**, 598 Spring Street, Mars, PA 16046, has been issued a permit for new treatment changes at the Banks Water Treatment Plant which included backwash water recycling plus the addition of existing Banks Well No. 3 and St. Johns Reservoir since no permits were found to contain them in Adams Township, **Butler County**.

*Type of Facility: Community Water Supply*

*Consulting Engineer: Steven H. Greenberg, KLH Engineers, Inc., 5173 Campbells Run Rd., Pittsburgh, PA 15205*

*Permit to Construct Issued: June 22, 1999*

## HAZARDOUS SITES CLEANUP

**Under the Act of October 18, 1988**

### Proposed Consent Order and Agreement Former Avtex Fibers, Inc. Site Vernon Township, Crawford County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with FMC Corporation (FMC) concerning the environmental investigation of the mercury release at the Avtex Fibers, Inc. Site (Site) wastewater treatment plant.

The Site is a former manufacturing facility that produced synthetic fibers between 1929 and 1986. FMC owned the facility between 1963 and 1976. The Crawford County Development Corporation (CCDC) currently owns the Site. The facility at the Site utilized a wastewater treatment plant that gradually leaked mercury into the media within the trickling filter tanks. Further amounts of mercury were also released during demolition activities conducted by the CCDC in 1995 through early 1997.

As an owner of the Site subsequent to the releases at the Site, and during a period of time that the release and threatened release of hazardous substances occurred at the Site, FMC is a "responsible party" as defined in section 103 of the HSCA. Under the terms of the CO&A, FMC will conduct an environmental investigation at the wastewater treatment plant, to determine the nature and extent of the release of mercury associated with the

trickling filter tanks. The Department has approved a Work Plan submitted by FMC, which delineates the work to be conducted for the aforementioned environmental investigation at the Site.

The specific terms of this settlement are set forth in the CO&A between the Department and FMC. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with FMC shall be effective upon the date that the Department notifies FMC, in writing, that this Consent Order and Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the CO&A, or that no comments were received.

Copies of the CO&A and Work Plan are available for inspection at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Mark Gorman, Program Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mark Gorman at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

**Settlement Under the Hazardous Sites Cleanup Act  
Quality Container Corporation Site**

**City of Philadelphia, Philadelphia County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a Consent Decree with BASF Corporation (BASF) to settle the Department's claims against BASF in the matter of *Commonwealth of Pennsylvania, Department of Environmental Protection v. Quality Container Corporation et al.*, Civil Action No. 99-CV-644. The Department filed a complaint in the referenced matter on February 5, 1999, seeking reimbursement of the Department's costs incurred for conducting response activities at the Quality Container Corporation (QCC) site. The QCC site is a parcel of land of approximately 1.25 acres located in the City of Philadelphia, Philadelphia County, at the intersection of Collins Street and E. Ontario Street. The surrounding area is zoned commercial and residential.

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

Because of the threat to human health and the environment posed by the QCC site, the site was deemed as an HSCA site on August 12, 1994, under section 502 of the HSCA. The Department subsequently implemented and completed an interim response from March 20, 1995, through February 8, 1996, to address the release or threat of release of hazardous substances. To date, the Department has incurred response costs of approximately \$1.85 million related to the release or threat of release of hazardous substances.

The proposed Consent Decree with BASF was lodged with the United States District Court for the Eastern District of Pennsylvania on June 29, 1999. Under the terms of the Consent Decree subject to this notice, the Department will receive a total of \$48,500.

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

**Elizabeth Gardner and Mary Lynn Stephan Residences.** New Hope Borough, **Bucks County.** Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with

BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

**Van Waters & Rogers, Inc.**, City of Philadelphia, **Philadelphia County**. Anthony J. Pirelli, Van Waters & Rogers, Inc., W205 N6849 Woodward Court, Menomonee Falls, WI 53051, has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with solvents, and BTEX. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

**Chalfont Plaza Associates, L.P.**, New Britain Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

*Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.*

**University Park Airport**, Benner Township, **Centre County**. Major Renee M. Tatro, Environmental Manager, Pennsylvania Air National Guard, 62 Olmstead Boulevard, Middletown, PA 17057, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Stroehmann Bakeries Roll Plant**, Old Lycoming Township, **Lycoming County**. Converse Consultants on behalf of their client Stroehmann Bakeries, P. O. Box 976, Horsham, PA 19044, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents, BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lock Haven University of Pennsylvania—Former KCSVD Vocational Agriculture Center and Athletic Fields**, City of Lock Haven, **Clinton County**. Converse Consultants on behalf of their client Lock Haven University of Pennsylvania, has submitted a Final Report concerning the remediation of soil contaminated with heavy metals. The report is intended to document remediation of the site to meet the background standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

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

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department's Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has acted upon the following plans and reports:

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

**National Publishing Co., (Former)**, City of Philadelphia, **Philadelphia County**. Kristopher A. Saum, Entrix, Inc., 246 Main Street, 2nd Floor, Walpole, MA 02081, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 9, 1999.

**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 soils contaminated with BTEX and petroleum hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 10, 1999.

**Staats Oil (Former)**, Malvern Borough, **Chester County**. Sean Grexa, The Tyree Organization, Ltd., 1350 S. US Highway 130, Burlington, NJ 08016, has submitted a Final Report concerning remediation of site soils contaminated with BTEX and polycyclic aromatic hydrocarbons and groundwater contaminated with polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 14, 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 Final Report concerning remediation of site soils contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 14, 1999.

**Metroplex Corporate Center**, Plymouth Township, **Montgomery County**. J. Curtis Hatfield, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104-2897, has submitted a Remedial Investigation/Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with asbestos. The combined report was approved by the Department on June 16, 1999.

**Metroplex Shopping Center**, Plymouth Township, **Montgomery County**. J. Curtis Hatfield, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market St., Philadelphia, PA 19104-2897, has submitted a Remedial Investigation/Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with heavy metals and asbestos; and groundwater contaminated with lead and benzene. The combined report was approved by the Department on June 16, 1999.

**Reiniger Brothers, Inc., and Reiniger Brothers**, Upper Moreland Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, Suite 500, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals and pesticides. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 17, 1999.

**Unisys Corporation Blue Bell**, Whitpain Township, **Montgomery County**. William J. Ponticello, P. G., Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 24, 1999.

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

**Wolff's Hardware**, 33 Mead Avenue, City of Meadville, **County of Crawford**, has submitted a Final Report concerning remediation of the site contaminated with lead. The report demonstrated attainment of the Statewide health standard and was approved by the Department on June 17, 1999.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

#### Licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Berry & Smith Trucking Ltd.**, 301 Warren Avenue East, Penticton, BC V2A 3M1; License No. **PA-AH 0623**; license issued June 16, 1999.

**Empire Trucking Company, Inc.**, RR 1, Box 198, Shamokin, PA 17872; License No. **PA-AH 0622**; license issued June 16, 1999.

**Hukill Chemical Corporation**, 7013 Krick Road, Bedford, OH 44146; License No. **PA-AH 0625**; license issued June 24, 1999.

**Laidlaw Carriers Inc.**, 1179 Ridgeway Road, Woodstock, ON N4S 8P6; License No. **PA-AH 0624**; license issued June 24, 1999.

**Tri-S Environmental Services, Inc.**, 25 Pinney Street, Ellington, CT 06029; License No. **PA-AH 0626**; license issued June 24, 1999.

**USL Environmental Services, Inc., dba A&A Environmental**, 5200 Radnor Avenue, Linthicum, MD 21090; License No. **PA-AH 0621**; license issued June 16, 1999.

#### Licenses expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Enviro-Trans, Inc.**, P. O. Box 409, Americus, GA 31709; License No. **PA-AH 0562**; license expired on May 31, 1999.

#### Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Buckham Transport Limited**, P. O. Box 601, Peterborough, ON K9J 6Z8; License No. **PA-AH 0336**; renewal license issued June 8, 1999.

**Bulova Technologies, L.L.C.**, 101 North Queen Street, Lancaster, PA 17604; License No. **PA-AH 0493**; renewal license issued June 2, 1999.

**Clean Venture, Inc.**, 201 South First Street, Elizabeth, NJ 07206; License No. **PA-AH 0299**; renewal license issued June 3, 1999.

**Earth Protection Services, Inc.**, P. O. Box 23820, Phoenix, AZ 85063-3820; License No. **PA-AH 0570**; renewal license issued June 3, 1999.

**Enmanco, Corp.**, 42826 North Walnut Street, Mt. Clemens, MI 48043; License No. **PA-AH 0574**; renewal license issued June 21, 1999.

**Fuel Tank Maintenance Service Inc.**, P. O. Box 305, Ridgefield Park, NJ 07660; License No. **PA-AH 0491**; renewal license issued June 7, 1999.

**Safety-Kleen Systems, Inc.**, 1 Brinckman Way, Elgin, IL 60123; License No. **PA-AH 0172**; renewal license issued June 9, 1999.

**Safety-Kleen (TG), Inc.**, P. O. Box 11393, Columbia, SC 29221; License No. **PA-AH 0271**; renewal license issued June 9, 1999.

**T. F. Boyle Transportation, Inc.**, 15 Riverhurst Road, Billerica, MA 01821; License No. **PA-AH 0572**; renewal license issued June 1, 1999.

**United Environmental Group, Inc.**, 241 Mcaleer Road, Sewickley, PA 15143; License No. **PA-AH 0431**; renewal license issued June 4, 1999.

#### BENEFICIAL USE DETERMINATIONS

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

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

**I. D. No. WMGR038NE004. The Goodman Group, Ltd.**, 301 N. Front Street, Allentown, PA 18102. A Determination of Applicability approval authorizing the beneficial use of baled waste tires from the Carr Tire Site located in Richland Township, Bucks County, to be used as a core section of an engineered earthen berm at the Goodman Group property, located in Whitehall Township, **Lehigh County**. The approval was granted in the Regional Office on April 1, 1999.

#### HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate hazardous waste treatment, storage or disposal facility.**

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

**PAD 003001070. Air Products and Chemicals Trexlertown Facility**, Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195-1501. A minor permit modification to the hazardous waste recycling permit, authorizing the addition of newly regulated waste codes to the permit and the alteration of the hazardous waste storage area by installing a Bird-X Ultrasonic Bird Repeller at the entrance to each cell at this hazardous waste facility located in Upper Macungie Township, **Lehigh County**. The modification was issued in the Regional Office on May 19, 1999.

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

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

*Southcentral Regional Office: Regional Solid Waste Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**Permit No. 300808. Boose Aluminum Landfill, Boose Aluminum Foundry** (77 North Reamstown Road, P. O. Box 261, Reamstown, PA 17567). Application for closure of a residual waste landfill in East Cocalico Township, **Lancaster County**. Permit issued in the Regional Office June 21, 1999.

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

**Permit ID No. 100419. J & J Landfill, CBF, Inc.**, R. D. 1, Box 266, Route 21, McClellandtown, PA 15458. Operation of a municipal waste landfill in German Township, **Fayette County**. Major permit modification for changes to design of final grades which does not increase the overall site capacity, issued in the Regional Office on June 28, 1999.

**Closure Plan approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for closure of a solid waste disposal area or site.**

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

**Permit I. D. No. 301085. Keystone Cement Company's Residual Waste Landfill**, Keystone Cement Company, P. O. Box A, Bath, PA 18014-0058. A permit modification approving the closure plan for Keystone Cement Company's existing residual waste (brick) landfill, located in East Allen Township, **Northampton County**. This closure plan provides for the removal of all waste and contaminated underlying materials at this 4 acre renovating soil residual waste disposal facility. The waste and contaminated underlying soil media will be disposed at either Keystone Cement Company's proposed captive Class II residual waste landfill or at an approved offsite commercial disposal facility. This closure plan approval was granted by the Regional Office on May 28, 1999.

#### PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

##### INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Sterilogic Waste Systems, Inc.**, P. O. Box 84, Kempton, PA 19529-0084; License No. **PA-HC 0208**; license issued June 15, 1999.

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management: Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024; License No. **PA-HC 0015**; renewal license issued June 2, 1999.

**John Pfrommer Inc.**, 1320 Ben Franklin Highway East, Douglassville, PA 19518-1899; License No. **PA-HC 0022**; renewal license issued June 2, 1999.

## AIR QUALITY OPERATING PERMITS

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

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

**06-302-171A: Premium Beverage Packers, Inc.** (1055 Cross Roads Blvd., Reading, PA 19605), issued June 23, 1999, for operation of two boilers (Kewanee) using low NOx burner technology at the Specialty Beverage Plant located in Muhlenberg Township, **Berks County**. This source is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources for Small Industrial-Commercial-Institutional Steam Generating Units.

### 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.*

**08-316-011A: Masonite Corp.** (P. O. Box 311, Towanda, PA 18848), on June 22, 1999, to extend a particulate matter stack test deadline an additional 90 days in Wysox Township, **Bradford County**.

### PLAN APPROVALS

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

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

**06-5065A: Glen Gery Corp.** (423 South Pottsville Pike, Shoemakersville, PA 19555), issued June 22, 1999, for construction of a brick shuttle kiln using low NOx burner technology at the Mid-Atlantic Plant in Perry Township, **Berks County**.

**67-05026A: Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368-0040), issued June 21, 1999, for installation of two core making systems at the Wrightsville Foundry in Wrightsville Borough, **York County**.

**67-304-024B: R. H. Sheppard Co., Inc.** (P. O. Box 877, Hanover, PA 17331), issued June 21, 1999, for construction of a foundry sand handling system No. 2 controlled by fabric collectors at Rear 447 East Middle Street in Hanover Borough, **York County**.

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

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

**38-302-057: G & H Fortyniners, Inc.** (P. O. Box 37, Fredericksburg, PA 17026), issued May 9, 1999, to authorize temporary operation of one boiler 800 HP, oil or natural gas fired, (Johnson Boiler), 32.4 mmbtu/hr, covered under this Plan approval until September 6, 1999, located at Chestnut Hill Road in Bethel Township, **Lebanon County**. This source is subject to 40 CFR Part 60.4, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units of the Standards of Performance for New Stationary Source.

**67-310-001E: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405), issued June 14, 1999, to authorize temporary operation of an aggregate processing plant covered under this Plan Approval until October 12, 1999, in West Manchester Township, **York County**. This source is subject to 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19A); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

#### *Coal Permits Issued*

**32980114. Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670), commencement, operation and restoration of a bituminous strip-auger mine in Young Township, **Indiana County**, affecting 67.5 acres, receiving stream Blacklegs Creek and unnamed tributary to Blacklegs Creek. Application received November 16, 1998. Permit issued June 17, 1999.

**32980201. Ridge Energy Company** (R. D. 2, Box 429, Clymer, PA 15728), commencement, operation and restoration of a coal refuse reprocessing/coal refuse disposal mine in Pine Township, **Indiana County**, affecting 16.0 acres, receiving stream Yellow Creek to Two Lick Creek to the Conemaugh River. Application received December 11, 1998; issued June 24, 1999.

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

**03890106R. Walter L. Houser Coal Co., Inc.** (RR 9, Box 434, Kittanning, PA 16201). Renewal issued for continued reclamation only of a bituminous surface mine located in Kittanning Township, **Armstrong County**, affecting 134 acres. Receiving streams: two unnamed tributaries to Mill Run and Mill Run and the Cowanshannock Creek. Application received: April 13, 1999. Renewal issued: June 22, 1999.

**26890103R. Durant Excavating Company** (18 N. Ross Street, Masontown, PA 15461-1764). Renewal issued for continued operation and reclamation of a bituminous surface mine located in Nicholson Township, **Fayette County**, affecting 32 acres. Receiving streams: unnamed tributaries to Cats Run to Monongahela River. Application received: April 14, 1999. Renewal issued: June 22, 1999.

**65980106. LMM, Inc.** (P. O. Box 517, Stoystown, PA 15563). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in South Huntingdon Township, **Westmoreland County**, affecting 40 acres. Receiving streams: unnamed tributary to Sewickley Creek, to Sewickley Creek, to Youghiogheny River. Application received: November 16, 1998. Permit issued: June 22, 1999.

**63990101. Robinson Coal Company** (200 Neville Road, Pittsburgh, PA 15225). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 54 acres. Receiving streams: unnamed tributary to Robinson Run. Application received: February 11, 1999. Permit issued: June 23, 1999.

**02930201R. Allegheny Valley Resources, Inc.** (623 West Waldheim Road, Pittsburgh, PA 15216-1846). Renewal issued for continued operation and reclamation of a bituminous surface mine and coal preparation/processing facility located in West Deer Township, **Allegheny County**, affecting 56 acres. Receiving streams: Little Deer Creek and an unnamed tributary to Little Deer Creek. Application received: March 25, 1999. Renewal issued: June 24, 1999.

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

**33930107. Leonard Yenzi**, (P. O. Box 62, Anita, PA 15711). Renewal of an existing bituminous strip operation in Pinecreek and Warsaw Townships, **Jefferson County** affecting 383.3 acres. Receiving streams: Unnamed tributary to Laurel Run, Unnamed tributaries to Little Mill Creek, three unnamed tributaries to Mill Creek. Application received: April 21, 1999. Permit Issued: June 16, 1999.

**16940104. Cookport Coal Company, Inc.** (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous strip operation to change the postmining land use from forestland to pastureland/land occasionally cut for hay on the John R. Jones property in Toby Township, **Clarion County** affecting 28.4 acres. Receiving streams: One unnamed tributary to Cherry Run. Application received: April 26, 1999. Permit Issued: June 18, 1999.

**24980106. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Commencement, operation and restoration of a bituminous strip and auger operation in Horton Township, **Elk County**, affecting 223.1 acres. Receiving streams: Unnamed tributaries to Johnson Run, Unnamed tributaries to Brandy Camp Creek. Application received: November 30, 1998. Permit Issued: June 18, 1999.

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

**32831303. Florence Mining Company** (P. O. Box 51, New Florence, PA 15944), to revise the permit for the Florence No. 2 Mine in West Wheatfield Township, **Indiana County** to change postmining land use, no additional discharges. Permit issued June 10, 1999.

**30810703. Consol PA Coal Co.** (P. O. Box 174, Graysville, PA 15337), to renew the permit for the Bailey Coal Refuse Disposal Area in Richhill Township, **Greene County** to renew 511 acre site, no additional discharges. Permit issued June 14, 1999.

**30841317. Consol Pennsylvania Coal Co.** (P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County**, to add C-2 water handling borehole, no additional discharges. Permit issued June 14, 1999.

**11911601. E. P. Bender Coal Co., Inc.** (P. O. Box 594, Main and Lehmer Sts., Carrolltown, PA 15722), to renew the permit for the Dysart Siding Tipple in Dean Township, **Cambria County**, no additional discharges. Permit issued June 14, 1999.

**16901602. Ancient Sun, Inc.** (P. O. Box 129, Main St., Shipperville, PA 16254), to renew the permit for the Ancient Sun Tipple in Ashland Township, **Clarion County**, no additional discharges. Permit issued June 23, 1999.

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

**37870301. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Transfer of an existing sand and gravel operation from A. Medure Sand & Gravel Company, Inc. in Wayne Township, **Lawrence County** affecting 116.2 acres. Receiving streams: Unnamed tributary to Duck Run and Unnamed tributary to Connoquenessing Creek. Application received: March 5, 1999. Permit Issued: June 15, 1999.

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

*Small Industrial Minerals Applications Issued*

**11980801. Kevin E. Hite** (516 Eckenrode Mill Road, Patton, PA 16668), commencement, operation and restoration of a slate pit in East Carroll Township, **Cambria County**, affecting 5.0 acres, receiving stream Laurel Lick Run to Chest Creek. Application received December 3, 1998; issued June 22, 1999.

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

*Small Noncoal (Industrial Mineral) Permits Issued*

**66990801. William M. Ruark** (P. O. Box 311, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Meshoppen Township, **Wyoming County** affecting 2.0 acres, receiving stream—none. Permit issued June 24, 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 Envi-

ronmental 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.

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

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

**E06-522.** Encroachment. **Exeter Township**, 4975 DeMoss Road, Reading, PA 19606. To construct and maintain a pedestrian bridge having a span of 16 feet and an underclearance of 4 feet across a tributary to the Schuylkill River at a point immediately upstream of the Schuylkill River (Birdsboro, PA Quadrangle N: 7.2 inches; W: 16.4 inches) and to construct and maintain a pedestrian bridge having a span of 56 feet and an underclearance of 6 feet across the channel of Antietam Creek at a point immediately upstream of the Schuylkill River (Birdsboro, PA Quadrangle N: 6.0 inches; W: 13.7 inches) for the purpose of constructing the Schuylkill River Train in Exeter Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E07-311.** Encroachment. **Westvaco Corporation**, 1600 Pennsylvania Avenue, Tyrone, PA 16686. To remove the deck and steel superstructure of an existing bridge and to construct and maintain a pedestrian walkway on the existing bridge piers across Bald Eagle Creek (TSF) located at Westvaco Corporation (Tyrone, PA Quadrangle N: 10 inches; W: 15 inches) in Tyrone Borough, **Blair County**. This permit was issued under section 105.13(e) "Small Projects."

**E36-670.** Encroachment. **East Earl Township**, 4610 Division Hwy, East Earl, PA 17519. To remove the existing deteriorated structure, construct and maintain twin precast reinforced concrete box culverts with each culvert having a 9-foot span and a 3-foot rise waterway opening in a tributary to Mill Creek (HW-CWF). The project is located on Ranck Road (SR 1006) along the south side of the intersection of Airport Road (T-765).

The permit also authorizes the realignment of approximately 100 feet of upstream and downstream channel. Rock riprap is authorized to stabilize a 10 foot length at the inlet and outlet of both culverts with a 6-inch raised rock apron to divert normal low flows through one culvert entrance and exit within the two 30-foot transition sections. The project will widen and improve the road intersection (New Holland, PA Quadrangle N: 17.7 inches; W: 8.0 inches) in East Earl Township, **Lancaster**

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

**E36-672.** Encroachment. **East Lampeter Township**, Ralph Hutchison, 2205 Old Philadelphia Pike, Lancaster, PA 17602. To construct and maintain an additional 20-foot deck extension, to widen the existing Greenfield Road (T-549) bridge having a clear span of 25-feet with an average channel underclearance of 6-feet over Stauffer Run (WWF) and to widen the roadway from two lanes to three lanes to create a center turning lane for improved highway safety (Lancaster, PA Quadrangle N: 10.0 inches; W: 0.1 inch) in East Lampeter Township, **Lancaster County**. This permit also includes 401 Water Quality Certification.

**E67-660.** Encroachment. **Crown American Properties**, Kevin Evans, Pasquerilla Plaza, Johnstown, PA 15091. To construct and maintain a 9 linear foot culvert extension to an existing 16' x 6' concrete culvert and to realign 75 feet of concrete channel upstream of this culvert in Willis Run (WWF) located north of SR 0030 just east of SR 0074 for the purpose of constructing a new access ramp to the West Manchester Mall (West York, PA Quadrangle N: 17.7 inches; W: 2.4 inches) in West Manchester Township, **York County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E14-343.** Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, P. O. Box 8552, Harrisburg, PA 17105-8552. To remove the existing structure and to construct and maintain a single span A-frame bridge with a clear span of 30.7 feet and an underclearance of 6.25 feet on existing abutments with new concrete caps located 12 miles northeast on Poe Valley Road from the intersection of Rt. 322 (Coburn, PA Quadrangle N: 15.36 inches; W: 5.88 inches) in Haines Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-331.** Encroachment. **Pennsylvania Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a 19 foot single span bridge with a minimum underclearance of 8.1 feet across Jack Dent Branch. This project is located on Jack Dent Road about 0.9 mile east of its intersection with Mexix Grade Road (Huntley, PA Quadrangle N: 17.75 inches; W: 0.19 inch) in Goshen Township, **Clearfield County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-384.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. To remove an existing structure and to construct, operate and maintain a single span prestressed concrete spread box beam that will carry SR 4035, Section 009, Segment—Offset 0090/0252 across Catlin Hollow Run; a trout stocking fishery. The bridge will be constructed with a center-to-center of span of 66.5-feet, and underclearance of 7.0-feet and a skew of 49.5-degrees that will temporarily impact 0.003 acre of wetland and 80-feet of waterway that is located along the northern right-of-way SR 0006 approximately 1,000-feet north of T-580 and SR 4035 intersection (Keeneyville, PA



Quadrangle N: 4.6 inches; W: 0.7 inch) in Charleston Township, **Tioga County**. The permit will also authorize the construction, operation, maintenance and removal of a temporary crossing of Catlin Hollow Run strictly for construction vehicle access. Upon completion of the bridge construction project, the temporary crossing shall be totally removed and the associated stream impacts restored to natural stream channel geometry, elevations and contours.

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

**E63-497.** Encroachment. **Penn Plastic Company**, 2080 North Main Street, Washington, PA 15301. To construct and maintain a 405 foot long, 60-inch diameter stream enclosure in an Unnamed tributary to Chartiers Creek and to place and maintain fill in approximately 0.27 acre of wetlands for the purpose of constructing Phase III of Trinity Point consisting of a small commercial complex. The project is located on the south side of Route 19, approximately 2,500 feet northeast from the intersection of Route 19 and Route 70 (Interchange 7) (Washington East, PA Quadrangle N: 11.3 inches; W: 12.8 inches) in South Strabane Township, **Washington County**. The permittee has met wetland replacement obligations by contributing to the Wetland Replacement Project.

*Permits Issued and Actions on 401 Certification*

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

**E25-576.** Encroachment. **Erie Western Pennsylvania Port Authority**, 17 West Dobbins Landing, Erie, PA 16507-1424. To make the following modifications and maintain the East Avenue Access Area in and along Lake

Erie (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches) located in the City of Erie, **Erie County**.

1. Remove the existing breakwater.
2. Construct a 500-foot-long rock fill breakwater east of the existing breakwater having an interior slope of 2.5H:1V and an exterior slope of 4H:1V with a top width of 20 feet including a 10-foot-wide concrete walkway.
3. Interior excavation to a bottom elevation of 568 feet (USGS Datum).
4. Construct a concrete boat launch ramp and apron measuring 50 feet wide by 100 feet long immediately east of the existing concrete ramps.
5. Construct a 60-foot-long by 5-foot-wide floating boat dock inside the breakwater.

#### DAM SAFETY

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

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

**D36-293.** Dam. **Pennsylvania Power and Light, Inc.** (Two North Ninth Street, Allentown, PA 18101-1179). To close Ash basin No. 2 at the Holtwood Steam Electric Station (SES) by regrading the ash in the basin, covering the site with 2 feet of soil and seeding. Ash Basin No. 2 is located in Martic Township, **Lancaster County**.

#### STORAGE TANKS

**The following Storage Tank Site Specific Installation Permits under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.**

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
99-51-002	Westway Terminal Co. Inc. 365 Canal Street Suite 2900 New Orleans, LA 70130	Philadelphia Co. Philadelphia City	AST storing Caustic Soda 1,050,000 gallons
99-10-001	Mine Safety Appliances Co. P. O. Box 429 Pittsburgh, PA 15230	Butler Co. Forward Twp.	AST storing Sodium Potassium Alloy 11,000 gallons
99-06-001	Scranton-Altoona Terminal Corp. 900 Eisenhower Boulevard Harrisburg, PA 17105	Berks Co. Sinking Spring Boro	AST Unleaded Gasoline 3,574,200 gallons, and AST Unleaded Gasoline 4,567,700 gallons

#### SPECIAL NOTICES

##### Notice of Public Hearing

The Department of Environmental Protection (Department) has scheduled a public hearing to receive testimony and comments on the proposed 102 Individual NPDES permit for construction activities for the Columbia Gas

Transmission Compressor Station project in Mann and Southampton Townships, Bedford County. Construction of the proposed project will result in a stormwater discharge to the Sideling Hill Creek watershed and Crooked Creek. Both the Sideling Hill Basin and Crooked Creek are EV (exceptional value) watersheds. The hearing will be held on August 10, 1999, beginning at 7 p.m. at the Bedford County Conservation District office.

Persons intending to testify at the hearing should register by Friday, July 23, 1999, by calling Karen Sitler at (717) 705-4904. If no person registers to present oral comments by July 23, the hearing will not be held. In addition, if a person cannot attend the meeting, but wishes to submit written comments, they must notify Karen Sitler before July 23. Finally, persons interested in finding out if anyone has registered, and if the hearing will be held, should also contact Karen Sitler at the same number.

All testimony should be to the point. Each individual will have up to 10 minutes for his/her presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 705-4732 between the hours of 8 a.m. and 4 p.m., Monday through Friday.

Persons with a disability who wish to attend the hearing but require an auxiliary aid, service or other accommodations to participate in the proceedings, should contact the Department for assistance. TDD users may use the AT&T Relay Service at (800) 654-5984.

#### **Certified Emission Reduction Credits in Pennsylvania's ERC Registry**

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements.
- (2) To "net-out" of NSR at ERC-generating facilities.
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown as follows, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over-control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended use of ERCs</i>
American National Can Company County: Lehigh, PA Nonattainment status: Moderate Contact Person: R. M. Rivetna (312) 399-3392	VOCs	166.7	11/06/2002	Trading
National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx	145.7	06/30/2002	Internal Use
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx	103.3	12/28/2002	Internal Use
U. S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact Person: Mark Donato (215) 897-1809	NOx	30.5	3/31/2005	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended use of ERCs</i>
United States Steel Group County: Bucks Nonattainment Status: Severe Contact Person: Nancy Hirko (412) 433-5914	NOx VOC	1101.7 18.1	8/01/2001	Trading
Lord Corporation Source: Two coal fired boilers County: Erie Ozone nonattainment status: Moderate Contact Person: Robert E. Nipper (814) 868-0924	NOx	9.5	12/20/2004	Trading
Julian B. Slevin, Inc. Recipient/Holder: Ronald W. Lockhart Sandra S. Lockhart Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact Person: Seth Cooley (215) 979-1838	VOCs	85.22	12/20/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York (717) 293-2056	VOCs	33.0		Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: Robert Wallace (215) 632-2300	VOCs	323.0	ERCs will be proportionally reduced to comply with MACT standards for rotogravure and flexographic facilities.	Trading
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670	NOx VOCs	452.0 3.0	1/18/2001	Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact Person: Robert Trbovich (412) 983-6161	VOCs	10.7	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Donald R. Schneider (412) 652-5531	NOx	214.0	4/02/2003	Trading
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact Person: William E. Knight (717) 355-4903	NOx VOCs	4.0 78.0	1/22/2003	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne (717) 765-0746	VOCs	20.0	10/1/2004	Trading

## NOTICES

3671

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended use of ERCs</i>
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact Person: Michael West (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Plant Location: Bristol, Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth (612) 778-6014	VOCs VOCs VOCs VOCs VOCs VOCs VOCs	0.10 0.25 44.80 0.10 17.90 303.65 275.10	5/02/2001 5/06/2001 4/18/2001 4/16/2001 4/26/2001 10/18/2001 5/13/2001	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone nonattainment status: Moderate Contact Person: Martin Mueller (412) 762-5263	VOCs	41.7	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone nonattainment status: Moderate Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone nonattainment status: Moderate Contact Person: Garen Macdonald (717) 771-7346	VOCs VOCs	12.2 2.7	06/01/2006 10/01/2005	Trading
Pennzoil Products Company Source Location: Rouseville County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson (814) 678-4649	NOx	31.6	04/15/2002	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone nonattainment status: Moderate Contact Person: LeRoy H. Hinkle (610) 916-4248	NOx SOx	9.42 51.05	11/22/2005	Trading

## NOTICES

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended use of ERCs</i>
Avery Dennison Corporation Fasson Roll North America Source Location: Quakertown County: Bucks Ozone nonattainment status: Severe Contact Person: Roy R. Getz (215) 538-6271	VOCs	219.53		Trading
United States Steel Source Location: Edgar Thomson Works County: Allegheny Ozone nonattainment status: Moderate Contact Person: Harry F. Flodowski (412) 281-7997	SOx PM	46.4 64.7	11/02/2002	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact Person: D. David Hancock, Jr. (215) 777-7811	VOCs	18.0	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone nonattainment status: Moderate Contact Person: Tim Bergerstock (717) 784-4100	NOx VOCs CO PM-10	0.39 0.02 0.08 0.01	4/17/2006	Internal Use
National Fuel Gas Supply Corporation Sources: I. C. Engines 1, 2, 3 and 4 Source Location: Ellisburg Compressor Facility County: Potter Ozone nonattainment status: Moderate Contact Person: Gary A. Young (814) 871-8657	NOx VOC CO	49.0 0.4 2.5	7/2/2008	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Robert G. Rucker (610) 485-8900	VOCs NOx	0.9 5.2		Trading
CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone nonattainment status: Moderate Contact Person: Sean R. Sleigh (304) 623-8462	NOx VOCs	39.28 0.55	10/27/2004	Internal use and trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone nonattainment status: Moderate Contact Person: J. R. Koch (610) 694-2307	NOx VOCs SOx	963.0 21.0 1258.3	Varies from 11/18/2005 to 3/3/2007	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Ozone nonattainment status: Moderate Contact Person: Tim Owens (330) 688-1111	VOCs	75	6/30/2008	Trading
Pennsylvania Electric Company (Penelec) Source Location: Front St. Station County: Erie Ozone nonattainment status: Moderate Contact Person: Tim McKenzie (814) 533-8670	NOx	1477.90	1/18/2001	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended use of ERCs</i>
Armstrong World Industries, Inc. Source: No. 1 Rotogravure Printing Line County: Lancaster Ozone nonattainment status: Moderate Contact Person: Jack Headley (717) 396-2031	VOCs	41.1	10/1/2007	Trading
Crown Cork & Seal Co. Inc. Source: Sheet Coating and Decorating Lines Ozone nonattainment status: Severe Contact Person: Robert G. Vatistas (215) 698-5308	VOCs NOx	286.5 10.1	Varies from 1/11/2002 to 2/27/2008	Trading
SUPERPAC, INC. Source Location: Southampton County: Bucks Ozone nonattainment status: Severe Contact Person: Robert Stull (215) 322-1010	VOCs	26.91	Varies from 3/29/2001 to 9/30/2003	Trading
ICI Paints North America Source Location: Reading, Glidden Plant County: Berks Ozone nonattainment status: Moderate Contact Person: Bruce F. Maco (610) 376-8320	VOCs	35.0	12/18/2005	Trading
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Ozone nonattainment status: Moderate Contact Person: Lisa D. Houser (717) 275-1400	VOCs	28.45	11/22/2005	Trading
Rockwell International Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Harry Klodowski (412) 281-7997	NOx VOCs	64.2 13.4	5/31/2003	Trading

#### Quarterly Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

1 **ERC Generating Facility Name:** General Glass Industries Corp.

*Location of Source:* Jeannette Plant, Westmoreland County, PA

*Certified ERCs (tpy):* 518 tpy of NO<sub>x</sub>

*Amount of ERCs traded to Holder/Transferee:* 518 tpy

**Purchaser/Transferee of ERCs**

*ERC Holder/Transferor:* Sony Electronics Inc., PA

*Purchaser/Recipient of ERCs:* Consol Pennsylvania Coal Company

*Location of Source:* Bailey Prep Plant, Greene County, PA

*Date of ERCs Transfer:* April 9, 1999

*Plan Approval Number:* 30-072B

*NOx credits available for future use:* 153 tpy

2 **ERC Generating Facility Name:** Sharon Steel Corporation

*Location of Source:* Farrell Plant, Mercer County

*Certified ERCs (tpy):* 96.3 tpy of NO<sub>x</sub> and 10.7 tpy of VOCs

*Date of ERCs Transfer:* April 9, 1999; April 15, 1999

*ERCs available for future use:* 10.7 tons per year of VOCs

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* United Refining Company

*Location of Source:* Bradley & Dobson Streets, Warren County, PA

*Plan Approval Number:* 62-312-014A

*NOx credits available for future use:* 15.4 tpy

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* Consol Pennsylvania Coal Company

*Location of Source:* Bailey Prep Plant, Greene County

*Plan Approval Number:* 30-072B

*NOx credits available for future use:* 80.9 tpy

**3 ERC Generating Facility Name:** Pan American Tanning Corporation, Division of Feuer Leather Corporation

*Location of Source:* Glovers Ville, Fulton County, NY

*Certified ERCs (tpy):* 50 tons per year of VOCs

*Amount of ERCs traded to Purchaser/Recipient:* 50 tons per year of VOCs

*Date of ERCs Transfer:* April 26, 1999

*ERCs available for future use:* 0

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* Consol Pennsylvania Coal Company

*Location of Source:* Bailey Prep Plant, Greene County, PA

*Plan Approval Number:* 30-072B

*VOCs credits available for future use:* 50 tpy

**4 ERC Generating Facility Name:** USX Corporation, United States Steel Group

*Location of Source:* Fairless Works, Bucks County

*Certified ERCs (tpy):* 1301.7 tpy of NOx and 18.1 tpy of VOCs

*Amount of ERCs traded to Purchaser/Recipient:* 200 tpy of NOx

*Date of ERCs Transfer:* April 26, 1999

*ERCs available for future use:* 1101.7 tpy of NOx and 18.1 tpy of VOCs

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* American National Power, Inc.

*Location of Source:* Ramapo, Rockland County, New York

*NOx credits used:* 200 tpy of NOx

*NOx credits available for future use:* 0

**5 ERC Generating Facility Name:** Graphic Controls Corporation

*ERC Holder/Transferor:* RIDC Southwestern Pennsylvania Growth Fund

*Location of Source:* Wilmerding, Allegheny County

*Certified ERCs (tpy):* 104 tpy of VOCs

*Amount of ERCs traded to Purchaser/Transferee:* 104 tpy

*Date of ERCs Transfer:* April 29, 1999

*ERCs available for future use:* 0

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* Consol Pennsylvania Coal Company

*Location of Source:* Bailey Prep Plant, Greene County, PA

*Plan Approval Number:* 30-072B

*VOCs credits available for future use:* 104 tpy

**6 ERC Generating Facility Name:** Coltec Industries Inc. Garlock Division

*Location of Source:* Palmyra, Wayne County, New York

*Certified ERCs (tpy):* 24.3 tpy of NOx

*Amount of ERCs traded to Purchaser/Recipient:* 24.3 tpy of NOx

*Date of ERCs Transfer:* May 11, 1999

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* Consol Pennsylvania Coal Company

*Location of Source:* Bailey Prep Plant, Greene County, PA

*Plan Approval Number:* 30-072B

*NOx credits available for future use:* 24.3 tpy

**7 ERC Generating Facility Name:** Lord Corporation

*Location of Source:* Mechanical Products Division, Erie, Erie County

*Certified ERCs (tpy):* 30.5 tpy of NOx, 223.9 tpy of SOx and 37.3 tpy of PM-10

*Amount of ERCs traded to Purchaser/Recipient:* 21 tpy of NOx

*Date of ERCs Transfer:* May 19, 1999

*ERCs available for future use:* 9.5 tpy of NOx, 223.9 tpy of SOx and 37.3 tpy of PM-10

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* Consol Pennsylvania Coal Company

*Location of Source:* Bailey Prep Plant, Greene County, PA

*Plan Approval Number:* 30-072B

*NOx credits available for future use:* 21 tpy

**8 ERC Generating Facility Name:** Congoleum Corporation

*Location of Source:* Trainer Borough, Delaware County, PA

*Certified ERCs (tpy):* 157.9 tpy of VOCs and 5.2 tpy of NOx

*Amount of ERCs traded to Purchaser/Recipient:* 157 tpy of VOCs

*Date of ERCs Transfer:* May 28, 1999

*ERCs available for future use:* 0.9 tpy of VOCs and 5.2 tpy of NOx

**Purchaser/Recipient of ERCs**

*Purchaser/Recipient of ERCs:* Kvaener Philadelphia Shipyard, Inc.

*Location of Source:* Philadelphia Naval Business Center, Philadelphia, PA

*Plan Approval Number:* 98172

*VOCs credits used:* 157 tpy of VOCs

[Pa.B. Doc. No. 99-1099. Filed for public inspection July 9, 1999, 9:00 a.m.]

**Availability of Technical Guidance**

Technical Guidance Documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1999 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1999.

*Ordering Paper Copies of DEP Technical Guidance*

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Please check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

*Final Guidance*

DEP ID: 274-3100-001 Title: Policy for Stage II Vapor Recovery Testing Requirements Description: This guidance document identifies testing requirements to verify that the Stage II vapor recovery system is operating properly. All testing is outlined in EPA's Stage II Enforcement and Technical Guidance Document, which was adopted by the Pennsylvania Air Pollution Control Act. Effective Date: July 10, 1999 Contact: Jon Harwick at (717) 772-3994.

*Draft Guidance*

DEP ID: 012-0900-006 Title: Adoption by Reference of the U.S. Environmental Protection Agency's Y2K Enforcement Policy Description: On November 30, 1998, EPA issued an enforcement policy designed to encourage prompt testing of computer-related equipment to ensure that environmental compliance is not impaired by the Y2K computer bug. Under the policy (published on the Internet at [www.epa.gov/year2000](http://www.epa.gov/year2000)), EPA stated its intent to waive 100% of the civil penalties that might otherwise apply, and to recommend against criminal prosecution, for environmental violations caused during specific tests that are designed to identify and eliminate Y2K-related malfunctions.

The policy also stated that the civil penalty waiver and recommendation against criminal prosecution are limited to testing-related violations disclosed to EPA by February 1, 2000, and are subject to certain conditions, such as the need to design and conduct the tests for the shortest possible period of time necessary, the need to correct any testing-related violations immediately, and other conditions to ensure that protection of human health and the environment is not compromised. This notice was published in the *Federal Register*, March 10, 1999 (Volume 64, Number 46) to increase public awareness of this incentive to test computer-related systems and to incorporate several minor revisions aimed at clarifying the policy in response to public comment. Comment Period Ends: August 9, 1999 Anticipated Effective Date: August 17, 1999 Contact: Joe Sieber at (717) 783-1497

DEP ID: 563-2112-615 Title: Passive Treatment Systems as Best Professional Judgment Treatment of Postmining Discharges Description: The purpose of this guidance is to provide technical information for the design and review of proposed passive treatment systems. Passive treatment systems are a best available technology for abating water pollution due to postmining pollutional discharges from coal mining activities. The Department may approve the use of passive treatment systems for achieving compliance with the effluent limitations of Chapters 87-90. Comment Period Ends: August 9, 1999. Anticipated Effective Date: September 4, 1999. Contact: Evan Shuster at (717) 787-5103

*Draft Guidance—Minor Revisions*

DEP ID: 012-4180-001 Title: Policy for the Acceptance of Community Environmental Projects in Conjunction with Assessment of Civil Penalty Description: The Department will follow a Department-wide policy of considering, in appropriate situations, performance of a Community Environmental Project (CEP) when determining the amount of civil penalty it will accept as a settlement. Comment Period Ends: August 9, 1999 Anticipated Effective Date: August 17, 1999 Contact: Mike Bedrin at (717) 787-4449

*Advance Notice of Intent to Revise Guidance*

DEP ID: 391-0300-002 Title: Special Protection Waters Implementation Handbook.

*Description:* The existing guidance document (Special Protection Waters Implementation Handbook, First Edition, November 1992), document number 391-0300-002, for implementation of the antidegradation elements of Pennsylvania's water quality standards program is being revised and rewritten to reflect new regulations regarding antidegradation requirements. These new regulations, set forth in 25 Pa. Code Chapter 93, were adopted in final rulemaking by the Environmental Quality Board at its meeting of May 19, 1999. The new regulations encompass changes to the criteria governing the official classification of surface waters as High Quality and Exceptional Value Waters, and they refine the scope of Department/public antidegradation review for activities requiring a DEP



permit or approval, so as to protect existing uses of all surface waters. The new regulations were developed to replace Federal antidegradation regulations which were promulgated by EPA for Pennsylvania as a result of litigation in Federal court. The Federal regulations became effective on January 9, 1997. Pennsylvania's new regulations are consistent with the Federal regulations, and the adopted refinements to the rule now necessitate revisions to the implementation guidance.

*Proposed Development and Review Process:* The Department will initially work closely with the Water Resources Advisory Committee (WRAC) to identify, develop, and discuss the various antidegradation classification and implementation issues. To provide more comprehensive expertise, the WRAC membership has been expanded to assist with this process. Department staff from programs affected by the antidegradation regulations and from the regional offices will also participate in the process and will attend the WRAC meetings. At the end of the initial process, WRAC will develop final conclusions and recommendations to the Department on the issues.

The Department will then consider all recommendations from WRAC and Department program/regional staff on the key issues, and will incorporate and expand the findings into a first draft of the revised Special Protection Waters Implementation Handbook. Target date for production of the first draft is October 20, 1999. This draft will be distributed to the WRAC, for discussion at its regular meeting on November 10, 1999, and will also be distributed for comment to affected programs and regional offices. After consideration of comment and subsequent revision, a second draft of the Handbook will be prepared for general public participation review, to include public meetings across the State, publication on the Department's web site, and notice of availability in the *Pennsylvania Bulletin*. After review of general public comments received, and subsequent revision, a final version of the Handbook will be prepared and published. Target date for the final version is March 1, 2000.

All drafts of the Handbook will be reviewed and approved by the Department before distribution to the expanded WRAC team, so that all requirements regarding public access to information may be observed.

*Anticipated Draft Development Date:* October 20, 1999  
*Anticipated Effective Date:* March 1, 2000. Contact: Ed Brezina, Bureau of Watershed Conservation, (717) 787-9637.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 99-1100. Filed for public inspection July 9, 1999, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Renal Disease Advisory Committee Public Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204) will hold a public meeting on July 16, 1999.

The meeting will be held in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information, contact Helen Kissinger, Administrative Officer of the Chronic Renal Disease Program, Division of Special Health Care Programs at (717) 787-9772.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact the Chronic Renal Disease Program at (717) 787-9772, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-1101. Filed for public inspection July 9, 1999, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Federal Poverty Income Guidelines for 1999

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 1999 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 64 FR 13428 on March 18, 1999.

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code and administered by the Department of Public Welfare. These categories include the Healthy Beginnings Program for Pregnant Women and Qualified Children, Chapter 140, Subchapter A; Healthy Horizons Program for the Elderly and Disabled, Chapter 140, Subchapter B; and Extended Medical Coverage under the Categorically Needy Program TANF-Related Categories, Chapter 140, Subchapter C.

The percentages for the Healthy Beginnings and Healthy Horizons Programs are set forth as follows:

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG		175% of FPIG		185% of FPIG	
	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual
1	\$ 687	\$ 8,240	\$ 824	\$ 9,888	\$ 913	\$ 10,959	\$ 927	\$ 11,124	\$ 1,202	\$ 14,420	\$ 1,270	\$ 15,244
2	\$ 922	\$ 11,060	\$ 1,106	\$ 13,272	\$ 1,226	\$ 14,710	\$ 1,244	\$ 14,931	\$ 1,613	\$ 19,355	\$ 1,705	\$ 20,461
3	\$ 1,157	\$ 13,880	\$ 1,388	\$ 16,656	\$ 1,538	\$ 18,460	\$ 1,562	\$ 18,738	\$ 2,024	\$ 24,290	\$ 2,140	\$ 25,678
4	\$ 1,392	\$ 16,700	\$ 1,670	\$ 20,040	\$ 1,851	\$ 22,211	\$ 1,879	\$ 22,545	\$ 2,435	\$ 29,225	\$ 2,575	\$ 30,895
5	\$ 1,627	\$ 19,520	\$ 1,952	\$ 23,424	\$ 2,163	\$ 25,962	\$ 2,196	\$ 26,352	\$ 2,847	\$ 34,160	\$ 3,009	\$ 36,112
6	\$ 1,862	\$ 22,340	\$ 2,234	\$ 26,808	\$ 2,476	\$ 29,712	\$ 2,513	\$ 30,159	\$ 3,258	\$ 39,095	\$ 3,444	\$ 41,329

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG		175% of FPIG		185% of FPIG	
	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual
7	\$2,097	\$25,160	\$2,516	\$30,192	\$2,789	\$33,463	\$2,831	\$33,966	\$3,669	\$44,030	\$3,879	\$46,546
8	\$2,332	\$27,980	\$2,798	\$33,576	\$3,101	\$37,213	\$3,148	\$37,773	\$4,080	\$48,965	\$4,314	\$51,763
Each Additional Person	\$ 235	\$2,820	\$ 282	\$ 3,384	\$ 313	\$ 3,751	\$ 317	\$ 3,807	\$ 411	\$ 4,935	\$ 435	\$ 5,217

These percentages apply as follows:

Healthy Beginnings—

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children age 1 through 5 years of age; and
- c. 100% for children age 6 and older who were born after September 30, 1983.

Healthy Horizons—

- a. 100% for those persons eligible for the categorically needy and Medicare cost-sharing benefits.
- b. 120% for those persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only benefits.
- c. 135% and 175% for those persons eligible for the Qualifying Individuals Beneficiaries benefits.

(There are different resource limits for each of these programs.)

Additional information on the specific program is available at the county assistance offices.

Effective Date

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to March 18, 1999.

FEATHER O. HOUSTON,  
Secretary

**Fiscal Note:** 14-NOT-211. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 55. PUBLIC WELFARE**  
**PART II. PUBLIC ASSISTANCE MANUAL**  
**Subpart C. ELIGIBILITY REQUIREMENTS**  
**CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS**  
**Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR TANF-RELATED CATEGORIES**  
**APPENDIX A**  
**EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS**  
**185% OF THE 1999 FEDERAL POVERTY INCOME GUIDELINES**

Family Size	185% of the Federal Poverty Income Guidelines
1	\$1,270
2	\$1,705
3	\$2,140
4	\$2,575
5	\$3,009
6	\$3,444
7	\$3,879
8	\$4,314
Each Additional Person	\$ 435

[Pa.B. Doc. No. 99-1102. Filed for public inspection July 9, 1999, 9:00 a.m.]

**Office of Medical Assistance Programs; Fee Increase for Selected Dental Services**

By this notice, the Department of Public Welfare announces that the fees for the following pediatric dental services are increased, effective January 1, 1999 as follows:

Procedure Code	Description	Current Fee	Increased Fee Effective 1-1-1999
D0120	Periodic Oral Examination	\$13.00	\$17.00
D0220	Intraoral—Periapical—First Film	4.00	7.00
D0230	Intraoral—Periapical—Each Additional Film	4.00	7.00
D0240	Intraoral—Occlusal Film	6.00	12.00
D0270	Bitewings—One Film	4.00	7.00
D0272	Bitewings—Two Films	8.00	14.00
D0330	Panoramic Film	24.00	35.00
D1110	Prophylaxis—Adult	21.00	30.00
D1120	Prophylaxis—Child	17.00	22.00
D1351	Topical Application of Sealants, Per Tooth	14.00	25.00
D1203	Topical Application of Fluoride (Excluding Prophylaxis)—Child	10.00	17.00
D1510	Space Maintainer—Unilateral Fixed	57.00	120.00
D1515	Space Maintainer—Bilateral Fixed	92.00	190.00
D1550	Recementation of Space Maintainer	10.00	30.00
D2110	Amalgam Restoration—One Surface,	20.00	40.00

<i>Procedure Code</i>	<i>Description</i>	<i>Current Fee</i>	<i>Increased Fee Effective 1-1-1999</i>
D2120	Primary Amalgam Restoration—Two Surfaces, Primary	27.00	50.00
D2130	Amalgam Restoration—Three Surfaces, Primary	34.00	60.00
D2140	Amalgam Restoration—One Surface, Permanent	20.00	40.00
D2150	Amalgam Restoration—Two Surfaces, Permanent	27.00	50.00
D2160	Amalgam Restoration—Three Surfaces, Permanent	34.00	60.00
D2330	Resin—One Surface	20.00	45.00
D2331	Resin—Two Surfaces	27.00	55.00
D2332	Resin—Three Surfaces	34.00	60.00
D2336	Resin Strip—Crown Acid Etch (Anterior Teeth Only)	84.00	145.00
D2338	Facing Cut Into SSC (Window)—Separate Appointment (Primary Teeth Only)	34.50	60.00
D2930	Prefabricated Stainless Steel Crown, Primary Tooth	55.00	90.00
D2933	Prefabricated Stainless Steel Crown with Resin Window	84.00	145.00
D3220	Therapeutic Pulpotomy (Excluding Final Restoration)	33.00	50.00
X3321	Root Canal Therapy, Bicuspid, Paste RC Filling Material (TOS OE)	88.00	150.00
X3331	Root Canal Therapy, Molar, Paste RC Filling Material	133.00	180.00
D7110	Tooth Extraction	21.00	45.00
D7120	Tooth Extraction—Each Additional Tooth	21.00	45.00
X9631	Conscious Sedation (Oral/IM Sedation)	58.50	95.00
X9632	Nitrous Oxide/Oxygen Analgesic	20.00	30.00
X6940	Management Fee (For difficult to manage persons with developmental disabilities)	20.00	30.00
X1516	Unilateral Space Maintainer, Distal Shoe	67.00	160.00
D2337	Acid Etch Bandage	27.00	60.00
D2931	Prefabricated Stainless Steel Crown, Permanent Tooth	55.00	110.00
D9110	Palliative (Emergency) Treatment of Dental Pain—Minor Procedures	12.00	30.00
X5261	Kiddie Partial Fixed 0-6 Yrs of Age	175.00	275.00
D7270	Tooth Reimplantation and Stabilization of Accidentally Avulsed or Displaced Tooth and/or Alveolus (<20)	80.00	320.00
D7960	Frenulectomy—Separate Procedure	40.00	80.00
D7970	Excision of Hyperplastic Tissue—Per Arch	35.00	80.00

The fiscal note was prepared under provision of Section 612 of The Administrative Code of 1929 (71 P. S. § 232).

#### Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTON,  
Secretary

**Fiscal Note:** 14-NOT-212. (1) General Fund; (2) Implementing Year 1998-99 is \$1.548 Million; (3) 1st Succeeding Year 1999-00 is \$2.741 Million; 2nd Succeeding Month 2000-01 is \$2.768 Million; 3rd Succeeding Year 2001-02 is \$2.796 Million; 4th Succeeding Year 2002-03 is \$2.824 Million; 5th Succeeding Year 2003-04 is \$2.852 Million; (4) 1997-98 Program—\$662.740 Million; 1996-97 Program—\$798.836 Million; 1995-96 Program—\$792.293 Million; (7) Medical Assistance—Outpatient; (8) recommends adoption. There will be funds available in the Department's budget to cover the cost of this fee adjustment.

[Pa.B. Doc. No. 99-1103. Filed for public inspection July 9, 1999, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Bureau of Equal Opportunity; DBE Goal Setting

Under the authority contained in the Transportation Act for the 21st Century, Act of June 9, 1998, Pub. L. No. 105-178, 112 Stat. 113 (23 U.S.C. § 101) and in keeping with the requirements of 49 C.F.R. Part 26, the Pennsylvania Department of Transportation (Department) hereby provides the following public notice concerning its new goal for participation by Disadvantaged Business Enterprises (DBEs) in its federally-assisted contracts.

As a recipient of federal funds from the United States Department of Transportation through various organizations including the Federal Highway Administration, the Department must comply with the goal setting provisions of the new DBE regulation that took effect on March 4, 1999. The new regulation is set forth at 49 C.F.R. Part 26. The Department is mandated to submit a revised DBE program including a new goal and a methodology for projecting the overall goal for DBE participation on its federally-assisted contracts consistent with the provisions of 49 C.F.R. Sections 26.45 and 26.51. The new goal and methodology must be submitted to the Federal Highway Administration by September 1, 1999. Providing notice to the public concerning the goal and the methodology used to arrive at a final goal and affording the public the opportunity to provide comment is an important part of the process.

To comply with the goal setting provisions of the final rule, the Department has employed a two step process. This process is outlined in 49 C.F.R. Section 26.45.

Under step one, the Department has created a baseline figure for the relative availability of "ready, willing, and able DBEs" in its relevant market. This determination has evolved from demonstrative evidence of local market conditions. To this end, the Department has developed definitions of "ready, willing and able DBEs" relative to all businesses "ready, willing and able" to perform on its federally assisted contracts. The Department has considered historical activity within specified market areas including research, engineering and design consulting, contractors (prime, subcontractors, suppliers, trucking) and other consulting activities. Additionally, the Department has developed a ratio within market areas of the "ready, willing and able DBEs" relative to the universe of all other "ready, willing and able" enterprises.

Under step two, the Department has examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, are needed to arrive at the overall goal. Step two also takes into consideration other conditions or variables impacting DBEs in the Commonwealth. As part of the adjustment phase, the Department has given due consideration to market potential based upon census data and other public data as well as potential geographical accessibility and location issues.

Consistent with the public participation requirement for this process, the Department is hereby informing the general public that the proposed goal and its rationale are available for inspection and review for forty-five days from the date of this notice. At this juncture, the overall goal and methodology are a work in progress pending input from the public. To review the document, you may contact one of the following locations:

Bureau of Equal Opportunity  
555 Walnut Street, 9th Floor  
Harrisburg, PA 17101-1900  
717-787-5891  
Ms. Jocelyn I. Harper

Engineering District 2-0  
1924-30 Daisy St, PO Box 342  
Clearfield, PA 16830  
814-765-0410  
Mr. George M. Khoury, PE

Engineering District 4-0  
O'Neill Highway  
Dunmore, PA 18512  
570-963-4010  
Mr. Charles M. Mattei, PE

Engineering District 6-0  
200 Radnor-Chester Rd  
St. Davids, PA 19087-5178  
610-964-6660  
Mr. Andrew L. Warren

Engineering District 9-0  
1620 North Juniata St  
Hollidaysburg, PA 16648  
814-696-7100  
Mr. Earl L. Neiderheiser, PE

Engineering District 11-0  
45 Thoms Run Road  
Bridgeville, PA 15017  
412-429-5001  
Mr. Raymond S. Hack, PE

Engineering District 1-0  
1140 Liberty Street  
Franklin, PA 16323  
814-437-4291  
Mr. John L. Baker, PE

Engineering District 3-0  
715 Jordan Avenue  
Montoursville, PA 17754  
570-368-4200  
Mr. Paul E. Heise, PE

Engineering District 5-0  
1713 Lehigh Street  
Allentown, PA 18103-4727  
610-798-4110  
Mr. Walter E. Bortree, PE

Engineering District 8-0  
2140 Herr Street  
Harrisburg, PA 17103-1699  
717-772-0778  
Mr. Barry G. Hoffman

Engineering District 10-0  
Route 286 South, Box 429  
Indiana, PA 15701  
724-357-2806  
Mr. Richard H. Hogg, PE

Engineering District 12-0  
PO Box 459  
Uniontown, PA 15401-0459  
724-439-7340  
Mr. Michael H. Dufalla, PE

The Bottom Line, Inc  
168 South 19th St  
Pittsburgh, PA 15203  
1-888-323-2778  
Robert Stupar

John Milligan, CPA  
105-107 N 22nd St, 2nd Fl  
Philadelphia, PA 19103  
1-800-453-0998  
Joe Herzog

The document may be reviewed online at the following website address: [www.dot.state.pa.us/penndot/aviation.nsf/beo+front+page?readform](http://www.dot.state.pa.us/penndot/aviation.nsf/beo+front+page?readform)

Comments, questions, or suggestions regarding this notice may be directed to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Telephone Number (717) 787-5891.

Written comments should be addressed to:

The Pennsylvania Department of Transportation  
Bureau of Equal Opportunity  
555 Walnut Street, 9th Floor  
Harrisburg, PA 19101-1900  
FAX: 717-772-4026  
ATTN: Jocelyn I. Harper, Director

All comments should be postmarked no later than August 31, 1999 for consideration. The final DBE program must be approved by the FHWA, and will become effective October 1, 1999.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 99-1104. Filed for public inspection July 9, 1999, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Consideration of Changes to Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*.

County	Water on which located
Lycoming	Little Pine Creek

#### 58 Pa. Code § 65.8. Warmwater/Coolwater Species Special Conservation Waters.

The Commission will consider removing the following water from the list of Warmwater/Coolwater Species Special Conservation Waters designated under 58 Pa. Code § 65.8:

County	Water
Cumberland	Opossum Creek Lake

#### 58 Pa. Code § 65.9. Big Bass Special Regulations

The Commission will consider designating the following lakes for regulation and management under the Big Bass Special Regulations and adding them to the list of waters subject to these regulations (58 Pa. Code § 65.9):

Under the new guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 17 and 18, 1999, the Commission will consider designating the following stream sections and lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2000:

#### 58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas

The Commission will consider redesignating the limits of the following water that is currently regulated and managed under the Delayed Harvest Artificial Lures Only Program:

Description
1.1 mile section from the confluence of Otter Run downstream to the confluence of Schoolhouse Hollow

County	Water
Cumberland	Opossum Creek Lake
Wayne	Lower Woods Pond
Westmoreland	Lower Twin Lake

#### 58 Pa. Code § 65.10. Select Trout Stocked Lake Program:

The Commission will consider designating the following lakes for regulation and management under the Select Trout Stocked Lake Program and adding them to the list of waters subject to this regulation (58 Pa. Code § 65.10):

County	Water
Luzerne	Lake Took-a-While
Wayne	Upper Woods Pond

*58 Pa. Code § 65.11. Panfish Enhancement Special Regulation*

The Commission will consider designating the following lakes for regulation and management under the Panfish Enhancement Special Regulation and adding them to the list of waters subject to this regulation (58 Pa. Code § 65.11):

<i>County</i>	<i>Water</i>	<i>Applicable Species</i>
Pike	Lower Promised Land Lake	Sunfish Yellow Perch
Pike	Upper Promised Land Lake	Sunfish Yellow Perch
Westmoreland	Lower Twin Lake	Crappie
Westmoreland	Upper Twin Lake	Crappie

At its January, 1999 meeting, the Commission considered designating the following lakes for regulation and management under the Panfish Enhancement Special Regulation and adding them to the list of waters subject to this regulation (58 Pa. Code § 65.11):

<i>County</i>	<i>Water</i>	<i>Applicable Species</i>
Berks	Blue Marsh Reservoir	Crappie
Centre	J.F. Sayers Lake*	Sunfish Crappie
Lancaster	Speedwell Forge Lake	Crappie
Montour	Lake Chillisquaque*	Sunfish Crappie
Somerset	High Point Lake	Yellow Perch
Washington	Cross Creek Lake	Sunfish Crappie

\*This water currently is regulated and managed under the Panfish Enhancement Special Regulation. The Com-

mission proposes that the designation apply only to the species listed.

At this time, the Commission is soliciting public input concerning these designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 by no later than July 16, 1999.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1105. Filed for public inspection July 9, 1999, 9:00 a.m.]

**Triploid Grass Carp Permit Applications**

Under 58 Pa. Code § 71.7, the Fish and Boat Commission may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres. Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

The following applications to stock triploid grass carp in waters having a surface area of more than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Lake Sheridan Cottage Owners Association	Lake Sheridan	Benton & Nicholson Twp., Lackawanna & Wyoming Counties	95 acre Lake on unnamed tributary to South Branch Tunkhannock Creek	Potamogeton Filamentous Algae

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-1106. Filed for public inspection July 9, 1999, 9:00 a.m.]

**GOVERNOR'S OFFICE**

**Notice of Public Sessions for Tobacco Settlement**

Secretary Thomas Paese, Office of Administration, announces that there will be public input sessions the week of July 26, 1999 for the purpose of providing comments and suggestions on how the Commonwealth should consider using its allocation from the National Tobacco Settlement.

Interested parties are asked to limit their comments to 5 minutes and to provide written copy of their comments at the hearing they attend.

To schedule a time at the sessions contact Karen Mitchell at (717) 787-1954. Persons with a disability

should also indicate if they need assistance or special accommodations to participate at the sessions.

*Harrisburg*

Date: Monday, July 26, 1999  
Time: 1 p.m. to 4 p.m.  
Place: Rachel Carson State Office Building Auditorium  
4th & Market Streets  
Harrisburg, PA

*Pittsburgh*

Date: Tuesday, July 27, 1999  
Time: 1 p.m. to 4 p.m.  
Place: David L. Lawrence Convention Center  
1001 Penn Avenue  
Pittsburgh, PA

*Wilkes-Barre*

Date: Wednesday, July 28, 1999  
Time: 1 p.m. to 4 p.m.  
Place: The Bell Atlantic Center for Technology  
Penn State Wilkes-Barre Campus  
Lehman, PA

*Philadelphia*

Date: Thursday, July 29, 1999  
Time: 1 p.m. to 4 p.m.  
Place: Top Floor Conference Room  
State Office Building  
Broad and Spring Garden Streets

*Erie*

Date: Friday, July 30, 1999  
Time: 1 p.m. to 4 p.m.  
Place: Millcreek Township Building  
3608 West 26th Street  
Erie, PA

THOMAS PAESE,  
*Secretary of Administration*

[Pa.B. Doc. No. 99-1107. Filed for public inspection July 9, 1999, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committee comment period. The Commission comments are based upon the criteria contained in section 5a(h) and (i) of the Regulatory Review Act (75 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form 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-636	State Board of Psychology Application Fees	6/24/99	5/24/01

(29 Pa. B. 2145 (April 24, 1999))

### State Board of Psychology Regulation No. 16A-636 Application Fees

**June 24, 1999**

We have reviewed this proposed regulation from the State Board of Psychology (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 Commis-

sion 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 regulations.

### 1. Section 41.12. 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. The overhead costs for three of the proposed fee revisions are identical; and the overhead costs for the remaining two fee revisions are also identical. 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 3.3(a) of the Professional Psychologists Practice Act (63 P. S. § 1203.3(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.

#### *Similarity in tasks*

The Board's staff time and administrative costs for the verification of license or registration 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 scores, license or registration outlined in the fee report form are 0.75/hour and \$15.23, respectively. Yet the descriptions of 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.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1108. Filed for public inspection July 9, 1999, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting,

interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
63-06	Lobbying Disclosure Committee Lobbying Disclosure	6/24/99

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 99-1109. Filed for public inspection July 9, 1999, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Emanuel L. Sarris, Sr.; Order to Show Cause; Doc. No. SC98-04-016

A prehearing conference shall occur on August 11, 1999, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 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. A hearing shall be held on September 1, 1999, in the Administrative Hearings Office, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 26, 1999, with the Docket Clerk, Administrative Hearings Office. Answers to petitions to intervene, if any, shall be filed on or before August 4, 1999, with the Docket Clerk.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1110. Filed for public inspection July 9, 1999, 9:00 a.m.]

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

The following insureds have requested a hearing, as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). All administrative hearings are held in the Insurance Department Offices in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Cornelius J. McIver; file no. 99-188-03238; Erie Insurance Exchange; doc. no. P99-06-023; August 5, 1999, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 99-1111. Filed for public inspection July 9, 1999, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:  
Cambria County, Wine & Spirits Shoppe #1106.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of Routes 22 and 219 in Central Cambria County.

*Proposals due:* July 30, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130



The following Liquor Control Board lease will expire:  
 Westmoreland County, Wine & Spirits Shoppe #6511, 107  
 S 2nd Street, West Newton, PA 15089-1357.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of Routes 51 and 201 in Southwestern Westmoreland County.

Proposals due: July 30, 1999 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

JOHN E. JONES, III,  
 Chairperson

[Pa.B. Doc. No. 99-1112. Filed for public inspection July 9, 1999, 9:00 a.m.]

# PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

## Participation and Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the adoption of PIDA participation and interest rates for loans approved by the PIDA Board of Directors. The rates, which were adopted by the PIDA Board of Directors at its meeting held June 2, 1999, are effective as of July 1, 1999, and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates follow this notice as Annex A.

The PIDA Board retains the right to waive or modify the rates, to the extent that such are not mandated by law, on a case by case basis for good cause shown.

The PIDA Board has also adopted the most recent Labor and Industry unemployment statistics and the following interest rate schedule, except as noted as follows:

<i>Unemployment Rate (Prior Calendar Year)</i>	<i>Interest Rate</i>
5.8% and over	3.75%
3.9% to 5.7%	5.25%
Under 3.9%	6.75%

*Exception:* Projects located in any county or municipality in which the interest rate has increased or the participation rate has decreased will not be subject to the new rates until the October 6, 1999 PIDA Board meeting.

The PIDA Board also removed the practice of excluding grants from the eligible project cost before determining the PIDA loan amount. This applies only to loans approved after July 1, 1999.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Room 481, Forum Building, Harrisburg, PA 17120, (717) 787-6245.

SAMUEL A. MCCULLOUGH,  
 Chairperson

### Annex A PIDA

#### PARTICIPATION AND INTEREST RATES FOR COUNTIES AND MUNICIPALITIES\* OVER 25,000 POPULATION

Effective July 1999 through June 2000

	<i>Maximum PIDA Participation (S) % (L)</i>	<i>Interest Rate** %</i>
ADAMS	40 *** 30 ****	5.25
ALLEGHENY	40 *** 30 ****	5.25
McKeesport City	50 30 ****	3.75
ARMSTRONG	50 40 ***	3.75
BEAVER	40 *** 40 ***	5.25
BEDFORD	50 40 ***	3.75
BERKS	40 *** 30 ****	5.25
Reading City	50 30 ****	3.75
BLAIR	40 *** 40 ***	5.25
Altoona City	50 40 ***	3.75
BRADFORD	40 *** 40 ***	5.25
BUCKS	40 *** 40 ***	6.75
Bensalem Twp.	40 *** 40 ***	5.25
Bristol Twp.	40 *** 40 ***	5.25
BUTLER	40 *** 40 ***	5.25
CAMBRIA	50 40 ***	3.75
Johnstown City	50 50	3.75
CAMERON	50 40 ***	3.75
CARBON	50 40 ***	3.75
CENTRE	30 **** 30 ****	6.75
CHESTER	30 **** 30 ****	6.75
CLARION	40 *** 40 ***	3.75
CLEARFIELD	50 50	3.75
CLINTON	50 40 ***	3.75
COLUMBIA	40 *** 40 ***	3.75
CRAWFORD	40 *** 40 ***	3.75
CUMBERLAND (MSA)	30 **** 30 ****	6.75
DAUPHIN (MSA)	30 **** 30 ****	6.75
Harrisburg	40 *** 30 ****	5.25
DELAWARE	40 *** 40 ***	5.25
Chester City	50 40 ***	3.75
ELK	50 40 ***	3.75
ERIE	40 *** 40 ***	5.25
Erie City	50 40 ***	3.75
FAYETTE	50 40 ***	3.75
FOREST	50 50	3.75
FRANKLIN	30 **** 30 ****	5.25
FULTON	40 *** 40 ***	3.75
GREENE	50 50	3.75
HUNTINGDON	50 50	3.75
INDIANA	50 40 ***	3.75
JEFFERSON	50 40 ***	3.75
JUNIATA	50 40 ***	3.75
LACKAWANNA	40 *** 40 ***	3.75
LANCASTER	30 **** 30 ****	6.75
Lancaster City	40 *** 30 ****	5.25
LAWRENCE	40 *** 40 ***	3.75
New Castle City	50 40 ***	3.75
LEBANON (MSA)	30 **** 30 ****	6.75
Lebanon City	40 *** 30 ****	5.25
LEHIGH	40 *** 40 ***	5.25
LUZERNE	50 40 ***	3.75

	<i>Maximum PIDA Participation (S) % (L)</i>		<i>Interest Rate** %</i>
LYCOMING	40 ***	40 ***	3.75
Williamsport City	50	40 ***	3.75
McKEAN	50	40 ***	3.75
MERCER	40 ***	40 ***	3.75
MIFFLIN	50	40 ***	3.75
MONROE	50	40 ***	3.75
MONTGOMERY	30 ****	30 ****	6.75
Norristown Boro	40 ***	30 ****	5.25
Upper Dublin Twp.	40 ***	30 ****	5.25
MONTOUR	30 ****	30 ****	6.75
NORTHAMPTON	40 ***	40 ***	5.25
NORTHUMBERLAND	50	40 ***	3.75
PERRY (MSA)	30 ****	30 ****	6.75
PHILADELPHIA	50	40 ***	3.75
PIKE	40 ***	40 ***	3.75
POTTER	50	40 ***	3.75
SCHUYLKILL	50	40 ***	3.75
SNYDER	40 ***	40 ***	5.25
SOMERSET	50	40 ***	3.75
SULLIVAN	50	40 ***	3.75
SUSQUEHANNA	40 ***	40 ***	3.75
TIOGA	40 ***	40 ***	5.25
UNION	30 ****	30 ****	6.75
VENANGO	40 ***	40 ***	3.75
WARREN	40 ***	40 ***	5.25
WASHINGTON	40 ***	40 ***	5.25
WAYNE	50	40 ***	3.75
WESTMORELAND	40 ***	40 ***	5.25
WYOMING	50	40 ***	3.75
YORK	30 ****	30 ****	6.75
York City	40 ***	30 ****	3.75

Clairton City  
Allegheny County  
Duquesne City  
Allegheny County  
East Pittsburgh Borough  
Allegheny County  
Farrell City  
Mercer County  
Franklin Borough  
Cambria County  
Homestead Borough  
Allegheny County  
Johnstown City  
Cambria County  
Millbourne Borough  
Delaware County  
North Braddock Borough  
Allegheny County  
Rankin Borough  
Allegheny County  
Scranton City  
Lackawanna County  
Wilkesburg Borough  
Allegheny County

*Federal Empowerment Zones\**

Portions of Pittsburgh and Philadelphia

*Federal Enterprise Communities\**

Portions of Harrisburg, Dauphin County  
Portions of Lock Haven, Clinton County

\*Eligible for 3.75% Interest Rate

[Pa.B. Doc. No. 99-1113. Filed for public inspection July 9, 1999, 9:00 a.m.]

- \* Municipalities are listed only if participation or interest rate differs from County rates.
- \*\* Based on calendar year 1998 unemployment rate. Subject to change at discretion of PIDA Board.
- (S) Small Business (Less than 50 existing employees, including parent, subsidiaries and affiliates.)
- (L) Large Business.
- MSA Metropolitan Statistical Area (Cumberland, Dauphin, Lebanon & Perry)

Special Note: Projects located in designated enterprise zones, planning stage enterprise zones, financially distressed municipalities under Act 47, Federal empowerment zones, Federal enterprise communities, Keystone Opportunity Zones, and brownfield sites will receive loans at 3.75%. Companies designated as advanced tech firms will receive an interest rate of 4.25% or 3.75% depending on the location of the project (for example, if area rate is 5.25% or 6.75%, the interest rate will be 4.25%).

- \*\*\* 10% Equity required
- \*\*\*\* 20% Equity required

*Financially Distressed Municipalities Under Act 47\**

Aliquippa City  
Beaver County  
Braddock Borough  
Allegheny County  
Chester City  
Delaware County

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Requirements for Natural Gas Suppliers—Guidelines Under Chapter 22 Natural Gas Choice and Competition Act Section 2208; Doc. No. M-00991248F0002

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

Public Meeting held  
June 24, 1999

**Tentative Order**

*By the Commission:*

**I. Introduction**

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act, P.L. xxx, No. xxx effective July 1, 1999, 66 Pa.C.S. § 2201—2211 (act). Under the act, beginning on November 1, 1999, retail customers will have the ability to choose their natural gas supplier. Previously, consumers procured their natural gas supply requirements as a package from the jurisdictional public utility. The pack-

age, mentioned above, included what are now the basic components of competitive natural gas service, commodity, capacity and storage, balancing and aggregation services of the natural gas utility. The focus of this Tentative Order is the requirements for natural gas suppliers under section 2208 of the act and other issues regarding licensing of natural gas suppliers. The act, at section 2202, defines a natural gas supplier as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company. The term includes a natural gas distribution company that provides natural gas supply services outside its certificated service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(i) as provided prior to the effective date of this chapter, pursuant to a certificate of public convenience if required under this title;

(ii) total natural gas supply services in de minimis amounts;

(iii) natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided; or

(iv) natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of this chapter.

The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, a natural gas supplier that is not a natural gas distribution company is not a public utility as defined in section 102 (relating to definitions) to the extent that the natural gas supplier is utilizing the jurisdictional distribution facilities of a natural gas distribution company or is providing other services authorized by the Commission.

As used in the above definition of a natural gas supplier, the term natural gas supply services includes (i) the sale or arrangement of the sale of natural gas to retail customers; and (ii) services that may be unbundled by the Commission under section 2203(3) of the act, (relating to standards for restructuring of the natural gas utility industry). Natural gas supply service does not include distribution service.

## II. Requirements for Natural Gas Suppliers

### A. License Requirements

In accordance with section 2208(a) of the act, all natural gas suppliers including a natural gas distribution company that provides natural gas supply service outside of its chartered or certificated territory, must hold a license issued by the Commission. A license shall not be required for customers who make de minimis incidental sales or resales to themselves, an affiliate or to other nonresidential retail gas customers.

### B. Entities Currently Operating as Natural Gas Suppliers

Section 2208(a) of the act states that no entity shall engage in the business of a natural gas supplier unless it holds a license issued by the Commission. We believe this

requirement is applicable to all entities currently operating as natural gas suppliers, in gas pilot programs, as well as all entities yet to engage in such practices. Each entity currently doing business as a natural gas supplier, as defined in the act, should apply for a Natural Gas Supplier's License from the Commission no later than Monday, August 2, 1999. This will provide staff sufficient time to perfect the applications prior to the November 1, 1999, implementation date.

### C. License Application and Issuance

Natural gas suppliers shall submit, in writing to the Commission, under section 2208(b) of the act, an application for a license. The application shall be verified by oath or affirmation. Attachment A to this Tentative Order contains the Commission's natural gas supplier license application. The application may also be downloaded from the Commission's webpage.<sup>1</sup>

A license shall be issued to any applicant, authorizing the whole or any part of the service covered by the application, if it is found that the applicant is fit, willing and able to perform properly the service proposed and to conform to the applicable provisions of the act and the orders and regulations of the Commission, including those concerning standards and billing practices, and that the proposed service to the extent authorized by the license, will be consistent with the public interest. Otherwise, the application shall be denied.

### D. Financial Fitness

We place a high priority on maintaining the safety and reliability of the current natural gas supply service in this Commonwealth, therefore, no natural gas supplier license shall be issued or remain in force unless the applicant or holder of the license complies with each of the following:

(i) Furnishes a bond or other security in a form and amount to ensure the financial responsibility of the natural gas supplier. The Commission shall periodically review the criteria upon petition of any party. The amount and form of the bond or other security may be mutually agreed to between the natural gas distribution company and the natural gas supplier or the alternate supplier of last resort or failing that shall be determined by criteria approved by the Commission.

(ii) Provides the Commission with the address of the participant's principal office in this Commonwealth or the address of the participant's registered agent in this Commonwealth, the latter being the address at which the participant may be served process.

Failure of a natural gas supplier to comply with any provision of the act, or the rules, regulation, orders or directives of the Department of Revenue or of the Commission, including, but not limited to, engaging in anticompetitive behavior, shall be cause for the Commission to revoke the license of the natural gas supplier.

### E. Transferability of License

Under section 2808(d) of the act, a licensed natural gas supplier may not transfer its license without prior Commission approval. The Commission requires the licensee to provide this notice at least 90 days in advance of the transfer.

<sup>1</sup> The Commission's home page address is: <http://puc.paonline.com>; click on the natural gas icon then select "Natural Gas Supplier Licensing and Information" to access the natural gas supplier License Application form.

#### F. *Form of Regulation of Natural Gas Suppliers*

The Commission may forbear from extending its regulation of natural gas suppliers, except where a natural gas supplier serves as a supplier of last resort, beyond licensing, bonding, reliability and consumer services and protections, including all applicable portions of 52 Pa. Code Chapter 56, relating to standards and billing practices for residential utility service.<sup>2</sup> Subject to section 2207 of the act (relating to obligation to serve), nothing in this section shall preclude a natural gas supplier, upon appropriate and reasonable notice to the retail gas customer, supplier of last resort and the natural gas distribution company, from canceling its contract with any customer for legal cause, subject to the customer's right to have continued service from the supplier of last resort. After receiving notice the customer could then attempt to repair their relationship with the natural gas supplier, seek a new natural gas supplier, or default to the natural gas distribution company, at current tariffed rates or to the provider of last resort. The customer would only be disconnected from the distribution system under Chapter 56 if the customer failed to meet his obligations to the utility of the provider of last resort.

#### G. *City Natural Gas Distribution Operation License Application and Issuance*

The act defines a City Natural Gas Distribution Operation at section 102 as follows:

A collection of real and personal assets used for distributing natural gas to retail gas customers owned by a city or a municipal authority, nonprofit corporation or public corporation formed pursuant to section 2212(m) (relating to city natural gas distribution operations).

Section 2212(p) of the act states that a city natural gas distribution operation may apply for a license under the procedures under section 2208 (relating to requirements for natural gas suppliers). Subject to the requirement that it qualify for and obtain a natural gas supplier license under section 2208, a city natural gas distribution operation is authorized to engage in the business of a natural gas supplier outside its municipal or corporate limits.

#### H. *Open and Nondiscriminatory Access*

A municipal corporation shall, before it is permitted to provide natural gas supply services as a licensed natural gas supplier, demonstrate, and the Commission shall determine, that by the date of the issuance of the license, it will provide other natural gas suppliers open and nondiscriminatory access to its gas distribution system under standards that are comparable to the act, taking into consideration the particular circumstances of the municipal corporation's ownership and /or operation of its gas distribution system.

### III. *Other Issues*

#### A. *Publication of Notice of Filing*

Commission regulations at 52 Pa. Code § 54.35 address the publication requirements regarding notice of filing as follows:

(a) Notice of filing an application shall be published in newspapers of general circulation covering each county in which the applicant intends to provide service as required by § 5.14(a)(2) (relating to applications requiring notice). Applicants may contact the

Commission's Press Secretary<sup>3</sup> to confirm the identity of the newspapers of general circulation in which notice shall be published.

(b) The notice shall be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed services to be provided and the geographic area to be served. The notice shall include the application docket number and a statement that protests related to the technical or financial fitness of the applicant shall be filed within 15 days of the publication date of the notice with the Commission's Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The notice in an acceptable electronic format shall be submitted to the Commission's Secretary for posting on the Commission's Internet web site.

#### B. *Protests to Applications*

Commission regulations at 52 Pa. Code § 54.36 address the requirements regarding protests to applications as follows:

(a) Consistent with § 5.14(b) (relating to applications requiring notice), a 15-day protest period commences on the date notice of the application filing is published in newspapers. An interested party may file a protest to an application in compliance with § 5.52(a) (relating to content of a protest to an application) and shall set out clearly and concisely the facts upon which challenge to the fitness of the applicant is based. An applicant may file an answer to the protest within 10 days of when the protest is filed. Protests that do not fully comply with § 5.52(a) will be rejected.

(b) Protests may challenge only the applicant's financial and technical fitness to provide the service for which a license is requested. Consistent with the requirements of due process, sanctions, such as revocation or suspension of a supplier's license or the imposition of a fine, may be imposed on parties who intentionally misuse the protest process by repeated filing of competitive protests.

(c) A protest to the applicant's technical or financial fitness to provide service will be assigned to Commission staff for review. Staff will determine if the protest fully complies with § 5.52(a) and sets out clearly and concisely the facts upon which the challenge to the fitness of the applicant is based. Staff will determine if the protest is sufficiently documented. If a protest is not sufficiently documented, Commission staff will prepare a recommendation for Commission consideration dismissing the protest and granting the application. If a protest is sufficiently documented, the application will be transferred to the Office of Administrative Law Judge for hearings or mediation as deemed appropriate.

#### C. *Technical Fitness*

The Commission issued a policy statement addressing the fitness of a natural gas marketer or broker (including a natural gas distribution company's affiliate), which has been published at 52 Pa.C.S. § 69.195. In this policy statement the phrase marketers or brokers, or both, includes all natural gas distribution company affiliates, subsidiaries, parents, divisions, and the like providing natural gas supply to respective natural gas distribution company's customers. The Commission will be interpreting the terms marketer and broker as contained in 52

<sup>2</sup> 52 Pa. Code Chapter 56 may be purchased from Fry Communications by calling (717) 766-0211, ext. 2339.

<sup>3</sup> Pa.P.U.C. Communications Office (717) 783-9970, or FAX (717) 787-4193.

Pa.C.S. § 69.195 et. seq. as applying to natural gas suppliers as defined in the act.

The Commission seeks to insure that natural gas suppliers operating in this Commonwealth possess the financial or technical, or both, fitness necessary to meet their obligations consistent with the public interest in system reliability and gas supplies. Assurance of the continuation of reliable service and secure supplies is a prerequisite for opening Pennsylvania's gas markets to full retail competition.

Gas suppliers that wish to deliver gas to retail customers should demonstrate that they have the requisite financial and technical fitness to meet their obligations consistent with the public interest in system reliability and natural gas distribution company's underlying supplier-of-last-resort obligation. The financial and technical fitness is expected for any natural gas supplier that wants to serve any or all retail commercial, industrial or retail classes. Financial and technical fitness is aimed at ensuring that a marketer or broker has the requisite ability to offer service to the public.

Under the act, "a license shall be issued to any applicant, authorizing the whole or any part of the service covered by the application, if it is found that the applicant is fit, willing and able to perform properly the services proposed and to conform to the applicable provisions of this title and the orders and regulations of the Commission, including those concerning standards and billing practices, and that the proposed service, to the extent authorized by the license, will be consistent with the public interest." Applicants who are currently providing natural gas services in Pennsylvania will be presumed to have demonstrated technical fitness.

#### D. *Financial Fitness—Bond or Other Security*

To ensure the safety and reliability of natural gas supply services, section 2208 of the act, states that no natural gas supplier license shall be issued or remain in force unless the applicant furnishes a bond or other security in a form and amount to ensure the financial responsibility of the natural gas supplier.

The criteria used to determine the amount and the form of these bonds or other securities are to be set forth in the natural gas distribution company's restructuring filings. Furthermore, the amount and form of the bond or other security may be mutually agreed to between the natural gas distribution company and the natural gas supplier or the alternative supplier of last resort and the natural gas supplier.

The license applicant must supply the Commission with proof that it has obtained the necessary bond or other financial security for each natural gas distribution company in whose service territory the license applicant will provide service to retail customers. The license applicant must demonstrate that they have met the criteria required by the applicable Commission restructuring Order or that they have arrived at a mutually agreed alternative. The license applicant shall provide the Commission with a copy of the bonds, other financial security or other negotiated alternatives.

#### E. *Nontraditional Natural Gas Service Marketers*

The definition of "natural gas supplier" at section 2202 of the act is very broad. This section also defines "natural gas supply services" to include the sale or arrangement of the sale of natural gas to retail gas customers. As the

competitive natural gas market place develops, we anticipate that there may be certain community-based organizations (CBOs), civic, fraternal or business associations, common interest groups and other entities that work with a licensed natural gas supplier to market services to their members or constituents. We believe that it may be unnecessarily duplicative to require these nontraditional natural gas service marketers to obtain their own licenses under certain circumstances. We therefore will not require nontraditional marketers to be licensed if they meet the following criteria:

- The nontraditional marketers must conduct their transactions through a licensed natural gas supplier.
- The nontraditional marketer:
  - (1) May not collect revenues directly from retail customers due to the provision of natural gas services.
  - (2) May not require its members or constituents to obtain their natural gas service through the nontraditional marketer or the licensed natural gas suppliers with which the nontraditional marketer arranges retail services.
  - (3) Is not responsible for the scheduling of natural gas supplies, the payment or remission of taxes due from the sales of natural gas services and are not responsible for the payment of the costs of the natural gas to its suppliers or producers.

Additionally, the licensed natural gas suppliers who provide services to retail customers through the activities of a nontraditional marketer must retain responsibility for these sales under the act. The licensed natural gas supplier must maintain the appropriate bonding requirements for the sales. The licensed natural gas supplier must meet the same supply reliability requirements with the natural gas sales as it is required to provide for its own retail sales. The licensed natural gas supplier is also responsible for the nontraditional marketers activities and will be held responsible for any violations of the act, the Commission's regulations, including Chapter 56, or the Public Utility Code, committed by the nontraditional marketer.

Each nontraditional marketer and each licensed natural gas supplier must provide Commission notification of their agreement to market natural gas services to retail customers prior to the nontraditional marketer engaging in any natural gas service sales activity.

#### F. *Market Power Remediation—Standards of Conduct*

The act addresses standards of conduct under section 2209. Under section 2209(a) of the act the Commission is required to provide interim guidelines for standards of conduct governing the activity of and relationships between natural gas distribution companies and their affiliated natural gas suppliers and other natural gas suppliers. The Commission is also required to monitor and enforce compliance with these standards. Section 2209(c) of the act requires that the standards of conduct provide:

- (1) No discrimination against or preferential treatment of any natural gas supplier, including an affiliated natural gas supplier.
- (2) No disclosure or preferential sharing of any confidential information to or with any individual natural gas supplier.
- (3) Adequate rules prohibiting cross-subsidization of an affiliated natural gas supplier by a natural gas distribution company.

(4) Maintenance of separate books and records by the natural gas distribution company and its affiliated natural gas suppliers.

(5) Sufficient physical and operational separation, but not including legal divestiture to accomplish the preceding noted requirements.

(6) An informal dispute resolution procedure and a system of penalties for noncompliance with the final set of standards of conduct consistent with existing Commission regulations.

The Commission has addressed the relationship of the natural gas distribution company and their affiliates as the natural gas industry moved towards full competition through a policy statement at 52 Pa.C.S. §§ 69.191 and 69.192. The Commission is of the opinion that these policy statements, to the extent they are consistent with the requirements of the act, may form the basis for the interim standards of conduct for the natural gas distribution companies and their affiliates. Specifically section 69.192 states that the following policies should be applied by the natural gas distribution company or natural gas distribution companies (as defined by the act):

(1) The [natural gas distribution company] should apply its tariffs in a nondiscriminatory manner to its affiliate, its own marketing division and any nonaffiliate.

(2) The [natural gas distribution company] should likewise not apply a tariff provision in any manner that would give its affiliate or division an unreasonable preference over other marketers with regard to matters such as scheduling, balancing, transportation, storage, curtailment or nondelivery.

(3) If a tariff provision is mandatory, the [natural gas distribution company] should not waive the provision for its affiliate or division absent prior approval of the Commission.

(4) If a tariff provision is not mandatory or provides for waivers, the [natural gas distribution company] should grant the waivers without preference to affiliates and divisions or non-affiliates.

(5) The [natural gas distribution company] should maintain a chronological log of tariff provisions for which it has granted waivers. Entries should include the name of the party receiving the waiver, the date and time of the request, the specific tariff provision waived and the reason for the waiver. Any chronological log should be open for public inspection during normal business hours.

(6) The [natural gas distribution company] should process requests for transportation promptly and in a nondiscriminatory fashion with respect to other requests received in the same or a similar period. The [natural gas distribution company] should maintain a chronological log showing the processing of requests for transportation services. Any chronological log should be open for public inspection during normal business hours.

(7) Transportation discounts provided to the [natural gas distribution company's] or its marketing affiliate's favored customers should be offered to other similarly situated customers and should not be tied to any unrelated service, incentive or offer on behalf of either the parent or affiliate. A chronological log should be maintained showing the date, party, time and rationale for the action. Any chronological

log should be open for public inspection during normal business hours.

(8) The [natural gas distribution company] should not disclose any customer proprietary information to its marketing affiliate or division, and to the extent that it does disclose customer information, it should do so to other similarly situated marketers in a similar fashion so as not to selectively disclose, delay disclosure or give itself or its affiliate any undue advantage related to the disclosure. A chronological log should be maintained showing the date, time and rationale for the disclosure. Any chronological log should be open for public inspection during normal business hours.

(9) The [natural gas distribution company] should justly and reasonably allocate to its marketing affiliate or division the costs or expenses for general administration or support services.

(10) The [natural gas distribution company] selling surplus gas supplies and/or upstream capacity on a short-term basis (as defined to the Federal Energy Regulatory Commission) to its affiliate should make supplies available to similarly situated marketers on a nondiscriminatory basis. The [natural gas distribution company] should not make any gas supplies and/or upstream capacity available through private disclosure to the [natural gas distribution company's] affiliate unless the availability is made simultaneously with public dissemination in a manner that fairly apprises interested parties of the availability of the gas supplies and/or upstream capacity. The [natural gas distribution company] should maintain a chronological log of these public disseminations. Any chronological log should be open for public inspection during normal business hours.

(11) The [natural gas distribution company] should not condition or tie agreements to release interstate pipeline capacity to any service in which the [natural gas distribution company] or affiliate is involved.

(12) The [natural gas distribution company] should not directly or by implication . . . represent to any customer, supplier or third party that an advantage may accrue to any party through use of the [natural gas distribution company's] affiliate or subsidiary.

(13) The [natural gas distribution company] should establish and file with the Commission a complaint procedure for dealing with any alleged violations of any of the standards listed in paragraphs (1) through (12), this paragraph or paragraphs (14) and (15), excepting for paragraph (9), which should be exclusively under the purview of the Commission. These procedures should be developed in consultation with interested parties during consideration of any tariff guided by this section and § 69.191 (relating to general). The Commission may expect establishment of a complaint procedure or other recordkeeping requirements if warranted by subsequent facts or circumstances.

(14) The [natural gas distribution company] should keep a chronological log of any complaints, excepting paragraph (9), regarding discriminatory treatment of natural gas suppliers. This chronological log should include the date and nature of the complaint and the [natural gas distribution company's] resolution of it. Any chronological log should be open for inspection during normal business hours.

(15) Parties alleging violations of these standards may pursue their allegations through the Commission's established complaint procedures. A complainant bears the burden of proof consistent with 66 Pa.C.S. (relating to Public Utility Code) in regard to the allegations.

Additionally, the Commission would propose the following interim standards of conduct related to the activities of natural gas suppliers:

(1) Licensees shall provide accurate information about their natural gas supplier services using plain language and common terms. Where new terms are used, the terms must be defined again using plain language: Information should be provided in a format which will allow for comparison of the various natural gas supply services offered and the prices charged for each type of service.

(2) Licensees shall provide notification of the change in conditions of service, intent to cease operation as an natural gas supplier, explanation of denial of service, proper handling of deposits and proper handling of complaints in accordance with Commission regulations where applicable.

(3) Licensees shall maintain the confidentiality of customers' historic payment information and right of access to their own load and billing information.

(4) Licensees shall not discriminate in the provision of natural gas supply services as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age receipt of public assistance income and exercise of rights under the Consumer Credit Protection Act, 15 U.S.C. §§ 1691—1691f; Regulation B, 12 CFR 202—202.14.

(5) Licensees will be responsible for any fraudulent deceptive or other unlawful marketing or billing acts performed by their agents or representatives. Licensee shall inform consumers of state consumer protection laws that govern the cancellation or rescission of natural gas supply service contracts. 73 P.S. § 201-7.

To facilitate public comment to these proposed interim natural gas supplier licensing requirements, a 14-day comment period is established. We urge that all interested persons file comments as soon as possible. Note that reply comments will not be permitted; *Therefore,*

*It Is Ordered That:*

1. The Requirements for Natural Gas Suppliers—Guidelines under Act 21-1999 Section 2208 as set forth in this tentative order are issued to the public for comment.

2. A comment period ending 14-days after the entry date of this order is hereby established.

3. Written comments, an original and 15 copies, shall be submitted to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. No reply comments will be permitted. A diskette containing the comments in Microsoft Word 6.0 electronic format must also be submitted. Comments should specifically reference the above-referenced docket number.

4. A copy of this order, any accompanying statements of the Commissioners and the appendices be served upon all jurisdictional natural gas distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, Legislative stakeholders, and shall be made available to all other interested parties and posted on the Commission's web page.

5. The Commission's contacts for this matter are Patricia K. Burket, of the Law Bureau, (717) 787-3464, and Thomas Maher, Fixed Utility Services, (717) 787-5704, e-mail Maher@puc.state.pa.us, fax (717) 772-1933.

6. A final Opinion and Order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this tentative order.

7. All natural gas suppliers as defined in 66 Pa.C.S. § 2201 wishing to provide natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company, or aggregate residential, commercial and/or industrial natural gas load in this Commonwealth shall first apply for a license from this Commission under the licensing instructions and procedures established herein.

8. A copy of this order without Appendix A be submitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 99-1114. Filed for public inspection July 9, 1999, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 2, 1999, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.***

**A-00115999. Ronald E. Norris, Jr., t/d/b/a The Shuttle** (2138 Green Street, 1st Floor, Harrisburg, Dauphin County, PA 17110)—persons in paratransit service, from points in the counties of Dauphin and York, to correctional institutions in the said counties, and at other points in Pennsylvania, and return.

**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-00113157, F. 2. Mary Lewis, t/d/b/a Lewis Limousine** (RR 2, Box 193-E, Carmichaels, Greene County, PA 15320)—Additional Right—persons, in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the counties of Greene, Fayette, Washington and Westmoreland, and from points in the said counties and the county of Allegheny, to points in Pennsylvania, and return.

**Applications of the following for approval of the right and privilege to partially discontinue/abandon operating as *common carriers* by motor vehicle for the transportation of *persons* as described under each application.**

**A-00105811, F. 1, Am-E. Francis E. Criner, t/d/b/a Mt. Pleasant Yellow Cab.** (2 South Church Street, Mt. Pleasant, Westmoreland County, PA 15666) for amendment to his common carrier certificate: *So as to permit*

the discontinuance of call or demand service in the townships of Bullskin and Upper Tyrone, the borough of Everson and the city of Connellsville, all located in Fayette County, which is the service now authorized at A-00105811, F. 1, Am-C. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

[Pa.B. Doc. No. 99-1115. Filed for public inspection July 9, 1999, 9:00 a.m.]