

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Adjudicatory Hearing—Wissahickon Spring Water, Inc., Doc. No. D-95-11

An Adjudicatory Hearing will be conducted by the Delaware River Basin Commission in connection with the docket issued to Wissahickon Spring Water, Inc., Doc. No. D-95-11.

On April 26, 1995, the Delaware River Basin Commission approved an application for a groundwater withdrawal project by Wissahickon Spring Water, Inc., Docket D-95-11. On September 18, 1995, Oley Township et al. brought an action in the United States District Court for the Eastern District of Pennsylvania against the Delaware River Basin Commission et al., Civil Action No. 95-5873. On October 25, 1995, the Commission adopted Resolution No. 95-10 to provide to Oley Township and any other objectors to the Wissahickon project the opportunity to be heard and present evidence in support of a request to modify or revoke the Wissahickon Docket. The United States District Court in *Oley Township et al. vs. DRBC et al.* on February 8, 1996, remanded to the Commission the matter before the Court so that a complete administrative hearing record can be developed in accordance with applicable DRBC Regulations and Rules of Practice and Procedure as provided in DRBC Resolution No. 95-10.

At its February 28, 1996 business meeting, the Commission adopted Resolution No. 96-2 directing the Executive Director and DRBC staff to proceed with an Adjudicatory Hearing in accordance with the provisions of Article 6 of its Rules of Practice and Procedure to provide any objectors to the Wissahickon Docket an opportunity to be heard and present evidence supporting modification or revocation of the Wissahickon Docket.

The hearing shall be conducted before a Hearing Officer who shall take evidence and compile the record necessary to a decision. The findings of fact and conclusions of law of the Hearing Officer shall be provided to the DRBC Commissioners as provided in the above-cited Rules.

Any person desiring to testify or otherwise participate in the Adjudicatory Hearing shall notify the Commission and Wissahickon Spring Water, Inc. of their intention on or before 5 p.m. on April 17, 1996. Persons intending to participate in the Adjudicatory Hearing shall file with the Commission a summary statement of their testimony before 5 p.m. on May 10, 1996. Persons intending to submit expert witness testimony shall also file in writing the proposed testimony of the expert witness and any supporting technical reports or other documents with the Commission and Wissahickon Spring Water, Inc. before 5 p.m. on May 10, 1996.

Testimony will be taken before the Hearing Officer on Monday, July 8, 1996, commencing at 10 a.m. The hearing will be continued day to day until concluded and will be held in the Goddard Conference Room at the offices of the Commission, 25 State Police Drive, West Trenton, NJ.

All statements, testimony and other documents filed with the Commission concerning this hearing will be available for public inspection during regular Commission hours. A copy of the Commission's Rules of Practice and Procedure, Article 6, Conduct of Hearings, the Procedures to be followed and the Schedule for the Adjudicatory Hearing for the Wissahickon Docket will be made available upon request.

SUSAN M. WEISMAN,  
*Secretary*

[Pa.B. Doc. No. 96-486. Filed for public inspection March 29, 1996, 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 March 19, 1996.

#### BANKING INSTITUTIONS

##### Bank Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-14-96	ExecuFirst Bancorp, Inc., Philadelphia, to acquire 100% of the voting shares of Republic Bancorporation, Inc., Philadelphia	Philadelphia	Filed

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-13-96	Prime Bank Philadelphia Philadelphia County	6425 Rising Sun Ave. Philadelphia Philadelphia County	Approved Effective 3-19-96

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>To:</i> Prime Bank, a savings bank Philadelphia Philadelphia County		
	Represents conversion from a Federally-chartered stock savings bank to a State-chartered stock savings bank. Subject institution is wholly-owned by Prime Bancorp, Inc., Philadelphia, a thrift holding company.		
	<i>Branches Acquired:</i>		
	1000 Cottman Avenue Philadelphia Philadelphia County	Benjamin Fox Pavillion 261 Old York Road Jenkintown Montgomery County	
	1695 Grant Avenue Philadelphia Philadelphia County	423 E. Girard Avenue Philadelphia Philadelphia County	
	14425 Bustleton Avenue Philadelphia Philadelphia County	755 Oxford Valley Road Fairless Hills Bucks County	
	1841 E. Allegheny Avenue Philadelphia Philadelphia County	8500 Germantown Avenue Philadelphia Philadelphia County	
	521 Stump Road North Wales Montgomery County	18th and JFK Boulevard Philadelphia Philadelphia County	
	301 Horsham Road Horsham Montgomery County	Moreland Plaza Shopping Center Old York and Moreland Rds. Willow Grove Montgomery County	
	723 Street Road Southampton Bucks County	Bethayres Shopping Center 618 Welsh Road Huntingdon Valley Montgomery County	
	984 Second Street Pike Richboro Bucks County	10 South Street Yardley Bucks County	
3-18-96	Pennwood Savings Bank Pittsburgh Allegheny County	Pittsburgh	Filed
	Application represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank.		

#### **Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-96	Republic Bank, Philadelphia, and First Executive Bank, Philadelphia surviving institution— Republic Bank, Philadelphia	Philadelphia	Filed
3-15-96	Wayne Bank, Honesdale, and Wayne Interim Bank, Honesdale surviving institution— Wayne Bank, Honesdale	Honesdale	Approved
	Subject merger is being affected solely to facilitate the acquisition of Wayne Bank, Honesdale, by Norwood Financial Corp., Honesdale, a bank holding company in organization.		
3-15-96	First Commonwealth Bank Indiana Indiana County	Indiana	Filed
	Purchase of assets/assumption of liabilities of one branch office of Moxham National Bank, Johnstown, located at:		

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	Salem Plaza Route 22 Delmont Westmoreland County		
3-15-96	Harris Savings Bank, Harrisburg, and First Federal Savings and Loan Association of Harrisburg, Harrisburg surviving institution— Harris Savings Bank, Harrisburg	Harrisburg	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-11-96	Mid-State Bank and Trust Company Altoona Blair County	1115—1119 12th Ave. Altoona Blair County (Drive-Up Facility)	Opened
3-14-96	Financial Trust Company Carlisle Cumberland County	1 Forge Road Boiling Springs S. Middleton Twp. Cumberland County	Approved
3-14-96	Northwest Savings Bank Warren Warren County	Cranberry Mall Routes 257 and 322 Cranberry Township Venango County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-96	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	760 Cumberland St. Lebanon Lebanon County	Approved

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-487. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 1996**

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April is 8 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such

individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government securities is 6.28 to which was added 2.50 percentage points for a total of 8.78 that by law is rounded off to the nearest quarter at 8 3/4%.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-488. Filed for public inspection March 29, 1996, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AFFAIRS

## Communities of Opportunity Program

The Department of Community Affairs (DCA), or its successor is announcing the availability of 1996 State Housing and Redevelopment Assistance (H&RA) funds as part of a new program entitled Communities of Opportunity. These funds will be awarded through a competitive application process.

The awarding of 1996 Housing and Redevelopment Assistance funds is contingent upon receipt of an appropriation from the General Assembly.

The Department is adopting a comprehensive community-development based strategy that recognizes communities as a key component contributing to rebuilding the economic strength of the Commonwealth. Just as conditions that diminish a community's ability to create economic opportunity are interrelated, so are the solutions that enhance economic and social development.

The Department seeks to utilize H&RA funds in 1996 to support local initiatives designed to promote the stability of its communities, and to assist communities in achieving and maintaining social and economic diversity, ensuring a productive tax base and a good quality of life.

The creation of local partnerships of municipal agencies, the financial community and for profit and not for profit organizations is encouraged.

The Communities of Opportunity Program and the State's HOME Investment Partnerships (HOME) Program will operate separate funding rounds for this grant cycle. The HOME Program is the Department's major low income housing assistance program. As such, H&RA will not typically be used to match HOME funds nor will HOME eligible activities in nonparticipating jurisdictions be eligible for H&RA funding.

The Department strongly encourages community-based organizations, public agencies, business leaders, private developers, financial institutions and private citizens to create partnerships with eligible applicants to prepare programs for submission which examine their approach to meeting locally defined needs. The Department encourages a comprehensive approach which integrates all available resources. HUD Entitlement and the Commonwealth's Community Development Block Grant (CDBG) and HOME Investment Partnerships Programs are all excellent sources of flexible dollars to address locally-identified needs. Applicants are encouraged to use CDBG, HOME and other public and private programs to complement Community of Opportunity Program applications.

### *Overview of the Application Process*

DCA's Bureau of Housing and Development, Division of Communities Development is responsible for administering the Community of Opportunity Program in accordance with the requirements of the Pennsylvania Housing and Redevelopment Assistance Law (Act 477 of 1955). Housing and Community Development analysts in DCA's regional offices are prepared to answer Community of Opportunity Program-related questions.

There are two major categories of funding assistance under the Communities of Opportunity Program—Community Development and Housing Assistance. Both of these will be described in detail.

Eligible activities previously considered under the Downtown Pennsylvania Program will be eligible during the 1996 funding round under the Community Development category. The exception to this is new first year Main Street Manager applicants. The Commonwealth will not be accepting applications for new Main Street Manager Programs during this funding round. Plans are to evaluate this program during the 1996-97 year. Funding commitments to second and third year Main Street communities will continue unabated. These communities will be informed when to apply for second and third year funds.

### *Changes in Operating Procedures*

The 1996 Communities of Opportunity Program project expenditures will be charged to the State fiscal year (July 1 to June 30) during which the actual expenditures are incurred. Because the H&RA appropriation is currently a 1 year lapsing appropriation, the cost of multiyear projects must be allocated among several fiscal year appropriations.

In addition, 1996 H&RA contract payments will be limited to each grantee's immediate cash needs to fund eligible project expenditures. Long term lump sum advances will not be approved.

1996 H&RA funds not expended by the end of the fiscal year (June 30, 1997) will automatically lapse. Therefore, any contract funds budgeted but not drawn down prior to June 30, 1997 by a grantee may be forfeited.

Finally, the funding of project costs budgeted beyond the current appropriation year is contingent upon the future appropriation of adequate spending authority by the General Assembly.

The above factors should be taken into consideration when designing local programs. A "Project Budget by Fiscal Year" form has been included in this year's application requirements to clarify the annual demand on H&RA funds. Given this scenario, it is crucial that applications selected for funding approval contain all necessary documentation for immediate contracting.

There are certain State compliance areas explained in the contract, such as the adoption of a Minority and Women's Business Enterprise Plan, that may also affect the administration of any project. A sample contract can be obtained from the regional or central office.

### *Competitive Review Process*

The Department completes competitive reviews of applications to make final funding decisions. Program design descriptions and staff capacity will be carefully evaluated to ensure that grants will be administered in a timely manner and according to program requirements.

All successful grantees will be required to attend regional grant recipient training seminars.

The following programmatic factors should be kept in mind when preparing applications:

All programs should be structured to maximize the return of program income (principal and interest) to the Commonwealth. Local revolving loan programs will not be permitted.

The Department has established a minimum application amount of \$25,000.

The Department will not typically permit State H&RA funds to be used as HOME match in 1996 applications for State administered HOME funds.

The Department will not permit H&RA funds to be placed in HOME participating jurisdiction "match banks."

If sewer or water system activities are included as part of a Communities of Opportunity Program project, mandatory tap-ins are required. Only tap-in fees for very-low and low-income families or individuals may be included as an eligible budget cost.

Moderate housing rehabilitation projects under the Communities of Opportunity Program must comply with HUD Section 8 Housing Quality Rehabilitation Standards.

#### *Eligible Applicants*

General purpose units of local governments such as counties, cities, boroughs, townships and home rule municipalities.

City and county housing authorities and redevelopment authorities.

Nonprofit housing corporations. Only nonprofit housing corporations with projects located in Participating Jurisdictions may apply directly to DCA under provisions of section 4(d) and 4(e) of the Housing and Redevelopment Assistance Law.

Please Note: Nonprofits in the Cities of Philadelphia and Pittsburgh are not eligible to apply directly for H&RA funds.

#### *Community Development Category*

Community development activities can be defined as those necessary for community to enhance quality of life and/or to become competitive for business retention, expansion and attraction. These activities should contribute to achieving the highest level of community livability. Applications that propose to revitalize distressed areas or meet critical community needs must show their relationship with a larger community strategy. Direct linkages to job creation or retention, especially to those jobs that are "family sustaining" will be considered during the review process.

Applications under the Community Development category generally should clearly demonstrate the following:

- A clear public benefit;
- Significant leverage of other dollars;
- Evidence of need for the assistance in order to complete the project;
- Evidence that the need cannot be financed locally;
- Evidence that other funding sources are unavailable; and
- Evidence that the activity supports a larger and more comprehensive community development strategy (either existing documents or developed narrative).

If H&RA funds are being proposed for acquisition, evidence should be available to support market value. In most cases this would entail getting at least one appraisal.

#### 1. Community Revitalization

The examples below illustrate the type of projects that are eligible for assistance under this subcategory. Applications may be submitted for the following projects as well as other projects which results in community revitalization:

- The construction or reconstruction of infrastructure;
- The performance of other site improvements where the improvement will provide direct benefit to other coordinated community improvement efforts;
- The rehabilitation or restoration of older or under-utilized buildings for immediate reuse which will support other community development goals;
- The extension or service through public rights-of way that is, paving or widening of access roads and upgrading water, sanitary or storm sewers. The improvement must have a documented beneficial impact on the community; or
- The acquisition and demolition of a blighted structure when there is a reuse plan which has been adopted by the community for the cleared site and a private development commitment is secured.

#### 2. Commercial Revitalization

The examples below illustrate the type of projects that are eligible for this subcategory. Applications may be submitted for the following projects as well as other projects which result in commercial revitalization:

- Business District Authority (Act 41) Assistance (\$25,000 is also the minimum application amount (pg. 9)) to carry out activities identified in the available only to those BDAs that are currently doing assessments;
- Restoring or improving commercial building facades in historic districts or central business districts through a subsidized loan program;
- Rehabilitating or restoring older or under utilized buildings for immediate reuse, creating job opportunities and/or supporting commercial revitalization goals;
- Improving sites in a commercial target area that are part of an overall strategy for revitalization.

#### *Housing Assistance Category*

The Commonwealth's HOME Investment Partnerships Program is the Department's major low income housing program. Since H&RA funds are limited, we are this year encouraging applicants to submit applications for unique or innovative housing assistance projects or programs which cannot be funded with HOME funds. These projects or programs should be those that contribute to local, county or regional strategic community development plans. H&RA should not be looked to for low income housing assistance in nonparticipating jurisdictions. In the same stead, applicants with projects located in participating jurisdictions must provide evidence that their own HOME funds are not available for the activity proposed.

Housing assistance can be available for residents up to 115% of county median if supported by the strategic plan. H&RA financial assistance is eligible as part of the units themselves or in support of public improvements or off-site improvements that are essential to the housing activities.

The linking of housing and supportive services is required if appropriate.

The Department will not accept applications for multi-family housing projects over four units. The Pennsylvania Housing Finance Agency is the Commonwealth multifamily housing agency.

If H&RA funds are being proposed for acquisition, evidence should be available to support market value. In

most cases this would entail getting at least one appraisal.

Note: New construction or modernization of conventional public housing is ineligible for H&CD assistance.

Only nonprofit agencies with projects located in participating jurisdictions are eligible to apply directly for certain types of activities. Section 4(d) identifies financially supplementing Federal housing programs in an amount not to exceed 10% of the total cost of a proposed project. Section 4(e) deals with assistance for single family dwelling units which are in a state for disrepair, rehabilitating and reselling them to persons or families with very low or low incomes. Contact your regional H&RA analysts for guidance regarding the eligibility of proposed activities under section 4(d) or (e) of the law.

The following examples illustrate the types of activities that are eligible for housing assistance grants. Applications may be submitted for the following activities, as well as other activities, which result in the creation or preservation of affordable housing units.

- Acquisition, rehabilitation, and/or new construction of housing which result in homeowner or rental opportunities (under 4 units);
- Provision of site improvements to support new construction of housing units;
- Rehabilitation of owner-occupied residential properties;
- Acquisition, rehabilitation and resale of housing units;
- Public improvements to support the rehabilitation or housing units;
- Acquisition of units which results in their preservation.

#### *Submission Dates*

The Department of Community Affairs will accept applications through the five DCA Regional Offices (addresses appear at the end of this notice). One original and two copies of the application must be received in the Regional Office, with one copy to the Central Office by the close of business May 31, 1996. No applications will be accepted after 5 p.m., May 31, 1996. Transmittals by facsimile (fax) machine will not be accepted.

#### *Training Sessions*

The Department will conduct a 1/2 day workshop at three locations during the month of April. The H&RA session will take place from 8:30 a.m. to noon at the following locations:

April 2nd—Holiday Inn Scranton/East Dunmore  
200 Tigie Street  
I-380 Exit 1 (Tigie Street)  
(717) 343-4771

April 9th—Holiday Inn—Harrisburg/Hershey Area  
I-81 at Exit 28  
(717) 469-0661

April 11th—Days Inn Conference Center Butler  
139 Pittsburgh Road  
PA Tpke. Exit 4 to Route 8 North  
(412) 287-6761

#### *Application Forms*

Application forms and instructions may be obtained by contacting the Department's regional offices. Persons with a disability who wish to submit an application in accord-

ance with the provisions stated herein and who require assistance with the application and persons who require copies of this notice in an alternative format (large type, braille, and the like) should contact David Chittister, Room 507 Forum Building, Harrisburg, PA 17120, telephone (717) 787-7156 to discuss how the Department may best accommodate their needs. The following is the listing of DCA Regional Offices and the counties they serve:

#### Region 1—Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia counties

Department of Community Affairs  
908 State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130  
(215) 560-2256

#### Region 2—Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming counties

Department of Community Affairs  
Suite 201 Samters Building  
101 Penn Avenue  
Scranton, PA 18503-2025  
(717) 963-4571

#### Region 3—Southcentral and Region 4—Northcentral

Region 3—Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York counties

Region 4—Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union counties.

Department of Community Affairs  
402 Finance Building  
Harrisburg, PA 17120  
(717) 787-7347

#### Region 5—Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland counties

Department of Community Affairs  
413 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

#### Region 6—Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren counties

Department of Community Affairs  
Third Floor—Rothrock Building  
121 West 10th Street  
Erie, PA 16501  
(814) 871-4241

#### Central Office

Fifth Floor—Forum Building  
Harrisburg, PA 17120  
(717) 787-7156

WILLIAM C. BOSTIC,  
*Secretary*

[Pa.B. Doc. No. 96-489. Filed for public inspection March 29, 1996, 9:00 a.m.]

## Home Investment Partnerships Program; Request for Proposals for Fiscal Year 1996

The Department of Community Affairs, (DCA), or its successor, is announcing the availability of 1996 Home Investment Partnerships Program (HOME) funds. The HOME Program is the Commonwealth's primary vehicle to provide affordable housing which supports local efforts to develop economically vibrant, globally competitive communities. Beginning in the 1996 program year, Pennsylvania's HOME Program will be integrated into a comprehensive community development strategy to enhance economic growth and development. This approach recognizes that the creation of new affordable housing options and opportunities are not only essential to the health and welfare of many families, but to the economic well being of the Commonwealth as a whole.

In addition, HOME funds may be used for affordable housing disaster recovery purposes. The U. S. Department of Housing and Urban Development (HUD) has waived certain provisions of the HOME Program Rule for HOME funds used for this purpose. DCA is currently seeking clarification on the suspended provisions, and will inform those interested during the training sessions discussed within this notice.

The amount of HOME funds available for distribution is contingent upon a final appropriations by Congress. At this time, the Department has been notified it will receive \$8,353,000. This is approximately 46% of the total amount anticipated. The Department will reserve 4% of the total allocation for its administration, and award the balance. The Department expects to award all FFY 1996 funds as a result of the response to this RFP.

Pennsylvania's HOME Program is a flexible financial tool for housing activities. HOME promotes community stability, and provides a significant community impact by creating additional housing units through new construction and rehabilitation. HOME program funds can be used in a variety of ways, including market oriented approaches which offer opportunities to revitalize communities with new investment, whether it be homeownership or rental activities. Homeownership creates economic prosperity for communities and families, and acts as a dynamic generator of economic growth. Increased housing starts and home sales often times represents renewed economic confidence in communities.

HOME can also assist communities which have goals of promoting income diversity by providing support for mixed-income developments. These activities can create environments that enhance economic and social empowerment.

The Department will accept applications for any HOME eligible activity, other than rental housing activities for five and more units (see discussion of the programs offered by the Pennsylvania Housing Finance Agency below.) HOME eligible activities are assistance for: homebuyers down payment and/or closing costs and second mortgages; homeowner rehabilitation; developers undertaking single family sales housing; rental housing rehabilitation or new construction of between 1 and 4 units; single room occupancy; group home projects; and tenant based rental assistance and security deposit assistance. Projects can be designed to offer: equity investments, interest-bearing loans or advances, noninterest bearing loans or advances, deferred payment loans, grants and loan guarantee funds.

The Commonwealth's Consolidated Plan (and annual update—FFY 1996 Action Plan) states that priority for

funding will be given to projects that serve very low-income households (up to 50% of the median family income for the area). The Department will distribute the 1996 HOME Program allocation in accordance with the Action Plan. Successful applicants will be those that address the Commonwealth's priority, meet the requirements of the HOME Program, and address the issues in the Housing Goals and Action Steps. Applications for all eligible HOME activities will be accepted.

If an applicant can demonstrate that the needs of very low-income households are currently being substantively addressed within the community, the Commonwealth's priority will be considered to have been met for proposed projects that:

- Promote diversity within a community, including but not limited to, diversity of race, ethnicity, income level and disability status; or
- Are an integral part of an overall community development strategy which addresses and directs resources toward community needs such as housing, transportation, employment and infrastructure.

In addition, the following types of programs and developments also are priorities for HOME funding (the listing is not a rank ordering of priorities, but rather are, in part, identified in the Consolidated Plan).

Programs and projects submitted by nonparticipating jurisdictions

Programs and projects which maintain and improve the quality of housing

Programs and projects which build capacity of local governments and housing organizations

Programs and projects which link housing and supportive services

Programs and projects which improve rental housing opportunities

Programs and projects which assist families and individuals to become first-time home buyers

Programs and projects which address the economic, social and health problems of the homeless

Programs and projects which demonstrate a minimization of regulatory barriers to affordable housing

Programs and projects which further fair housing and minimize community opposition

Programs and projects which link lead-based paint hazard reduction with efforts to health prevention programs

Programs and projects which return program income

### *Overview of the Application Process*

The Commonwealth will distribute the 1996 HOME Program allocation in accordance with the Action Plan. The Commonwealth's Consolidated Plan standardized the Program Year for all Federal funds received from HUD. Now the State's Community Development Block Grant, Emergency Shelter Grant, and HOME Programs run concurrently with the calendar year (January 1—December 31). Successful applicants will have until January 31, 2001 to complete the projects, conduct an audit and close out their programs.

Participating jurisdictions, as defined by the National Affordable Housing Act of 1990, will receive consideration for home funding only after nonparticipating jurisdiction

funding needs have been met. Given DCA's experience, it is unlikely that participating jurisdictions will receive home funding.

The Department is responsible for administering the HOME Program in accordance with the requirements of the National Affordable Housing Act of 1990; the Federal Regulations published in the *Federal Register* on December 16, 1991 (24 CFR Part 92 HOME Investment Partnerships Program), and revisions thereto. HOME Analysts in the regional offices are prepared to answer HOME-related affordable housing development questions.

For administrative and other practice reasons, applications for HOME funds should be submitted by a unit of local government. Units of local government are eligible to become State recipients. As a State recipient, a unit of local government will have direct access to the Federal Cash and Management Information System (CMIS). If there are unique and extenuating circumstances, entities other than units of local government may apply directly to the Commonwealth. In this case, the processing of required information in the CMIS must be accomplished through the Commonwealth.

- Applications submitted by a unit of local government may be on behalf of public agencies, nonprofit organizations or private developers. Private nonprofit housing organizations that are unable to secure their unit of local government's approval as an applicant should contact the appropriate regional office.

- Applications for CHDO Certification may be submitted by private nonprofit organizations throughout the year. Applications for CHDO Operating grants, CHDO technical assistance and site control loans and CHDO seed money loans may be submitted by local governments on behalf of certified CHDOs throughout the year.

- Applications selected for funding approval must contain all necessary documentation for immediate contracting. Applications will be reviewed on the basis of stated need and how the proposed activity will address that need, and how the proposal serves the larger mission of promoting economic and social empowerment in the region in which the project is located. Applicants selected for HOME funding will also be required to comply with the HOME Statement of Assurances on Form BHD-175, Antidisplacement/Relocation, and Affirmative Action plans and fulfill fair housing requirements. In addition, applicants selected for HOME funding will be required to adopt a Minority and Women's Business Enterprise Plan, and the Commonwealth's Affirmative Marketing Policy.

- Applicants selected for funding will be required to attend HOME State recipient training.

- All programs should be structured to maximize the return of program income to the Commonwealth. For example, in a homeowner rehab program, a deferred payment 0% loan due on sale achieves the same purpose as a grant yet returns dollars to be used by the Commonwealth for affordable housing. Locally revolving loan programs will not be permitted.

- Because of the complexity of Federal regulations and requirements associated with these programs, a minimum application amount of \$50,000 has been established.

- The Department will again reserve 30% of the HOME allocation for distribution by the Pennsylvania Housing Finance Agency (PHFA) for rental housing developments of 5 units and more.

The Department completes competitive reviews to make final funding decisions. Program design descriptions, management plans and staff capacity components are carefully evaluated to ensure that grants will be administered in a timely manner and according to program requirements. Matching funds, and other leveraged funds necessary to complete the proposed program or project should be in place at the time of application.

#### *Other Community Development Resources*

*Communities of Opportunity Program*—The Department is refocusing the use of funds appropriated to it under the Housing and Redevelopment Assistance Law (H&RA). The new program, entitled Communities of Opportunity Program (CoOP), is based on comprehensive community development strategies that recognize communities as a key component in contributing to rebuilding the economic strength of the Commonwealth. The Department will utilize H&RA funds to support local initiatives designed to promote the stability of its communities, and to assist communities in achieving and maintaining social and economic diversity, ensuring a productive tax base, and a good quality of life. The creation of local partnerships of municipal agencies, the financial community, not for profit, and for profit organizations is encouraged. Since H&RA funds will not be used primarily to support affordable housing activities, they will not typically be used to match HOME funds.

*Pennsylvania Housing Finance Agency*—The Commonwealth reserves 30% of the State's annual HOME allocation for the Pennsylvania Housing Finance Agency (PHFA) through a subrecipient agreement. PHFA offers the PennHOMES Program which provides flexible interim and permanent mortgage financing to developers of affordable rental housing (5 units and more.) Interest rates are set based on what each project can support. HOME nonparticipating jurisdictions are given priority for the HOME funds utilized with the PennHOMES Program.

The PennHOMES Program also includes the Commonwealth's Community Housing Development Organization (CHDO) set-aside. CHDOs with Market and Site Approval will be advised by PHFA of the availability of CHDO project-specific seed money loans. PHFA encourages all rental housing development applications to include Low Income Housing Tax Credits to raise equity for their projects.

In addition, PHFA receives additional HOME funds for the HOMESTEAD program. The program offers down payment and closing cost assistance to first-time homebuyers. HOMESTEAD loans are distributed through participating banks throughout the State. The program will make it easier for lower income families and single persons with disabilities to purchase homes of their own. The program is also targeted to HOME nonparticipating jurisdictions. Qualifying homebuyers can borrow between \$1,000 and \$15,000 to help with down payments and closing costs. The HOMESTEAD loans are no-interest second mortgage loans that require no repayment as long as the buyer lives in and owns that home. Borrowers are expected to pay at least 3% of the price of the house. PHFA will provide the remainder of the down payment and closing costs. More than 50 lenders are participating Statewide. For more information about the HOMESTEAD Program, including eligible areas and the names of participating lenders, call the toll-free mortgage hot line at 1 (800) 822-1174 between 8 a.m. and 4:30 p.m., Monday through Friday.



*Program Changes*

HUD identified the following as HOME participating jurisdictions for 1995. It is expected that changes will occur in this list as HUD completes the allocation of 1996 HOME funds.

Allegheny County  
 City of Allentown  
 City of Altoona  
 Beaver County  
 City of Bethlehem  
 Berks County  
 Bucks County Consortium  
 Chester County  
 Delaware County Consortium  
 City of Erie  
 City of Harrisburg  
 City of Johnstown  
 City of Lancaster  
 Lancaster County  
 Luzerne County Consortium  
 Montgomery County  
 City of Philadelphia  
 City of Pittsburgh  
 City of Reading  
 City of Scranton  
 Washington County  
 Westmoreland County Consortium  
 City of Williamsport  
 City of York  
 York County

*HOME Regulatory Changes*

On July 12, 1995, the U. S. Department of Housing and Urban Development published the Seventh Interim HOME Rule. Unlike previous Interim Rules, most of the changes clarified existing regulations. Among the more significant changes were: allowing the acquisition of existing hotels and residential structures to be used as HOME eligible single room occupancy facilities without either food preparation or sanitary facilities in each unit; allowing HOME funds to capitalize loan guarantee funds; clarifying the match credit generated by locally waived fees and charges, and those fees and charges foregone by public or private institutions; and in homebuyer programs, allowing for the reduction of the HOME amount to be recaptured based on the length of time the recipient has owned and occupied the unit. Applicants should review this edition of the HOME Interim Rule for more information.

HUD expects to finalize the HOME Rule in 1996. It is expected to include additional changes when finally published. Among the changes anticipated are: 1) addition to the types of financing eligible; 2) additions to the types of eligible match; 3) simplification of the ongoing monitoring responsibilities of participating jurisdictions; 4) adjusting the definition of what is a "project"; 5) additional options for defining income; and 6) clarifying the requirements for written agreements.

*Community Housing Development Organizations*

The Commonwealth, as a participating jurisdiction, is required to set-aside a minimum of 15% from its total allocation to support projects submitted by Community Housing Development Organizations (CHDOs). CHDO organizations that are pursuing rental housing development projects of five units and more are to apply directly to PHFA. The Department will accept applications for

CHDO activities submitted by local governments for rental projects of four units or less, and for homebuyer projects during the application period discussed in Section III. Applicants proposing this type of HOME CHDO set-aside funding must demonstrate that they are acting as developer, owner or sponsor of the affordable housing project.

Local governments may submit applications on behalf of CHDOs for CHDO operating support, technical assistance and site control loans and seed money loans at anytime. The application forms to be used for these requests are contained in these guidelines. Up to 5% of the Commonwealth's HOME funds may be used for CHDO Operating Expenses, defined as necessary and reasonable costs for the operation of the CHDO. For any fiscal year, a CHDO may not receive more than 50% of its total operating budget in the fiscal year, or \$50,000 annually, whichever is greater. When an application is submitted to the Department for an eligible CHDO set-aside homebuyer project, or a one to four unit rental project, operating expenses should be simultaneously requested.

*Project specific technical assistance and site control loans*—The purpose of these loans is to determine the feasibility of CHDO set-aside eligible projects. Loans are limited to the following purposes:

- consulting, legal, engineering and/or architectural fees
- preliminary financial applications
- initial feasibility studies
- engaging a development team
- site control and title clearance

*Project specific seed money loans*—The purpose of these loans is to cover eligible project expenses prior to the start of construction. Uses of the loan proceeds include, but are not limited to the following:

- firm construction loan commitment
- architectural plans and specifications
- zoning approvals
- engineering studies
- legal fees

All loans must not exceed customary and reasonable project preparation cost. The maximum loan amount is \$2,000 per unit up to \$25,000. Loans must be repaid at the construction loan closing CHDO predevelopment loans cannot be "rolled over" into the permanent financing.

For more information concerning application requirements for CHDO operating support, project specific technical assistance and site control loans and seed money loans, the Operating and Predevelopment Assistance for Pennsylvania Certified Community Housing Development Organizations guidelines should be consulted.

In order to receive CHDO set-aside funding, or CHDO operating expenses not related to a specific project, a nonprofit must first be certified by DCA as a CHDO. Applications for CHDO certification will be accepted anytime. Organizations already certified by DCA as a CHDO must update their certifications for each year in which funds are sought. Such organizations should contact the appropriate Regional Office.

*Eligible Activities*

HOME funds may be used for a variety of activities to develop and support affordable housing. Eligible activities include: assistance to homebuyers and existing homeowners; property acquisition; new construction; rehabilitation; site improvements; demolition; relocation expenses; tenant-based rental assistance; other reasonable and necessary expenses related to the development of modest housing; the refinancing of certain existing owner occupied units; and the purchase and placement of elder cottage housing opportunity units.

The Commonwealth's HOME program allows up to 6% of the HOME award to be used to pay for administrative costs. Staff and overhead costs attributable to a HOME assisted project may be charged to projects costs as project delivery, or to general administration. However, such costs may not be charged against project delivery if the unit or family is not assisted with HOME funds.

Applicants proposing tenant based rental assistance (TBRA) programs should be aware that HOME funds are limited to a 2-year period of assistance. These programs should include a description of how the tenant based assistance will continue after the HOME assistance period terminates; identify additional funding sources to address the limited duration of the HOME assistance; or use HOME funds as a bridge to permanent housing for families about to be self-sufficient or soon to obtain housing through another program.

Activities prohibited under the HOME Program include: public housing modernization; tenant subsidies for certain special mandated purposes under section 8; matching funds for other Federal programs; Annual Contributions Contracts (ACC); activities under the Low-Income Housing Preservation Act of 1987 and 1990; the acquisition of certain real property owned by a State recipient and operation subsidies for rental housing.

*Program Income*

All programs should be structured to maximize the return of program income to the Commonwealth. For example, in a homeowner rehabilitation program, a deferred payment 0% loan due on sale achieves the same purpose as a grant yet returns dollars to the Commonwealth for affordable housing. Locally revolving loan programs will not be permitted.

*Matching Requirements*

All activities require a 25% match. Match must be permanently contributed to HOME assisted or HOME eligible housing. Generally, match must be for HOME eligible expenses. Selected applicants for HOME funds will be required to report on the expenditure of match at the time the match can be recognized. The Department is currently seeking guidance from HUD on the reduction of the matching requirements as a result of the Presidential disaster declaration.

*Submission Dates*

The Department of Community Affairs will accept applications through the five DCA Regional Offices (addresses appear at the end of this notice). One original and two copies of the application must be received in the Regional Office, with one copy to the Central Office by the close of business May 31, 1996. No applications will be accepted after 5 p.m., May 31, 1996. Transmittals by facsimile (fax) machine will not be accepted.

*Training Sessions*

The Department will conduct a 1/2 day workshop at three locations during the month of April. The HOME session will take place from 1:30 p.m. to 4:00 p.m. at the following locations:

April 1—Holiday Inn Scranton/East Dunmore, 200 Tigie Street, I-380 Exit 1 (Tigie Street), (717) 343-4771

April 8—Holiday Inn—Harrisburg/Hershey Area, I-81 at Exit 28, (717) 469-0661

April 10—Days Inn Conference Center Butler, 139 Pittsburgh Road, PA Turnpike Exit 4 to Route 8 North, (412) 287-6761

*Application Forms*

Application forms and instructions may be obtained by contacting the Department's regional offices. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternative format (large type, braille, and the like) should contact David Chittister, Room 507 Forum Building, Harrisburg, PA 17120, telephone (717) 787-7156 to discuss how the Department may best accommodate their needs. The following is the listing of DCA Regional Offices and the counties they serve:

*Region 1—Southeast*

Bucks, Chester, Delaware, Montgomery and Philadelphia counties

Department of Community Affairs  
908 State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130  
(215) 560-2256

*Region 2—Northeast*

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming counties

Department of Community Affairs  
201 Samters Building  
101 Penn Avenue  
Scranton, PA 18503-2025  
(717) 963-4571

*Region 3—Southcentral and Region 4—Northcentral*

Region 3—Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York counties

Region 4—Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union counties.

Department of Community Affairs  
402 Finance Building  
Harrisburg, PA 17120  
(717) 787-7347

*Region 5—Southwest*

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland counties

Department of Community Affairs  
413 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5002

Region 6—Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren counties

Department of Community Affairs  
Third Floor—Rothrock Building  
121 West 10th Street  
Erie, PA 16501  
(814) 871-4241

Central Office

505 Forum Building  
Harrisburg, PA 17120  
(717) 787-7156

WILLIAM C. BOSTIC,  
*Secretary*

[Pa.B. Doc. No. 96-490. Filed for public inspection March 29, 1996, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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 applications of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

#### **Application for National Pollutant Discharge Elimination System (NPDES) Permit to discharge to State waters.**

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

**PA 0008281.** Industrial waste, SIC: 4911, **Pennsylvania Power and Light Company** (Brunner Island Station), Two North Ninth Street, Allentown, PA 18101.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Susquehanna River, in East Manchester Township, **York County**.

The receiving stream is classified for recreation, water supply and aquatic life.

The proposed effluent limits for Outfall 040—condenser cooling water are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
pH	6—9 s.u. at all times		
Heat Rejection Rate	6.960 x 10 <sup>6</sup> BTU/hr		
Total Residual Chlorine	0.2		

The proposed effluent limits for Outfall 044—sewage treatment plant are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Total Phosphorus	2	4
Total Residual Chlorine	1.0	2.0

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 5.0 at all times	
pH	6.0—9.0	
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	100,000/100 ml as a geometric average	

The proposed effluent limits for Outfalls 043 (industrial waste treatment facility), 047 (Ash Basin No. 6), and 049 (Ash Basin No. 7) are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15	30
Total Suspended Solids		50
Total Copper	monitor and report	
Total Nickel	monitor and report	
Total Zinc	monitor and report	
Total Iron	monitor and report	

Stormwater Outfalls 041, 042, 045 and 401 through 420 will be monitored yearly for copper, nickel, zinc, iron, suspended solids, oil and grease and pH.

Outfalls 046 and 048 are Spring discharges from the site which are monitored yearly for copper, nickel, zinc, iron and pH.

The EPA waiver is not in effect.

**PA 0008893.** Industrial waste, SIC: 2621, **Westvaco Corporation**, 1600 Pennsylvania Avenue, Tyrone, PA 16686.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Bald Eagle Creek, in Tyrone Borough, **Blair County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 10.1 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
pH	within limits of 6—9 (s.u.) at all times		
Instream Temperature <sup>(1)</sup>	monitor and report		
Temperature <sup>(2)</sup>		87°F	

<sup>(1)</sup> Monitor at S. R. 4027 Bridge.

<sup>(2)</sup> Part C requirement not to increase temperature by more than 5°F and change temperature by more than 2°F per hour at a point within the confluence of Bald Eagle Creek and Little Juniata River.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	monitor and report		
pH	within limits of 6—9 (s.u.) at all times		
Background Temperature °F <sup>(1)</sup>	monitor and report		
January		40	
February		40	
March		46	
April 1—15		52	
April 16—30		58	
May 1—15		64	
May 16—31		68	
June 1—15		70	
June 16—30		72	
July		74	
August 1—15		80	
August 16—31		87	
September 1—15		84	
September 16—30		78	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
October 1—15		72	
October 16—31		66	
November 1—15		58	
November 16—30		50	
December		42	

<sup>(1)</sup> Thermal limits to be monitored at S. R. 4027 Bridge.  
Part C requirements for compliance with thermal limits.

**PA 0026808.** Sewage, SIC: 4952, **Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Codorus Creek, in Springettsbury Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Company located just north of Wrightsville Borough, York County on the west side of the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 15 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	2			4
(11-1 to 4-30)	3			6
Total Phosphorus	2			4
Total Residual Chlorine	.25			.8
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
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			

The EPA waiver is not in effect.

**PA 0026263.** Sewage, SIC: 4952, **York City Sewer Authority**, c/o Blakey, Yost, Bupp & Schaumann, 17 East Main Street, York, PA 17401.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Codorus Creek, in Manchester Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. The existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Company located just north of Wrightsville Borough, York County on the west side of the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 002 for a design flow of 26 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	22.5		30
(11-1 to 4-30)	20	30		40
Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	1.7	2.6		3.4
(11-1 to 4-30)	2.1	3.2		4.2
Total Phosphorus	2	3		4
Dissolved Oxygen	minimum of 5.0 at all times			
pH	6.0—9.0			
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			

The EPA waiver is not in effect.

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

**PA 0003549.** Industrial waste, SIC: 4922, **CNG Transmission Corporation**, P. O. Box 2450, 445 West Main Street, Clarksburg, WV 26302-2450.

This application is for issuance of an NPDES permit to discharge treated process water, sewage and stormwater from their Oakford Compression Station, in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters Beaver Run classified as high quality, cold water fishery with existing and/or potential uses for 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 (PWS) considered during the evaluation is located on the Beaver Run Reservoir approximately 3.4 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.0015 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
CBOD <sub>5</sub>			25		50
TSS			30		60
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)	200/100 ml (as a geometric average) 2,000/100 ml (as a geometric average)				
TRC			1.4		3.3
Total Phosphorus (as P)*			2.0		4.0
pH	6.0—9.0				

\*Interim limits specified as "monitor and report" (1 year from issued date).

Outfall 003: existing discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
CBOD <sub>5</sub> *			80		160
TSS			30		60
Oil and Grease			15		30
Dissolved Iron					7.0
BTEX*			0.1		0.25
TRC			0.5		1.25
pH	6.0—9.0				

\*Interim limits added as "monitor and report" (1 year from issued date).

Outfalls 001, 004, 005 and 006:

Discharge consists solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.

**PA 0093882.** Industrial waste, SIC: 4111, **Port Authority of Allegheny County**, Transit Division, 2235 Beaver Avenue, Pittsburgh, PA 15233.

This application is for renewal of an NPDES permit to discharge treated stormwater and untreated stormwater from West Mifflin Garage in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters of unnamed tributary of Thompson Run and unnamed tributary to Monongahela River, both classified as warm water fishery with existing and/or potential uses for 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 (PWS) considered during the evaluation is PA American Water Company, located at Beck Run, 11.7 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.45 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Iron			3.5		7.0
Benzene			monitor and report		
Ethylbenzene			monitor and report		
Xylene			monitor and report		

Outfall 002: existing 0.2 mgd discharge to unnamed tributary to Monongahela River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	monitor and report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Iron			3.5		7.0
Benzene			monitor and report		
Ethylbenzene			monitor and report		
Xylene			monitor and report		

The EPA waiver is in effect.

**PA 0217018.** Industrial waste, SIC: 5541, **BP Exploration and Oil, Inc.**, 200 Public Square Building, Cleveland, OH 44114-2375.

This application is for issuance of an NPDES permit to discharge treated groundwater from the former BP Station 07718 in Monroeville Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters Piersons Run classified as trout stocked fishery with existing and/or potential uses for 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 (PWS) considered during the evaluation is PA American Water Company, located at Becks Run, over 15 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.004 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)					0.0072 (5 gpm)
Total Suspended Solids			30		75
Oil and Grease			15		30
Benzene			0.001		0.0025
Total BTEX			0.100		0.250
Ethylbenzene			monitor and report		
Toluene			monitor and report		
Xylenes			monitor and report		
Dissolved Iron			1.2		2.5
Lead			0.010		0.025
pH	6.0—9.0				

*Other Conditions:* Special Conditions for petroleum-contaminated groundwater remediation dischargers are included.

The EPA waiver is in effect.

**PA 215988.** Sewage, **Kelly Chico**, R. D. 6, Box 304, Uniontown, PA 15401.

This application is for amendment of an NPDES permit to discharge treated sewage from the Chico Mobile Home Plan Sewage Treatment Plant in Menallen Township, **Fayette County**.

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

Outfall 001: expanded discharge to a design flow of 0.055125 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	0.14			0.33
Dissolved Oxygen	not less than 5.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0205249.** Sewage, **Dollar Bank**, 3 Gateway Center 10 North, Pittsburgh, PA 15222.

This application is for renewal of an NPDES permit to discharge treated sewage from the Timber Creek Farms Sewage Treatment Plant in Marshall Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Big Sewickley Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.00665 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2			4
(11-1 to 4-30)	3			6
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	0.04			0.09
Dissolved Oxygen	not less than 6 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

---

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

**PA 0054917.** Sewage, **Uwchlan Township**, P. O. Box 255, Lionville, PA 19353.

This application is for revocation and reissuance of an NPDES permit to discharge treated sewage from the Uwchlan Township STP in Uwchlan Township, **Chester County**. This is an existing discharge to Shamona Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, high quality waters and esthetics.

The proposed effluent limits for Outfall 001, based on an initial average flow of 50,000 gpd, an interim flow of 150,000 gpd and an ultimate flow of 475,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	7.0	10.5	14.0
(11-1 to 4-30)	14.0	21.0	28.0
Suspended Solids	20.0	30.0	40.0
Ammonia (as N) (5-1 to 10-31)	1.0		2.0
(11-1 to 4-30)	3.0		6.0
Phosphorus (as P)	1.0		2.0
Fecal Coliforms	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Total Residual Chlorine (0.05 mgd) (years 1 and 2)	0.7		1.4
(years 3, 4 and 5)	0.16		0.5



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine (0.15 mgd)	0.06		0.2
Total Residual Chlorine (0.475 mgd)	0.03		0.08

**PA 0050431.** Industrial waste, **Concord Beverage Company**, Conchester Road and Aldan Avenue, Concordville, PA 19331.

This application is for renewal of an NPDES permit to discharge treated process wastewater from a wastewater treatment facility in Concord Township, **Delaware County**. This is an existing discharge to an unnamed tributary to West Branch Chester Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Monitoring Point 101 before IWTP expansion, based on an average flow of 24,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50	63
Suspended Solids	30	60	75
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0	4.0	5.0
(11-1 to 4-30)	6.0	12	15

The proposed effluent limits for Monitoring Point 101 after treatment plant expansion based on an average flow of 70,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50	63
Suspended Solids	30	60	75
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0	4.0	5.0
(11-1 to 4-30)	6.0	12	15
Dissolved Oxygen	minimum of 5.0 mg/l at all times		

The proposed effluent limits for Outfall 001 from the IWTP and rinsewater are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
Temperature		87°F	110°F
pH	within the limits of 6—9 standard units at all times		
Total Dissolved Solids	1,000	2,000	2,500

The proposed effluent limits for Outfall 002 consisting of stormwater are as follows:

<i>Parameter</i>	<i>Average Annual</i>
CBOD <sub>5</sub>	report
COD	report
Oil and Grease	report
pH	report
Total Suspended Solids	report
Total Kjeldahl Nitrogen	report
Total Phosphorus	report
Iron (Dissolved)	report

*Other Conditions:*

Thermal Requirements.

The EPA waiver is in effect.

**PA 0011363. Amendment No. 2,** Industrial waste, **NGK Metals Corporation**, Tuckertown Road, P. O. Box 13367, Reading, PA 19612-3367.

This application is for amendment of an NPDES permit to discharge treated process wastewater from NGK Metals Corporation in Muhlenberg Township, **Berks County**. This is an existing discharge to Laurel Run.

This draft permit amendment provides notice of a site-specific criteria modification. Based on the results of a Water Effect Ratio Study and a hardness of 100 mg/l as CaCO<sub>3</sub>, the Department proposes the site specific chronic and acute life criteria for total recoverable copper of 0.043 mg/l and 0.064 mg/l, respectively.

The proposed revised effluent limits for total recoverable copper for the period from issuance of the permit amendment to expiration based on an average flow of 0.123 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Copper	0.31	0.62	0.78

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

**PA 0209783.** Sewage, **Jerry Novosel**, 41 Gearhart Road, Pulaski, PA 16143.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to Buchanan Run in Shenango Township, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Shenango River and is used by the Pennsylvania-American Water New Castle District which is 12 miles below the discharge.

The proposed discharge limits, based on a design flow of 0.000350 mgd are:

*Outfall No. 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
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 Residual Chlorine	monitor and report	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0209902.** Sewage, **James A. and Jeanette B. Pavlicek**, R. D. 2, Box 242-A, Cochranon, PA 16314.

This application is for a renewal of a Part I NPDES permit to discharge treated sewage to an unnamed tributary to the Sandy Creek in Greenwood Township, **Crawford County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and is used by the Emlenton Water Company which is 42 miles below the discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.000450 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Total Suspended Solids	20	40
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 Residual Chlorine	monitor and report when used	
Intensity	monitor and report	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0103926.** Industrial waste, SIC: 3674. **Component InterTechnologies, Inc.**, 2426 Perry Highway, Hadley, PA 16130-8815.

This application is for a redraft for a new NPDES permit, to discharge treated sewage, treated industrial waste, noncontact cooling water and stormwater to an unnamed tributary to Little Shenango River in Perry 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 Shenango River and Greenville Water Company located at Greenville, approximately 18.4 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of .06005 mgd are:

<i>Parameter Flow</i>	<i>Average Monthly (mg/l) monitor and report</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 101 based on a design flow of .036 mgd are:

<i>Parameter Flow</i>	<i>Average Monthly (mg/l) monitor and report</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TCE	.047	.094	.12
1,1,1 TCA	1.5	3.0	3.8
1,1 DCE	.26	.52	.65
1,1 DCA	monitor and report	monitor and report	monitor and report
1,2 DCE	1.7	3.4	4.3
1,2 DCA	1.703	3.4	4.3

The proposed discharge limits for Outfall No. 001 based on a design flow of .00215 mgd are:

<i>Parameter Flow</i>	<i>Average Monthly (mg/l) monitor and report</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Total Residual Chlorine (Interim)	monitor and report		monitor and report
Total Residual Chlorine (Final)	.5		1.2
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	50,600/100 ml as a geometric average		
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 301 based on a design flow of .001 mgd are:

<i>Parameter Flow</i>	<i>Average Monthly (mg/l) monitor and report</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper (Final)	.61	1.2	1.5
Lead (Final)	.17	.34	.43
Total Suspended Solids	31	60	78
Oil and Grease	15		30
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0103209. Amendment No. 1.** Sewage, **Wattsburg Area School District**, P. O. Box 219, Wattsburg, PA 16442.

This application is for Amendment No. 1 to an existing NPDES permit to discharge treated sanitary sewage from a middle school, a high school and a proposed elementary school to an unnamed tributary to LeBoeuf Creek in Greene Township, **Erie County**. This is an existing discharge.

The receiving water is classified for trout stocking fishery, 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 Borough Cambridge Springs, located on French Creek in the Borough of Cambridge Springs, Crawford County, which is approximately 39 miles downstream from the point of discharge.

The proposed interim effluent limits for Outfall 001 based on average design flow of 0.021 mgd and the proposed final effluent limits based on average design flow of 0.0296 mgd are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N (5-1 to 10-31)	2.5	5
(11-1 to 4-30)	7.5	15

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
Fecal Coliforms (5-1 to 9-30)	200 MPN/100 ml as a geometric average	
(10-1 to 4-30)	4,300 MPN/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
Total Residual Chlorine (interim)	monitor and report	
(final)	0.21	1.2
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

**PA 0104442.** Sewage. **Breakneck Creek Regional Authority**, 1166 Mars-Evans City Road, Mars, PA 16046.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to Breakneck Creek in Adams Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Waterworks on Connoquenessing Creek located at Zelienople, approximately 10 miles below point of discharge.

The proposed effluent limits for Outfall no. 001 (after chlorination) based on a design flow of 2.0 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub> (5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
Phosphorus as P (4-1 to 10-31)	2		4
Ammonia-Nitrogen (5-1 to 10-31)	1.5		3
(11-1 to 4-30)	4.5		9
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 Residual Chlorine (Interim Limits)	monitor and report		
(Final Limits)	0.03		0.1
Nitrate-Nitrite	monitor and report		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

---

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

**PA 0050351.** Sewage, **Avonwheel Mobile Home Park**, 310 North High Street, West Chester, PA 19380.

This application is for renewal of an NPDES permit to discharge treated sewage from Avonwheel Estates sewage treatment plant in London Grove Township, **Chester County**. This is a new discharge to an unnamed tributary to East Branch White Clay Creek.

The receiving stream is classified for cold water fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001 based on an average flow of 0.017 mgd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub> (5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N) (5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	0.5	1.6

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

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

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

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

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

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, telephone (412) 442-4028.*

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

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Ste. 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6131.*

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.*

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

*Allegheny County Conservation District, District Manager, 875 Greentree Road, Pittsburgh, PA 15220, telephone (412) 921-1999.*

**NPDES Permit PAS10A057-1.** Stormwater. **Abele Associates IV**, 2559 Washington Road, Pittsburgh, PA 15241 has applied to discharge stormwater from a construction activity located in South Fayette Township, **Allegheny County**, to Millers Run.

**NPDES Permit PAS10A082.** Stormwater. **Abele Associates IV**, 2559 Washington Road, Pittsburgh, PA 15241 has applied to discharge stormwater from a construction activity located in South Fayette Township, **Allegheny County**, to Millers Run.

**NPDES Permit PAS10A060-2.** Stormwater. **Port Authority of Allegheny County**, 2235 Beaver Avenue, Pittsburgh, PA 15223 has applied to discharge stormwater from a construction activity located in the City of Pittsburgh, Crafton, Ingram and Rosslyn Farms Borough, **Allegheny County**, to Chartiers Creek.

**NPDES Permit PAS10A086.** Stormwater. **Southersby Development Corporation**, 15 McMichael Road, Carnegie, PA 15106 has applied to discharge stormwater from a construction activity located in Bell Acres Borough, **Allegheny County**, to Big and Little Sewickley Creeks.

*Beaver County Conservation District, District Manager, 1000 3rd Street, Beaver, PA 15009, telephone (412) 774-7090.*

**NPDES Permit PAS100234.** Stormwater. **JDN Development Company**, 3340 Peachtree Road, 1530 Tower Place, Atlanta, GA 30326 has applied to discharge stormwater from a construction activity located in Center Township, **Beaver County**, to the Ohio River.

*Chester County Conservation District, District Manager, 601 Westtown Road, West Chester, PA 19382, telephone (610) 696-5126.*

**NPDES Permit PAS10G198.** Stormwater. **University of Pennsylvania**, 382 W. Street Road, Kennett Square, PA 19348 has applied to discharge stormwater from a construction activity located in Marlboro Township, **Chester County**, to Red and White Clay Creeks.

*Cumberland County Conservation District, District Manager, 43 Brookwood Avenue, Carlisle, PA 17013, telephone (717) 249-8632.*

**NPDES Permit PAS10H053.** Stormwater. **Forgedale Associates**, 643 Forge Road, Carlisle, PA 17013 has applied to discharge stormwater from a construction activity located in South Middleton Township, **Cumberland County**, to Letort Spring Run.

**NPDES Permit PAS10H054.** Stormwater. **North Middleton Township Supervisors**, 211 N. Middleton Road, Carlisle, PA 17013 has applied to discharge stormwater from a construction activity located in North Middleton Township, **Cumberland County**, to Conodoguinet Creek.

*Elk County Conservation District, District Manager, P. O. Box 448, Ridgeway, PA 15853, telephone (814) 776-5373.*

**NPDES Permit PAS102506.** Stormwater. **Milton and Mary Ellen Badeau**, P. O. Box 231, Kersey, PA 15846 has applied to discharge stormwater from a construction activity located in Fox Township, **Elk County**, to Byrnes Run.

**NPDES Permit PAS102507.** Stormwater. **National Fuel Gas**, P. O. Box 2081, Erie, PA 16512 has applied to discharge stormwater from a construction activity located in Highland Township, **Elk County**, to Maple Run.

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

**NPDES Permit PAS10U050.** Stormwater. **Triple Net Investments LP**, 171 Route 173, Asbury, NJ 08802 has applied to discharge stormwater from a construction activity located in Hanover Township, **Northampton County**, to Monocacy Creek.

---

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

---

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

**A. 0696403.** Sewage, **Municipal Authority of the Township of Spring/Berks County**, 2800 Shillington Road, Sinking Spring, PA 19608 in Spring Township, **Berks County** to construct the sanitary sewer interceptor from the Borough of Sinking Spring Sewage Treatment Plant to the Spring Township Sewage Treatment Plant was received in the Southcentral Region on March 1, 1996.

**A. 0674405(96-1).** Sewage, Amendment, **Union Township Municipal Authority**, 177 Center Road, Douglassville, PA 19518 in Union Township, **Berks County** to replace two old and inefficient sanitary sewer pumps in existing pump station with two new pumps of higher capacity to prevent overflow of sewerage from high inflow/infiltration during extreme precipitation was received in the Southcentral Region on March 4, 1996.

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

**0996403.** Sewerage. **Michael G. Nekoranik** (1330 Maple Road, Kintnersville, PA 18930). Construction of a sewage treatment plant to serve the Nekoranik residence located in Springfield Township, **Bucks County**.

**0996404.** Sewerage. **Florence Coleman** (168 Cheese Factory Road, Doylestown, PA 18901). Upgrade and expansion of wastewater treatment plant to serve the Coleman property located in Plumstead Township, **Bucks County**.

**1596402.** Sewerage. **West Brandywine Township Municipal Authority** (199 Lafayette Road, Coatesville, PA 19320). Construction of a sanitary sewer extension

and pump station to serve West Brandywine Township Municipal Authority located in West Brandywine Township, **Chester County**.

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

**A. 0496402.** Sewerage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. Application for the construction of a relief sewer for the Elkhorn Run Interceptor to relieve surcharging conditions upstream along East Shaffer Road to serve the East Shaffer Road Relief Sewer located in the Township of Center, **Beaver County**.

**A. 3096401.** Sewerage, **PA Department of Corrections**, P. O. Box 598, Camp Hill, PA 17011. Application for the construction of a sewage treatment plant to serve the Waynesburg State Correctional Institution Interim Sewage Treatment Facility located in the Township of Morgan, **Greene County**.

**A. 3296401.** Sewerage, **Marion Center Area School District**, Box 156, Route 403, Marion Center, PA 15759. Application for the construction and operation of a sewage treatment plant to serve the Creekside Washington Elementary School located in the Township of Washington, **Indiana County**.

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

**WQM Permit No. 2096403.** Sewage, **William H. Thomas, SRSTP**, R. R. 2, Box 278, Holsopple, PA 15935. This project is for the construction of a single residence sewage treatment plant in East Fallowfield Township, **Crawford County**.

---

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

---

*Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.*

**A. 2196501.** Public water supply. **Pennsylvania-American Water Company**, Municipality: Mechanicsburg Borough, **Cumberland County**, (Cynthia G. Hitz—Water Quality Supervisor, PA-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055), feed Potassium Permanganate at Yellow Breeches and Silver Spring Water Treatment Facilities to lower THM levels and enhance iron and manganese removal, (Bradley Shiflett, PA-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033).

*Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**A. 4396504.** **South Pymatuning Township**, 3483 Tamarack Drive, Sharpsville, PA 16150. This proposal involves the construction of approximately 13,000 l. f. of 12" water main and a 650,000 gallon water storage tank in South Pymatuning Township, **Mercer County**.

**A. 4396505.** **Skyline Development, Inc.**, 69 Summit Road, Greenville, PA 16125. This proposal involves permitting an existing water system (Summit Road Mobile Home Park) in West Salem Township, **Mercer County**.

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

**5296501.** Public water supply. **Lehman-Pike Development**, Saw Creek System, c/o Bryan Fisk, V. P., P. O. Box 447, Bushkill, PA 18324. This proposal involves addition of caustic soda at entry point 101 and 109 to reduce lead and copper corrosion in the system. It is located in Lehman/Middle Smithfield Townships, **Pike/Monroe Counties**.

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

**A. 0996503.** Public water supply. **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974. This proposal involves the construction of an interconnection between the water systems of Warminster Municipal Authority and Warminster Heights Development. This proposal also involves the reconstruction of Warminster Heights Development's well no. 1 pumping facility in Warminster Township, **Bucks County**.

#### **Acknowledgment of Notices of Intent to Remediate**

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (the Act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the Act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact Steve Curcio at (814) 332-6816. TDD users may

telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department of Environmental Protection has received the following Notice of Intent to Remediate.

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

**The Borough of Ellwood City/Former USX Ellwood City Facility**, Casey Park Site, Ellwood City/Robert Casey Enterprise Park, Borough of Ellwood City, **Lawrence County**, has submitted a Notice of Intent to Remediate site soils and groundwater. The site has been found to be contaminated with Heavy Metals, Solvents, BTEX and PHCs. The applicant proposes to remediate the site to meet the Special Industrial Areas standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ellwood City Ledger* on March 12, and March 15, 1996.

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

**Burroughs Fuels, Inc.**, Kidder Township, **Carbon County**. Dr. Samuel Harrison, hydrogeologist with Harrison Hydrosciences, P. O. Box 908, 435 Main Street, Saegertown, PA has submitted a Notice of Intent to Remediate (on behalf of his client, Richard S. Burroughs) site soils and groundwater contaminated with BTEX (benzene, toluene, ethylbenzene and xylene) and petroleum hydrocarbon components. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was published in *The Times News* on February 3, 1996.

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (the Act) require the Department of Environmental Protection 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 or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the Act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection 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 1 (800) 654-5984.

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

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Lancaster County Fireman's Association Training School**, West Lampeter Township, **Lancaster County**. Lancaster County Fireman's Association, 630 Oregon Pike, Lancaster, PA 17601 has submitted a Notice of Intent to Remediate site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Conestoga and Pequea Valleys Penny Saver* and the *Willow Street-Strasburg Advertiser* on March 13, 1996.

**Pennsylvania Power and Light Pole 24869S34513**, Susquehanna Township, **Dauphin County**. Pennsylvania Power and Light Company, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. 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 *Harrisburg Patriot* and *Evening News* on or about March 12, 1996.

**Pennsylvania Power and Light Hershey Service Center**, Derry Township, **Dauphin County**. Pennsylvania Power and Light Company, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. 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 *Harrisburg Patriot News* on March 7, 1996.

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

**Preferred Real Estate Investments**, Plymouth Township, **Montgomery County**. James Burnett-Herkes, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the Statewide health standard.

---

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

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 101539. Dauphin Meadows Landfill**, Dauphin Meadows Inc., (310 Leger Road, North Huntingdon, PA 15642). Application for modification for an expansion to the west and trash relocation plan for a site in Upper Paxton and Washington Townships, **Dauphin County**. Application determined to be administratively complete in the Regional Office March 8, 1996.

---

**Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources.**

*Regional Office: Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**42-302-016B**. The Department intends to issue an air quality operating permit to **Witco Corporation** (77

North Kendall Avenue, Bradford, PA 16701) for the operation of an extraction raffinate heater at Bradford, **McKean County**.

**43-307-049**. The Department intends to issue an air quality operating permit to **Cooper-Bessemer Reciprocating** (150 Lincoln Avenue, Grove City, PA 16127) for the operation of a metal spray booth in Grove City Borough, **Mercer County**.

**43-311-002**. The Department intends to issue an air quality operating permit to **R. W. Sidley, Inc.** (P. O. Box 150, Painesville, OH 44077) for the operation of a portable concrete batch plant in Shenango Township, **Mercer County**.

**25-313-051**. The Department intends to issue an air quality operating permit to **Mallinckrodt Chemical, Calcicat Division** (1707 Gaskell Avenue, Erie, PA 16503) for the operation of a nickel carbonate dryer in Erie, **Erie County**.

The Department intends to issue air quality operating permits to **International Metals Reclamation Company** (INMETCO), (P. O. Box 720, Ellwood City, PA 16117) for the operation of the following sources in Ellwood City, **Lawrence County**.

**37-345-007A**. Rotary hearth furnace

**37-345-008**. Distillation furnaces

**33-399-009A**. The Department intends to issue an air quality operating permit to **Huntington Foam Corporation** (P. O. Box 248, Brockway, PA 15824) for the operation of an expander and molding press at 11 Industrial Park Drive, Brockway, **Jefferson County**.

---

**General Plan Approval and  
General Operating Permit**

BAQ-GPA/GP-2

Storage Tanks for Volatile Organic Liquids

The Department of Environmental Protection (Department) proposes to issue general plan approvals and operating permits for storage tanks for volatile organic liquids Storage Tank General Permit). This general plan approval and operating permit, authorized under section 6.1(f) of the Air Pollution Control Act, will apply to certain stationary storage tanks with a rated capacity of 2,000 gallons or greater which store volatile organic liquids as defined in 40 CFR 60.111b with a storage vapor pressure of 11.1 psia or less. The general plan approval and operating permit was designed for many of the storage tanks found in gasoline distribution facilities, petroleum refineries and petrochemical facilities in the synthetic organic chemical manufacturing industry (SOCMI). It allows for quick approval of standard above ground tank replacement. It does not attempt to cover every possible tank installation or regulatory requirement.

The proposed general plan approval and operating permit contains conditions which prescribe applicable performance standards, emission limits, monitoring, recordkeeping and reporting requirements. It is based largely on Pennsylvania storage tank regulations, 25 Pa. Code §§ 129.56 and 127.57, and on Federal New Source Performance Standards for tanks, 40 CFR 60, Subparts K, Ka and Kb. It does not attempt to reproduce those standards in all cases. It does not exempt an applicant from obtaining all other necessary tank permits from Federal, State or local authorities.



The general plan approval and operating permit considers the application of best available technology (BAT) for the distant future. In general, small storage tanks larger than 2,000 gallons in capacity will be expected to use conservation vests regardless of the vapor pressure of the stored liquid. Tanks larger than 40,000 gallons will be expected to employ a floating roof, either internal or external. If an applicant does not agree with the implied BAT in the general plan approval and operating permit, the regular plan approval application can be filed as required under 25 Pa. Code § 127.11. The regular application allows for case by case BAT determinations with the only penalty being that of a longer processing time.

Vapor recovery systems are sophisticated control devices compared to conservation vents and floating roofs. The Department will still require a regular plan approval for the installation of a vapor recovery systems. The only exemption is for replacement tanks where the Department had previously approved the control and its installation.

Many tanks store hazardous organic compounds. Major facilities which emit 10 tons per year of a hazardous air pollutant or 25 tons per year of combined hazardous air pollutants, compounds are subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP). At this time, the Environmental Protection Agency (EPA) has not written standards for all the major sources of hazardous air pollutants. This general plan approval and operating permit has therefore been limited to facilities which are not major emitters of hazardous air pollutants or who are regulated under the provisions of the National Emission Standards for Hazardous Air Pollutants for Source Categories established under section 112 of the Federal Clean Air Act and promulgated under 40 CFR 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, Subparts F, G and CC. These Subparts are for the synthetic organic chemical manufacturing industry and for petroleum refineries.

Any tank approved under this general plan approval and operating permit is required to employ maximum achievable control technology (MACT). Existing tanks using this general plan approval and operating permit must meet the implementation schedules included under the appropriate Subparts listed above.

Other source categories not covered above must still file regular plan approvals and operating permit applications until such time as the Department revises this general permit or develops new a general plan approval and operating permit for other source categories.

Prior to constructing or operating storage tanks under the Storage Tank General Permit, the owner or operator must notify the Department and receive prior written approval from the Department before commencing construction or operation of the affected storage tank. Notification of the facility's intent to use the general permit and plan approval must be submitted on a form provided by the Department. Storage tanks operating under this general permit shall comply with the terms and conditions of the general plan approval and general operating permit.

The Storage Tank General Permit may not be used to construct a source that would be subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration) and 25 Pa. Code Chapter 127, Subchapter E (relating to new source review).

The Storage Tank General Permit will be issued for a term of 5 years. The Department proposes to establish application and permit renewal fees as follows:

- (a) \$250 during the 1995-1999 calendar years.
- (b) \$300 during the 2000-2004 calendar years.
- (c) \$375 beginning in the calendar year 2005.

Annual administrative fees will not be charged. Within 30 days of the expiration date of the general plan approval and general operating permit, the permittee must renew the general permit if the facility intends to continue to operate tanks under the Storage Tank General Permit.

A complete copy of the Storage Tank General Permit for storage tanks may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality Control, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, telephone (717) 787-9256. TDD users may telephone the Department through the AT&T Relay Service, 1 (800) 654-5984. Internet users can access a copy of the general permit at <http://www.dep.state.pa.us>.

The Department requests written comments on the proposed general plan approval and operating permit. Notice and opportunity for comment will also be provided to the U. S. Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to John F. Slade, Chief, Division of Permits, Bureau of Air Quality Control, 12th Floor Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9256. The Department will also consider written requests that a public hearing be held concerning this proposed general plan approval and operating permit. Public comments must be submitted to the Department within 45 days of the date of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted.

---

#### **Registered and Certified Emission Reduction Credits**

---

The following emission reduction credits (ERCs) have been approved, registered and certified by the Department of Environmental Protection (Department), Commonwealth of Pennsylvania. An ERC is a surplus, permanent, quantifiable and Federally enforceable emissions reduction used to offset emission increases of the following criteria pollutants: oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs), particulate matter (PM), PM-10, particulate, carbon monoxide (CO), lead (Pb) and oxides of sulfur (SO<sub>x</sub>).

Under 25 Pa. Code § 127.209, the Department has established a computerized registry system to provide for the registration, certification and tracking of ERCs. Prior to registration of the credits, the Department reviews and approves ERC registry applications which meet the requirements of 25 Pa. Code §§ 127.206—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. Certified ERCs may be used for the following purposes: (1) To satisfy new source review (NSR) offset ratio requirements; (2) To "net-out" of NSR at ERC-generating facilities; or (3) To sell or trade the ERCs to major facilities to offset proposed increases in emissions of criteria pollutants from proposed new or modified major facilities.

The ERCs shown below expressed in tons per year (tpy) satisfy the applicable requirements contained in 25 Pa. Code §§ 127.206—127.208. For additional information concerning this listing of certified ERCs, contact Division of Permits, Department of Environmental Protection, Bureau of Air Quality, 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</i>	<i>Certified ERC amount (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate	NOx	103.3	12/28/2002	Internal Use
National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate	NOx	145.7	06/30/2002	Internal Use
American National Can Company Contact Person: R. M. Rivetna Telephone Number: 312-399-3392 County: Lehigh, PA Nonattainment status: Moderate	VOCs	166.7	11/06/2002	Trading

---

#### Status Report for Emission Reduction Credit (ERC) Applications

---

The following Emission Reduction Credit (ERC) Applications and requests to generate ERCs have been received by the Department of Environmental Protection (Department), Commonwealth of Pennsylvania. These applications are currently under review by the Department unless otherwise indicated in the Status column.

##### Allegheny County Health Department, Allegheny County

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Graphic Controls Corporation Recipient: RIDC Southwestern Pennsylvania Growth Fund. Ozone nonattainment status: Moderate Contact Person: F. Brooks Robinson Telephone Number: (412) 471-3939	VOCs	104	Technical review completed	Trading
Graphic Controls Corporation Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx	5	Technical review completed	Trading
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	VOCs	39.6	Technical review completed	Trading

##### Department of Public Health, Air Management Services, Philadelphia County

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Chevron USA Products Co. Ozone nonattainment status: Severe Contact Person: D. E. Tormey Telephone Number: (215) 339-7167	VOCs	41.8	Pending federally enforceability	Trading
Crown Cork & Seal Co. Inc. Ozone nonattainment status: Severe Contact Person: Michael A. Antry Telephone Number: (215) 698-5308	VOCs	115.34	Pending federally enforceability	Trading

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Progress Lighting, Inc. Ozone nonattainment status: Severe Contact Person: John A. Miller Telephone Number: (215) 289-1200	VOCs	31.5	Pending federally enforceability	Trading
Region 1: Southeast (Bucks, Chester, Delaware and Montgomery Counties)				
<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone nonattainment status: Severe Contact Person: Belinda Wirth Telephone Number: (612) 778-6014	VOCs	641.95	Currently under review	Trading
Fasson Div. of Avery Dennison Corp. Source Location: Quakertown Ozone nonattainment status: Severe Contact Person: Roy R. Getz Telephone Number: (215) 538-6271	VOCs	360	Technical review completed	Trading
Rohm and Haas DVI Source Location: Bristol Ozone nonattainment status: Severe Contact Person: Robert J. O'Larnic Telephone Number: (215) 785-8219	VOCs	38.46	Currently under review	Trading
United States Steel Group Source Location: Fairless, Buck Co. County: Bucks Ozone nonattainment status: Severe Contact Person: Roy Weiskircher Telephone Number: (412) 433-5914	NOx VOCs	1420 18.1	Pending EPA's approval of RACT	Trading
Quebecor Printing Atglen Inc. Source Location: Atglen County: Chester Ozone nonattainment status: Severe Contact Person: Diane E. Potts Telephone Number: (610) 593-5173	VOCs	270	Currently under review	Internal Use
Wyeth-Ayerst Laboratories, Inc. Source Location: Radnor County: Chester Ozone nonattainment status: Severe Contact Person: W. Fink Telephone Number: (610) 341-2635	NOx	10.75	Currently under review	Trading
Wyeth-Ayerst Laboratories, Inc. Source Location: West Chester County: Chester Ozone nonattainment status: Severe Contact Person: Glenn Miller Telephone Number: (610) 344-2557	NOx	7.8	Currently under review	Trading
BP Oil Company Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: A. P. DaVinci Telephone Number: (610) 499-7313	VOCs NOx	144.24 4.2	Currently under review	Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Robert G. Rucker Telephone Number: (609) 584-3271	VOCs NOx	194.6 9.7	Currently under review	Trading

## NOTICES

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Sun Refining and Marketing Company Source Location: Marcus Hook County: Delaware Ozone nonattainment status: Severe Contact Person: Heather Chelpaty Telephone Number: (610) 859-1175	NOx VOCs	215.58 63.75	Pending EPA's approval of RACT	Internal Use
Brown Printing Company Source Location: East Greenville County: Montgomery Ozone nonattainment status: Severe Contact Person: William Booth Telephone Number: (215) 679-4451	VOCs	100.84	Currently under review	Trading
Merck & Co., Inc. Source Location: West Point County: Montgomery Ozone nonattainment status: Severe Contact Person: Stacey L. Weaver Telephone Number: (215) 653-7712	NOx VOCs	0.21 0.02	Currently under review	Internal Use
Martin Marietta Astro Space Source Location: King of Prussia County: Montgomery Ozone nonattainment status: Severe Contact Person: Eileen Wisser Telephone Number: (215) 354-1085	NOx	6.78	Currently under review	Trading

Region 2: Northeast Region (Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties)

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
American National Can Co. Source Location: Lehigh Valley County: Lehigh Ozone nonattainment status: Moderate Contact Person: Rohinton Rivetna Telephone Number: (312) 399-3392	VOCs	166.7	ERCs approved and certified	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone nonattainment status: Moderate Contact Person: Terry Dengler Telephone Number: (610) 261-3424	NOx VOCs	298.1 3.7	Technical review completed	Internal Use
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone nonattainment status: Moderate Contact Person: T. E. Kreichelt Telephone Number: (610) 694-7450	VOCs	507	Needs SIP revision for revised RACT	Trading

Region 3: Southcentral Region (Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties)

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx VOCs	867 3	Pending EPA's approval of RACT	Trading

NOTICES

1417

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Bethlehem Steel Corporation Source Location: Steelton Plant County: Dauphin Ozone nonattainment status: Moderate Contact Person: James R. Hernjak Telephone Number: (717) 986-2454	NOx VOCs	26.47 2.91	Currently under review	Trading
DMi Furniture Inc. Source Location: Gettysburg County: Adams Ozone nonattainment status: Moderate Contact Person: Terry L. Black Telephone Number: (717) 394-3721	VOCs	85	Currently under review	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne Telephone Number: (717) 765-0746	VOCs	20	Pending EPA's approval of RACT	Trading
Armstrong World Industries, Inc. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: Martha Loeffler Telephone Number: (717) 396-3608	VOCs	248	Currently under review	Internal Use
Ford New Holland, Inc Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact Person: William E. Knight Telephone Number: (717) 355-4903	NOx VOCs	3.515 77.9	Currently under review	Trading
R. R. Donnelley & Sons Co. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	147	Currently under review	Internal Use
Standard Steel, Division of Freedom Forge Source Location: Burnham County: Mifflin Ozone nonattainment status: Moderate Contact Person: Blair Echard Telephone Number: (717) 248-4911	NOx VOCs	66.06 0.52	Currently under review	Trading
C-P Converters, Inc. Source Location: York County: York Ozone nonattainment status: Moderate Contact Person: Mark Paules Telephone Number: (717) 764-1193	NOx	33.9	Currently under review	Trading

Region 4: Northcentral Region (Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties)

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
Merck & Co. Inc. Source Location: MMD Cherokee Plant County: Northumberland Ozone nonattainment status: Moderate	VOCs	16.6	Emission reduction approved for internal use	Internal Use

Region 5: Southwest Region (Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, and Westmoreland Counties)

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
PPG Industries Source Location: Ford City County: Armstrong Ozone nonattainment status: Moderate Contact Person: Jerome Osheka Telephone Number: (412) 434-4149	NOx VOCs	13 9	Currently under review	Trading
Arco Chemical Source Location: Beaver Falls County: Beaver Ozone nonattainment status: Moderate Contact Person: Joseph McCay Telephone Number: (412) 773-2470	NOx VOCs	54 40	Technical review completed	Trading
Armstrong World Industries Source Location: Beaver Falls County: Beaver Ozone nonattainment status: Moderate Contact Person: Wayne Pease Telephone Number: (412) 843-5700	VOCs	5.28	Currently under review	Trading
Bethlehem Steel Corp. Source Location: Ebensburg County: Cambria Ozone nonattainment status: Moderate Contact Person: David R. Layman Telephone Number: (814) 533-7113	NOx VOCs	163.3 0.8	Currently under review	Trading
Commercial Stone Company Inc. Source Location: Connellsville County: Fayette Ozone nonattainment status: Moderate Contact Person: Joseph Pfohl Telephone Number: (412) 626-0080	NOx	1.1	Currently under review	Trading
Penelec Source Location: Homer City County: Indiana Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx	54	Technical review completed	Trading
Corning Inc. Source Location: Charleroi Plant County: Washington Ozone nonattainment status: Moderate Contact Person: Joe Kane Telephone Number: (607) 974-6568	NOx	500	Currently under review	Trading
Standard Steel Source Location: Latrobe County: Washington Ozone nonattainment status: Moderate Contact Person: John Frye Telephone Number: (412) 828-7338	NOx VOCs	14 0.04	Technical review completed	Trading
Allegheny Ludlum Corp. Source Location: Vandergrift Plant County: Westmoreland Ozone nonattainment status: Moderate Contact Person: John Tishok Telephone Number: (412) 226-5030	NOx	9.2	Technical review completed	Trading
General Glass Industrial Corp. Source Location: Westmoreland County: Westmoreland Ozone nonattainment status: Moderate Contact Person: Harry F. Klodowski Telephone Number: (412) 281-7997	NOx	518	Pending EPA's approval of RACT	Trading

## NOTICES

1419

Region 6: Northwest Region (Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties)

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
General Electric Company Source Location: Lawrence Park County: Erie Ozone nonattainment status: Moderate Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	76	Currently under review	Trading
Penelec Source Location: Front St. Station County: Erie Ozone nonattainment status: Moderate Contact Person: Tim McKenzie Telephone Number: (814) 533-8670	NOx VOCs	2160 8.4	Pending EPA's approval of RACT	Trading
National Fuel Gas Supply Corp. Source Location: Knox Station County: Jefferson Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	145.7	ERCs approved and certified	Internal Use
Penn Power Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact Person: Dale W. Corfman	NOx VOCs	882 2.39	Pending EPA's approval of RACT	Trading
Rockwell International Source Location: New Castle County: Lawrence Ozone nonattainment status: Moderate Contact Person: Harry Klodowski Telephone Number: (412) 288-4014	NOx VOCs	61.5 13.1	Currently under review	Trading
Caparo Steel Source Location: Mercer County County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	868.6 1.84	Currently under review	Trading
Sharon Steel Source Location: Mercer County County: Mercer Ozone nonattainment status: Moderate Contact Person: Richard Herman Telephone Number: (412) 983-6330	NOx VOCs	469.6 215.7	Currently under review	Trading
Pennzoil Source Location: Rouseville Refinery County: Venango Ozone nonattainment status: Moderate Contact Person: Lee E. Wilson Telephone Number: (814) 678-4649	NOx	131.6	Currently under review	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	122.8 5.8	Currently under review	Internal Use
Witco Corporation Source Location: Petrolia Facility County: Butler Ozone nonattainment status: Moderate Contact Person: R. G. Fleeger Telephone Number: (412) 756-2210	VOCs	52.3	Currently under review	Internal Use

<i>Facility Information</i>	<i>Criteria Pollutant</i>	<i>ERCs requested (tpy)</i>	<i>Status of ERC Registry Application</i>	<i>Intended Use of ERCs</i>
INDSPEC Chemical Corp. Source Location: Petrolia County: Butler Ozone nonattainment status: Moderate Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx	231.4	Currently under review	Trading
Hammermill Papers Source Location: Erie Mill County: Erie Ozone nonattainment status: Moderate Contact Person: Gary Morrow Telephone Number: (814) 870-6782	VOCs	21.3	Currently under review	Trading
Lord Corporation Source Location: Erie facility County: Erie Ozone nonattainment status: Moderate Contact Person: Matthew Comi Telephone Number: (814) 868-0924	NOx VOCs	43 8.45	Currently under review	Trading
National Fuel Gas Supply Corp. Source Location: Roystone Station County: Warren Ozone nonattainment status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	103.3	ERCs approved and certified	Internal Use

---

**Applications received for operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **09-399-037**  
Source: Portable Crusher  
Company: **Naceville Materials**  
Location: West Rockhill  
County: **Bucks**

Permit: **09-303-026**  
Source: Asphalt Plant No. 1  
Company: **Eureka Stone Quarry, Inc.**  
Location: Wrightstown  
County: **Bucks**

---

**Applications received for operating permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonably Available Control Technology.**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

---

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-09-0031**  
Source: Facility Synthetic Minor NOx & VOC  
Company: **Eureka Stone Quarry, Inc.**  
Location: Wrightstown  
County: **Bucks**

Permit: **OP-09-0032**  
Source: Facility Synthetic Minor NOx & VOC  
Company: **Eureka Stone Quarry, Inc.**  
Location: Warrington  
County: **Bucks**

---

**Applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**12-399-007G.** Construction of a powdered metal parts sintering furnace (PF51) to be controlled by an existing air cleaning device (a fabric collector) by **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834-9740) in Emporium Borough, **Cameron County**.

**49-313-032F.** Installation of air cleaning devices (condensers) on a solvent recovery module and a tank incorporated in a pharmaceutical process facility (Avermectin) by **Merck & Co., Inc.** (P. O. Box 600, Danville, PA 17821) in Riverside Borough, **Northumberland County**.

**60-318-009B.** Construction of two surface coating dip tanks (short span tanks) by **The New Columbia Joist Company** (P. O. Box 31, New Columbia, PA 17856) in White Deer Township, **Union County**. The company proposes to use emission reduction credits (ERCs) gener-



ated from the shutdown of existing surface coating dip tanks (long span tanks) to avoid the applicability of the Department's new source review (NSR) requirements to the new short span tanks.

**59-305-005.** Construction of a bituminous coal railcar loading operation by **Fisher Mining Company** (150 Market Street, Williamsport, PA 17701) in Delmar Township, **Tioga County**.

---

**Reasonably Available Control Technology; Public Hearings**

---

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

Metropolitan Edison Company, Portland Generating Station, Upper Mt. Bethel Township, Northampton County.

Bethlehem Structural Products Corporation, Bethlehem Plant, City of Bethlehem, Northampton County.

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

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and require-

ments contained in the RACT approvals for the facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into operating permits and plan approvals for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's State Implementation Plan.

Metropolitan Edison Company, Portland Generating Station

Metropolitan Edison Company operates a stream generating station identified as the Portland Generating Station. The main sources, Units 1 and 2 have been previously issued RACT Plan Approval No. 48-0006A. The proposed RACT plans serve as a revision to the RACT Plan Approval No. 48-0006A. The revisions to the RACT are to delete the daily and annual heat input limitations for both Units 1 and 2 along with the daily NOx emission limits for both units due to the purchase of Emission Reduction Credits (ERCs) for the operation of Unit 5 at the Portland Generating Station. The following is the summary of the preliminary nitrogen oxides (NOx) RACT determination for these sources as the result of the RACT Plan Approval No. 48-0006A:

<i>Source</i>	<i>NOx RACT Limit 30-day rolling average</i>	<i>Control Device</i>	<i>Implementation Schedule</i>
Unit 1	0.37 lb/MMBtu	LNCFS Level III	Implemented
Unit 2	0.43 lb/MMBtu	LNCFS Level III	Implemented

*Bethlehem Structural Products Corporation, Bethlehem Plant*

Bethlehem Structural Products Corporation operates sources known as Coke Making. These sources have previously been issued RACT Operating Permit No. 48-0013. The proposed RACT plans serve as a revision to the RACT Operating Permit No. 48-0013. The revisions are to delete the NOx continuous emission monitor for the Battery "A" combustion stack since the Department has determined the source is a process and does not require a continuous emission monitor; and, a revised RACT for volatile organic compounds (VOCs) for coke pushing operations and for the coal chemical process sources. The revised RACT for the coal chemical process sources will result in the approval of Emission Reduction Credits (ERCs) of VOCs from these sources. The following is the summary of the preliminary nitrogen oxides (NOx) RACT determination for the Coke Making sources as the result of the RACT Operating Permit No. 48-0013:

<i>Source Name</i>	<i>NOx RACT Limit</i>	<i>Control Device</i>	<i>Compliance Schedule</i>
Coke Making	1,079 Tons/Year	None	Implemented

The following is a summary of the preliminary volatile organic compounds (VOCs) RACT determination for these sources:

<i>Source Name</i>	<i>VOCs RACT Limit</i>	<i>Control Device</i>	<i>Compliance Schedule</i>
Coke Pushing	438 Tons/Year	None	Implemented

One public hearing will be held for the purpose of receiving comments on the above described SIP revisions. The hearing will be held on May 7, 1996, at 1 p.m. at the DEP Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Thomas A. DiLazaro at (610) 861-2070 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Richard Shudak of DEP at (717) 826-2060 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Thomas A. DiLazaro, Air Quality Program Manager, DEP, 4530 Bath Pike, Bethlehem, PA 18017. Comments should be submitted within 30 days of this publication in the *Pennsylvania Bulletin*.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017. Appointments for scheduling a review must be made by calling (610) 861-2070.

Approval of Reasonably Available Control Technology (RACT) Plans for:  
 Continental Energy Associates, LP, Hazle Township, Luzerne County, PA  
 Allsteel INC., Hazle Township, Luzerne County, PA  
 Pope & Talbot, INC., Pittston Township, Luzerne County, PA  
 Pope & Talbot, INC., Ransom Township, Lackawanna County, PA

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

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

The preliminary RACT determinations, if finally approved, will be incorporated into Operating Permit(s) for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revisions to Pennsylvania's State Implementation Plan.

The following is the summary of the preliminary RACT determination for the main source at each facility which is subject to operating permit:

<i>Facility</i>	<i>Source</i>	<i>VOC/NO<sub>x</sub> RACT Limit</i>	<i>Control Device</i>	<i>Implementation Date</i>
Continental Energy Associates, LP	Combustion Turbine	Meets 129.93(c)(7)	Stream Injection	May 31, 1996
Allsteel INC.	Metal Furniture Coating Equipment Clean-Up	Meets 129.57—129.72, 129.81—129.82	Compliance Coating	May 31, 1996
Pope & Talbot, INC. Pittston Township	Flexographic Printing	Meets 129.57—129.72, 129.81—129.82	Low VOC Coatings and Cleaning Solvents	May 31, 1996
Pope & Talbot, INC. Ransom Township	Felt Washing Defoamer	188 TPY VOC	Low VOC Cleaning Solvents	May 31, 1996

For the above facilities, public hearing will be held for the purpose of receiving comments on the above proposed Operating Permit and the proposed SIP revisions. This public hearing is scheduled as follows:

<i>Facility Name</i>	<i>Location of Hearing</i>	<i>Date and Time</i>
Continental Energy Associates, LP	Department of Environmental Protection Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711 Luzerne County	April 24, 1996 1 p.m.
Allsteel INC.	Department of Environmental Protection Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711 Luzerne County	April 24, 1996 1 p.m.
Pope & Talbot, INC. Pittston Township	Department of Environmental Protection Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711 Luzerne County	April 24, 1996 1 p.m.
Pope & Talbot, INC. Ransom Township	Department of Environmental Protection Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711 Luzerne County	April 24, 1996 1 p.m.

Persons wishing to present testimony at the hearing for the above listed facilities should contact Mark Carmon, Community Relations Coordinator, (717) 826-2511, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations, should do so by contacting Richard Shudak (717) 826-2060, or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Babu H. Patel, Engineering Services Chief, DEP, Air Quality Control Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents are also available for review from 8 a.m. to 4 p.m. at the DEP Regional Office address noted above. Appointments for scheduling a review must be made by calling the DEP contact person noted previously.

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

Air Products & Chemicals, Inc., Upper Macungie Township, Lehigh County, PA

Berwick Industries, Inc., Salem Township, Luzerne County, PA

Connaught Laboratories, Inc., Pocono Township, Monroe County, PA

Harcros Pigments, Inc., Wilson Borough, Northampton County, PA

Allentown State Hospital, City of Allentown, Lehigh County, PA

Mallinckrodt Chemical, Inc., South Whitehall Twp., Lehigh County, PA

CertainTeed Corporation, Wright Twp., Luzerne County, PA

Renner Films, Inc., West Brunswick Twp., Schuylkill County, PA

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

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

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

Air Products & Chemicals, Inc.:

The following are the main sources at Air Products & Chemicals, Inc. subject to operating permit requirements. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>VOC RACT Limit (TPY)</i>	<i>NOx RACT Limit (TPY)</i>	<i>Control Device</i>	<i>Implementation Date</i>
Boilers	—	33.0	Synthetic Minor	May 31, 1996
Generators	—	14.0	Synthetic Minor	May 31, 1996
Space Heaters	—	1.0	Synthetic Minor	May 31, 1996
R & D	45.0	10.0	Synthetic Minor	May 31, 1996
Spray Booths	1.50	—	Synthetic Minor	May 31, 1996

Berwick Industries, Inc.:

The following are the main sources at Berwick Industries, Inc. subject to plan approval and/or operating permit. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>VOC RACT Limit (TPY)</i>	<i>Control Device</i>	<i>Implementation Date</i>
Extruders	19.4	Synthetic Minor	May 31, 1996
Printing Presses	25.0	Synthetic Minor	May 31, 1996
Solvent Wash Stations	2.8	Synthetic Minor	May 31, 1996
Miscellaneous	1.9	Synthetic Minor	May 31, 1996

Facility is not subject to NOX RACT requirements.

Connaught Laboratories, Inc.:

The following are the main sources at Connaught Laboratories, Inc. subject to plan approval and/or operating permit. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>NOx RACT Limit (TPY)</i>	<i>Control Device</i>	<i>Implementation Date</i>
Boiler A	33.61	Presumptive RACT	May 31, 1995
Boiler B	33.61	Presumptive RACT	May 31, 1995
Emergency Generators	294.2	Presumptive RACT	May 31, 1995
Propane Boiler	0.78	Presumptive RACT	May 31, 1995
Propane Fired Air Heaters	0.35	Presumptive RACT	May 31, 1995

Facility is not subject to VOC RACT requirements.

Harcros Pigments, Inc.:

The following are the main sources at Harcros Pigments, Inc. subject to plan approval and/or operating permit. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>NOx RACT Limit (TPY)</i>	<i>Control Device</i>	<i>Implementation Date</i>
Numerous NOx Sources	207.0	Presumptive RACT	May 31, 1996

Facility is not subject to VOC RACT requirements.

Allentown State Hospital:

The following are the main sources at the Allentown State Hospital subject to plan approval and/or operating permit. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>NOx RACT Limit (TPY)</i>	<i>Control Device</i>	<i>Implementation Date</i>
Four (4) Boilers	< 100.0	Synthetic Minor	May 31, 1996

Facility is not subject to VOC RACT requirements.

Mallinckrodt Chemical Inc.:

The following is the main source at the Mallinckrodt Chemical, Inc. (Trimet Technical Products Division) subject to plan approval and/or operating permit. The following is the summary of the preliminary RACT determination for this facility:

<i>Source</i>	<i>NOx RACT Limit (TPY)</i>	<i>Control Device/ Regulation</i>	<i>Implementation Date</i>
#3 Wicks Boiler	177.2	Presumptive RACT	Installed
#4 Wicks Boiler	177.2	Presumptive RACT	Installed
#5 C. B. Boiler	106.5	Presumptive RACT	Installed

CertainTeed Corporation:

The following is a modification of the facility RACT operating permit #40-0010. The modification consists of an increase of 10 MTPD (70 MTPD to 80MTPD) to the M-1 line.

<i>Source</i>	<i>VOC RACT Limit (#/ton product)</i>	<i>NOx RACT Limit (#/ton product)</i>	<i>Control Device</i>	<i>Implementation Date</i>
M-1 Line	—	3.05	Electrostatic Precipitator	May 31, 1996
M-1 Forming, Curing, Cooling	1.84	—	Electrostatic Precipitator	May 31, 1996

Reneer Films Corporation:

The following describes a modification to the facility RACT Operating Permit #54-0009. The modification consists of an increase in the potential emissions from the Ink Mixing Room and a decrease in the potential emissions from Calenders #1, #2, #3, and #4 as listed below:

<i>Source</i>	<i>VOC RACT Limit (TPY)</i>	<i>Control Device</i>	<i>Implementation Date</i>
Ink Print Room	28.03	—	May 31, 1996
Calender #1	26.55	Cyclone/Demister	May 31, 1996
Calender #2	32.24	Electrostatic Precipitator	May 31, 1996
Calender #3	32.71	Cyclone/Demister	May 31, 1996
Calender #4	32.24	Electrostatic Precipitator	May 31, 1996

For each of the above facilities, public hearing will be held for the purpose of receiving comments on the above proposed Plan Approval(s) and/or Operating Permit(s) and the proposed SIP revisions. These public hearings are scheduled as follows:

<i>Facility Name</i>	<i>Location of Hearing</i>	<i>Date and Time</i>
Air Products & Chemicals, Inc.	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.
Berwick Industries, Inc.	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.
Connaught Laboratories, Inc.	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.
Harcros Pigments, Inc.	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.
Allentown State Hospital	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.

<i>Facility Name</i>	<i>Location of Hearing</i>	<i>Date and Time</i>
Mallinckrodt Chemical, Inc.	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.
CertainTeed Corporation	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.
Reneer Films	DEP Regional Office 2 Public Square, Wilkes-Barre	April 24, 1996 1 p.m.

Persons wishing to present testimony at any hearing listed above should contact Mark Carmon, Community Relations Coordinator, (717) 826-2511, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the oral testimony. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations, should do so by contacting the person listed below, or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Persons wishing to present testimony at the hearing should contact Richard Shudak, (717) 826-2060, or Pennsylvania AT&T Relay Service, 1 (800) 654-5984 (TDD).

Those unable to attend the hearing, but wishing to comment, should provide written comments to Babu H. Patel, Engineering Services Chief, DEP, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Comments should be submitted within 30 days of the date of this publication notice.

All the pertinent documents are also available for review from 8 a.m. to 4 p.m. at the DEP Regional Office address noted above. Appointments for scheduling a review must be made by calling the DEP contact person noted previously.

#### MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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. 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 such certification.

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

within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 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.

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

#### *Coal Applications Received*

**56900115.** Permit renewal, **Pennsylvania Coal Company, Inc.** (One Riverfront Center, Suite 530, 20 Stanwix Street, Pittsburgh, PA 15222), commencement, operation and restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 39.9 acres, receiving stream unnamed tributary to Oven Run, and unnamed tributary to Lambert Run, application received March 11, 1996.

**11960104.** **L & J Energy Company, Inc.** (P. O. Box 247, Barnesboro, PA 15714), commencement, operation and restoration of bituminous strip-auger mine in Susquehanna Township, **Cambria County**, affecting 108.2 acres, receiving stream unnamed tributary to Moss Creek and unnamed tributary to west branch Susquehanna River to west branch Susquehanna River, application received March 8, 1996.

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

**65960105. M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319). Application received for commencement, operation and reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**, proposed to affect 165.6 acres. Receiving streams unnamed tributary to Stony Run and Stony Run. Application received March 5, 1996.

**65960106. V. P. Smith Company, Inc.** (P. O. Box 242, Ligonier, PA 15658). Application received for commencement, operation and reclamation of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, proposed to affect 82.6 acres. Receiving streams unnamed tributary to Buffalo Run to Buffalo Run to Sewickley Creek and unnamed tributary to Stauffer Run to Stauffer Run to Jacobs Creek. Application received March 5, 1996.

**63960101. Twilight Industries** (Division of U. S. Natural Resources, Inc., 212 State Street, Belle Vernon, PA 15012). Application received for commencement, operation and reclamation of a bituminous surface mine located in Somerset Township, **Washington County**, proposed to affect 155.5 acres. Receiving streams unnamed runs to North Branch of Pigeon Creek to Pigeon Creek to the Monongahela River. Application received March 6, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54860102R2. Gale Coal Company, Inc.** (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 122.0 acres, receiving stream Silver Creek. Renewal received March 11, 1996.

**54743007C2. Continental Energy Associates** (R. D. 1, Box 381B, Hazleton, PA 18201), correction to an existing anthracite surface mine operation in Branch and Cass Townships, **Schuylkill County** affecting 326.0 acres, receiving stream West Creek. Application received March 11, 1996.

**40850102C. Northeast Energy Company** (254 Johnson Street, Wilkes-Barre, PA 18702), correction to existing SMP Operation to include a fly ash disposal source in Laurel Run Borough, **Luzerne County**, affecting 12.5 acres, receiving stream none. Application received March 1, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**33850123. Starr Coal Company** (P. O. Box 245, Brockport, PA 15823). Renewal of an existing bituminous surface mine operation in Washington Township, **Jefferson County**, affecting 203.2 acres. Receiving streams unnamed tributary to Mill Creek to Little Mill Creek to Redbank Creek to the Allegheny River; unnamed tributary to Rattlesnake Run and Rattlesnake Run to Toby Creek to the Clarion River to the Allegheny River. Application received March 11, 1996.

**33840125. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip and auger operation in Snyder and Washington Townships, **Jefferson County** affecting 344.0 acres. Receiving streams Rattlesnake Creek and McEwen Run. Renewal to include a post-mining land use change from "Pastureland" to "Recreational Land for use as a Golf Course". Application received March 11, 1996.

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

*Small Noncoal Applications Received*

**56960802. William V. Miller, Jr.** (P. O. Box 152, Eilerslie, MD 21529), in Greenville Township, **Somerset County**, affecting 4.2 acres, receiving stream Shunck Run tributary to Little Piney Creek, application received March 8, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

*Noncoal Applications Received*

**5278SM3A1C3. Pocono Excavators, Inc.** (55 Mud Pond Road, Blairstown, NJ 07825), renewal of NPDES Permit #PA0594865 in Paradise Township, **Monroe County**, receiving stream tributary to Paradise Creek. Application received March 8, 1996.

**8275SM1C5. J. Miller Eshleman & Son, Inc.** (P. O. Box 295, Landisville, PA 17538), renewal of NPDES Permit #PA0594601 in West Hempfield Township, **Lancaster County**, receiving stream Chickies Creek. Application received March 12, 1996.

**36910302C3. J. Miller Eshleman & Son, Inc.** (P. O. Box 295, Landisville, PA 17538), renewal of NPDES Permit #PA0595331 in West Hempfield Township, **Lancaster County**, receiving stream Chickies Creek. Application received March 12, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

**10960302. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone and clay operation in Marion Township, **Butler County** affecting 1,151.0 acres. Receiving streams three unnamed tributaries to north branch Slippery Rock Creek; three unnamed tributaries to Black Creek. Application received March 4, 1996.

**302551-10960302-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a sedimentation control facility in the headwaters of an unnamed tributary to Blacks Creek in Marion Township, **Butler County**. Application received March 4, 1996.

**302551-10960302-E-2. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a sedimentation control facility within 100 feet but no closer than 50 feet of an unnamed tributary to north branch Slippery Rock Creek in Marion Township, **Butler County**. Application received March 4, 1996.

**302551-10960302-E-3. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct two ditches above the headwaters of an unnamed tributary to north branch of Slippery Rock Creek to intercept upslope runoff and convey it to sedimentation control facilities in Marion Township, **Butler County**. Application received March 4, 1996.

**302551-10960302-E-4. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct and maintain an access road to and from the site across an unnamed tributary to Black Creek in Marion Township, **Butler County**. Application received March 4, 1996.

**302551-10960302-E-5. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to construct a sediment control facility within 100 feet but no closer than 50 feet of an unnamed tributary to Black Creek in Marion Township, **Butler County**. Application received March 4, 1996.

**302511-10960302-E-6. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). An application for a wetland mitigation to mitigate 0.69 acre of wetland that is not serving as spawning or resting area for aquatic species nor does it prove significant food chain production. This wetland area is located in Marion Township, **Butler County** within the proposed permit application area. Application received March 4, 1996.

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

*Noncoal NPDES Permit Renewals*

**05910301. New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit #PA0599085, Napier and West St. Clair Townships, **Bedford County**, receiving streams two unnamed tributaries to Dunning Creek, Dunning Creek, NPDES Renewal Application received March 11, 1996.

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the BDWW 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 any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

**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 requests for certification under section 401 of the Federal Water Pollution Control Act.**

*Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E07-253. Encroachment. The Pennsylvania State University**, Physical Plant Building, University Park, PA 16802-1118. To place fill in 0.38 acre of wetlands for the purpose of constructing a new residence hall at the Penn

State University—Altoona Campus located at the Altoona campus along Juniata Gap Road (Altoona, PA Quadrangle N: 10.81 inches; W: 7.4 inches) in Logan Township, **Blair County**.

**E21-246. Encroachment. DCNR**, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing bridge and to construct and maintain a new concrete box culvert having an effective waterway opening of 12 feet × 4 feet on a 80 degree skew across Long Pine Run on Miles Burn Road (Caledonia Park, PA Quadrangle N: 14.15 inches; W: 12.15 inches) in Southampton Township, **Cumberland County**.

**E31-127. Encroachment. U. S. Silica Co.**, R. R. 1, Box 1885, Mapleton Depot, PA 17052. To construct and maintain a single span bridge having a clear span of 33.5 feet and an underclearance of about 6.5 feet across Hares Valley Creek to provide access to existing farm buildings located about 200 feet west of S. R. 0665 and about 2.5 miles south of Mapleton Borough (Butler Knob, PA Quadrangle N: 19.9 inches; W: 12.9 inches) in Union Township, **Huntingdon County**.

**E44-076. Encroachment. DCNR**, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a single span bridge having a clear span of 23 feet and an underclearance of about 8.7 feet in East Licking Creek for maintenance purposes located on Spectacle Gap Road about 400 feet east of its intersection with Vincent Tram Road (McCoysville, PA Quadrangle N: 21.25 inches; W: 16.9 inches) in Bratton Township, **Mifflin County**.

*Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**E63-409. Encroachment. Meadowlands Sportsmen**, Box 498, Meadowlands, PA 15347-0498. To remove existing structure and to construct and maintain a bridge having a span of 52 feet with an underclearance of 5 feet across Dutch Fork, to remove gravel bars from the channel of said stream and to place and maintain riprap along the banks of said stream. The project is located just downstream from the confluence of Ralston Run and Dutch Fork (West Middleton, PA Quadrangle N: 4.7 inches; W: 13.8 inches) in Donegal Township, **Washington County**.

**E04-234. Encroachment. Joseph J. Brunner Landfill, Inc.**, 278 Brunner Road, Zelienople, PA 16063. To construct and maintain twin 72-inch, 65-foot long corrugated metal pipes in an unnamed tributary to Brush Creek for the purpose of accessing a proposed leachate treatment plant located at the existing Brunner Landfill located 1.5 miles from intersection of Brunner Road and Klein Road (Baden, PA Quadrangle N: 18.2 inches; W: 7.0 inches) in New Sewickley Township, **Beaver County**.

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**E53-049A. Dam. Bureau of State Parks**, The Department of Conservation and Natural Resources, P. O. Box 8551, Harrisburg, PA 17105-8551. To modify, operate and maintain the Lyman Run State Park Dam by constructing a new concrete spillway at the South end of the dam in West Branch Township, **Potter County**.

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

**E46-736.** Encroachment. **Peter C. Collins, Inc.**, 1232 Horsham Road, Ambler, PA 19002. To construct and maintain 60 linear feet of 8-foot, 7-inch by 5-foot, 11-inch arch CMP stream enclosure which will connect a downstream existing 1,120 foot long stream enclosure to an upstream existing 860 foot long stream enclosure to facilitate the construction of a parking lot over Tannery Run Creek, an intermittent tributary to the Wissahickon Creek (TSF), located approximately 220 feet upstream of the segment of the enclosures which extends under Lindenwold Avenue (Ambler, PA Quadrangle N: 5.6 inches; W: 12.95 inches) in Ambler Borough, **Montgomery County**.

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E17-301.** Water obstruction and encroachment. **Department of Transportation**, District 2-0, P. O. Box 342, Clearfield, PA 16830. To remove the existing structure and to construct and maintain a single span prestressed concrete I-beam bridge with a clear span normal to the channel of 69 feet and average underclearance of 11 feet at a 45 degree skew right ahead over Anderson Creek on SR 322 (Luthersburg, PA Quadrangle N: 13.3 inches; W: 2.5 inches) in Union Township, **Clearfield County**. .01 acre of low value wetland will be permanently affected by this project. The stream is classified as CWF and the disturbance will be approximately 100 feet.

**E19-150.** Water obstruction and encroachment. **Department of Environmental Protection**, Bureau of Abandoned Reclamation, 93 North State St., Wilkes-Barre, PA 18701-3195. To displace 2.8 acres of water to fill four abandoned strip mine pits for the reclamation of a 125.8 acre site. The proposed work shall consist of pumping water, filling, regrading, seeding and mulching within 61.4 acres of drainage to Beaver Run and 64.4 acres of drainage to Scotch Run: cold water fisheries. The project is located along the southern right-of-way of SR 2022 approximately 1.2 miles east of the intersection of T-399 and SR 2022 (Shumans, PA Quadrangle N: 17.8 inches; W: 4.5 inches) in Beaver Township, **Columbia County**.

**E41-358.** Water obstruction and encroachment. **Watson Township Supervisors**, R. R. 4, Box 236C, Jersey Shore, PA 17740. To remove the existing structure and to construct and maintain a 91-inch by 58-inch corrugated metal pipe culvert in Furnace Run, an HQ-CWF stream. This project impacts about 70 feet of stream with no wetland impacts and is located at TR 631 about 0.5 mile north of SR 444 (Jersey Shore, PA Quadrangle N: 18.2 inches; W: 8.4 inches) in Watson Township, **Lycoming County**.

**E41-359.** Water obstruction and encroachment. **David J. and Karen S. Eiswerth**, 1901 Sheridan St., Williamsport, PA 17701. To construct and maintain (1) a single lane driveway in the floodway of Millers Run and (2) a single span steel I-beam bridge across Millers Run for private property access. The proposed work shall consist of placing a maximum of 193.0 cubic yards of fill in the floodway of Millers Run for driveway and approach construction; constructing a bridge with a single span of 350 feet, a wooden deck and reinforced concrete abut-

ments that will not impact any wetlands, while impacting 60.0 linear feet of Millers Run, a warm water fishery. The project is located in the western right-of-way of SR 2029 approximately 4,000.0 feet north of the intersection of SR 2018 and SR 2029 (Montoursville, PA Quadrangle N: 4.1 inches; W: 14.1 inches) in Loyalsock Township, **Lycoming County**.

**E53-285.** Water obstruction and encroachment. **Robert and Helen Rhines**, P. O. Box 88, St. Marys, PA 15857. To construct and maintain a private road crossing the right branch of Bark Shanty Hollow Run, a high quality-cold water fishery. The work shall consist of placing three 48 inch CMP culvert pipes in 16 linear feet of stream channel which does not impact any wetlands. The project is located along the southern right-of-way of T-309 approximately 3,700 feet west of the intersection of T-307 and T-309 (Keating Summit, PA Quadrangle N: 11.9 inches; W: 0.0 inches) in Keating Township, **Potter County**.

**E40-438.** Encroachment. **Weis Markets, Inc.**, 1000 S. Second Street, Sunbury, PA 17801. To place fill in 0.88 acre of isolated PFO wetlands within the Black Creek drainage basin (CWF) for the purpose of preparing two building lots for commercial construction. The project is located on Lots 1 and 2 of the Candid Estates Parcel, on the south side of Susquehanna Boulevard (S. R. 0093) (Conyngham, PA Quadrangle N: 16.7 inches; W: 1.0 inch) in West Hazleton Borough and Hazle Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**E45-293.** Encroachment. **Robert B. and Lydia C. Boileau**, R. R. 1, Box 1493, Saylorsburg, PA 18353. To maintain a private road crossing in Princess Run (CWF) which consists of two 48-inch diameter C.M.P. culverts. The project is located 130 feet south of T369 (Beagle Run Road), approximately 0.15 mile southeast of the intersection of T369 and T361 (Kunkletown, PA Quadrangle N: 22.30 inches; W: 7.25 inches) in Eldred Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E45-294.** Encroachment. **DCNR—State Forest Bureau of Facilities Design**, Box 8451, Harrisburg, PA 17105-8451. To remove the existing structure and to construct and maintain a single-span vehicular bridge across Poplar Run (EV) having a normal span of 25.0 feet with an underclearance of approximately 3.5 feet. The project is located in Delaware State Forest along Laurel Run Road (also known as State Forest Road #5), approximately 0.5 mile upstream from the confluence of Poplar Run and Brodhead Creek (East Stroudsburg, PA Quadrangle N: 21.8 inches; W: 12.9 inches) in Price Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

**E52-137.** Encroachment. **Kittatinny Canoes, Inc.**, HC 67, Box 360, Dingmans Ferry, PA 18328-9516. To repair and maintain a boat launching ramp and parking lot along the right bank of the Delaware River, with work including the following: placement of precast concrete slabs to key in the paved launch area, replacement of damaged pavement, filling of eroded areas in the grass parking lot, and removal of debris and gravel along approximately a 100-foot reach of channel adjacent to the launch ramp. The project is located at the Kittatinny Canoes Matamoras Base, along the east side of S. R. 1017 (Delaware Drive), approximately 2 miles northwest of S. R. 6 (Port Jervis North, NY-PA Quadrangle N: 3.3 inches; W: 13.0 inches), in Westfall Township, **Pike County** (Philadelphia District, Army Corps of Engineers).



---

**ACTIONS**


---

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

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

---

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


---

*Permits Issued*

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

**NPDES Permit No. PA0056758.** Sewerage. **The Cutler Group**, 5 Sentry Parkway West, Suite 100, Walton Road, Blue Bell, PA 19422 is authorized to discharge from a facility located in Warrington Township, **Bucks County** into Mill Creek.

**NPDES Permit No. PA0056740.** Industrial waste. **The Woodbridge Group**, 4240 Sherwoodtowne Boulevard, Suite 300, Mississauga, Ontario, Canada L4Z2G6 is authorized to discharge from a facility located in Doyles-town Borough, **Bucks County** into an unnamed tributary leading to Cooks Run Creek.

**NPDES Permit No. PA0053635.** Industrial waste. **Mobil Oil Corporation**, 8 Malin Road, Frazer, PA 19406 is authorized to discharge from a facility located in East Whiteland Township, **Chester County** into an unnamed tributary to Little Valley Creek.

**NPDES Permit No. PA0053651.** Sewerage. **Johnson Matthey**, 1401 King Street, West Chester, PA 19380 is authorized to discharge from a facility located in West Whiteland Township, **Chester County** into an unnamed tributary to Valley Creek.

**NPDES Permit No. PA0052451.** Sewerage. **Francis L. Hamilton Oates**, P. O. Box 426, Landenberg, PA 19350 is authorized to discharge from a facility located in New Garden Township, **Chester County** into the east branch of White Clay Creek.

**NPDES Permit No. PA0011444.** Industrial waste. **Congoleum Corporation**, Ridge and Yates Avenue, Marcus Hook, PA 19061 is authorized to discharge from a facility located in Trainer Borough, **Delaware County** into Marcus Hook Creek.

**NPDES Permit No. PA0056669.** Sewerage. **Charles H. Long**, 679 West Ridge Pike, Royersford, PA 19492 is

authorized to discharge from a facility located in Limerick Township, **Montgomery County** into an unnamed tributary to Poison Hollow Run.

**NPDES Permit No. PA0056529.** Sewerage. **Hatboro Borough Authority**, 414 South York Road, Hatboro, PA 19040 is authorized to discharge from a facility located in Hatboro Borough, **Montgomery County** into Pennypack Creek.

**NPDES Permit No. PA0020397.** Amendment No. 1. Sewerage. **Bridgeport Borough**, P. O. Box 148, Bridgeport, PA 19405 is authorized to discharge from a facility located in Upper Merion Township, **Montgomery County** into the Schuylkill River.

**NPDES Permit No. PA0026247.** Amendment No. 1. Sewerage. **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915 is authorized to discharge from a facility located in Hatfield Township, **Montgomery County** into the west branch of Neshaminy Creek.

**NPDES Permit No. PA0026182.** Amendment No. 2. Sewerage. **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446 is authorized to discharge from a facility located in Lansdale Borough, **Montgomery County** into an unnamed tributary to west branch of Neshaminy Creek.

**NPDES Permit No. PA0024121.** Sewerage. **Borough of Media**, 301 North Jackson Street, P. O. Box A, Media, PA 19063 is authorized to discharge from a facility located in Upper Providence Township, **Delaware County** into Ridley Creek.

**NPDES Permit No. PA0050466.** Sewerage. **East Vincent Township Municipal Authority**, 262 Ridge Road, Spring City, PA 19475. Approval for renewal of a NPDES permit to discharge monthly flow of 500,000 gpd of treated sewage from treatment plant serving East Vincent Township, **Chester County** to a drainage swale tributary to the Schuylkill River.

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

**NPDES Permit No. PA0001716.** Industrial waste, **BRW Steel Corporation**, 227 Franklin Street, Suite 300, Johnstown, PA 15901 is authorized to discharge from a facility located at Johnstown Plant, City of Johnstown, **Cambria County** to Little Conemaugh River (Outfalls 001, 101, 002, 003, 114, 122, 900-903) Conemaugh River (302A-C, 303, 303A, 304/334, 305A, B, 306, 307 and 307A-C).

**NPDES Permit No. PA0032212.** Sewage, **Lawrence J. Nelson and Pamela K. Nelson**, 140 Silver Lake Lane, Fombell, PA 16123 is authorized to discharge from a facility located at Camp Silver Lake STP, Marion Township, **Beaver County** to unnamed tributary of Connoquenessing Creek.

**NPDES Permit No. PA0204650.** Sewage, **Michael L. and Francine L. Paluso**, 7032 Leechburg Road, New Kensington, PA 15068 is authorized to discharge from a facility located at Paluso Single Residence Sewage Treatment Plant, 7032 Leechburg Road, Plum Borough, **Allegheny County** to unnamed tributary to Bodies Run.

**NPDES Permit No. PA0093785.** Amendment No. 1. Sewage, **Williamhouse Regency**, 1 Wedding Lane, Scottdale, PA 15683 is authorized to discharge from a facility located at Williamhouse Sewage Treatment Plant, Upper Tyrone Township, **Fayette County** to unnamed tributary to Jacobs Creek.

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

**NPDES Permit No. PA 0001449.** Industrial waste. **Barnsteel Abrasives**, 110 Etna Street, P. O. Box 869, Butler, PA 16003 is authorized to discharge from a facility located in Butler Township, **Butler County** to Connoquenessing Creek.

**NPDES Permit No. PA 0103926.** Industrial waste. **Component InterTechnologies, Inc.**, 2426 Perry Highway, Hadley, PA 16130-8815 is authorized to discharge from a facility located in Perry Township, **Mercer County** to an unnamed tributary to Little Shenango River.

**NPDES Permit No. PA 0102130.** Industrial waste. **Evans City Borough Water Treatment Plant**, 220 Wahl Avenue, Evans City, PA 16033 is authorized to discharge from a facility located in Jackson Township, **Butler County** to Likens Run.

**NPDES Permit No. PA 0035289.** Sewage. **Glen Lakes Estates**, 6315 Forbes Avenue #123, Pittsburgh, PA 15217 is authorized to discharge from a facility located in Pine Township, **Mercer County** an unnamed tributary to Wolf Creek.

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

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit

conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

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

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

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

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

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Reqmts.</i>
PA0052400	Irish Creek Village Harold Spatz—owner R. D. 1, Box 97A Mohrsville, PA 19541	Berks Centre Twp.	Irish Creek	TRC
PA0030597	Letterkenny Army Depot ATTN: SDSLE-ENE Chambersburg, PA 17201-4150	Franklin Letterkenny Township	Rocky Spring Creek	TRC
PA0044521	Letterkenny Army Depot ATTN: SDSLE-ENE Chambersburg, PA 17120-4150	Franklin Letterkenny Township	UNT to Dennis Creek	TRC

**Notices of Intent for Coverage Under NPDES General Permit For Construction Activities and Department Final Actions**

*Allegheny County Conservation District: District Manager, 875 Greentree Rd., Rm. 208, Acacia Bldg., Pittsburgh, PA 15220, telephone (412) 921-1999.*

*Berks County Conservation District: District Manager, P. O. Box 520, Ag. Ctr., Leesport, PA 19533, telephone (610) 372-4657.*

*Cambria County Conservation District: District Manager, P. O. Box 187, Ebensburg, PA 15931, telephone (814) 472-2120.*

*Chester County Conservation District, District Manager, Gov. Serv. Ctr. Ste. 395, 601 Westtown Rd., West Chester, PA 19382, telephone (610) 696-5126.*

*Cumberland County Conservation District: District Manager, 43 Brookwood Ave., Ste. 4, Carlisle, PA 17013, telephone (717) 249-8632.*

*Dauphin County Conservation District: District Manager, 1451 Peters Mtn. Rd., Dauphin, PA 17018, telephone (717) 921-8100.*

*Lancaster County Conservation District: District Manager, 1383 Arcadia Rd., Rm. 6, Farm and Home Ctr., Lancaster, PA 17601, telephone (717) 299-5361.*

*Lehigh County Conservation District: District Manager, Lehigh Ag. Ctr. Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.*

*Montgomery County Conservation District: District Manager, 1015 Bridge Rd., Ste. B, Collegetown, PA 19426, telephone (610) 489-4506.*

*Northampton County Conservation District: District Manager, R. R. 4, Nazareth, PA 18064, telephone (610) 746-1971.*

*Snyder County Conservation District: District Manager, 403 W. Market St., Middleburg, PA 17842, telephone (717) 837-0085.*

*Washington County Conservation District: District Manager, 602 Courthouse Sq., Washington, PA 15301, telephone (412) 228-6774.*

*York County Conservation District: District Manager, 118 Pleasant Acres Rd., York, PA 17402, telephone (717) 840-7430.*

The following parties have submitted Notices of Intent for coverage under NPDES General Permit PAG-2, General Permit for Discharges of Stormwater From Construction Activities. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection will authorize, subject to the terms and conditions contained in the general permit, the discharge of stormwater from eligible new and existing discharges.

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.

<i>NPDES Permit</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10A152	Fawn Township R. D. 2, Box 365C Tarentum, PA 25084	Allegheny Co. Fawn Twp.	Bull Crk.
PAR10C135	Jeffrey Auman 24 Warwick Ct. Reading, PA 19606	Berks Co. Brecknock Twp.	Allegheny Crk./ Muddy Crk.
PAR10C146	Pottstown Trap Rock Quarries Inc. 394 Sanatoga Road Pottstown, PA 19464	Berks Co. Douglass Twp.	UNT to Schuylkill River
PAR10I025	Pegasus Sewer Authority 104 Janie St. Johnstown, PA 15902	Cambria Co. Conemaugh Twp.	Solomon Run/ Strong Crk.
PAR10G166	George Lownes 140 Wagontown Rd. Coatesville, PA 19320	Chester Co. W. Caln Twp.	W. Branch Brandywine
PAR10G170	County of Chester 2 N. High St. West Chester, PA 19380	Chester Co. W. Goshen Twp.	Chester Crk. UNT
PAR10G171	R M L Enterprises P. O. Box 7958 Newark, DE 19714	Chester Co. New Garden/Franklin Twps.	N. Br. White Clay Crk.
PAR10H093	Troy Beam 401 Shippensburg Rd. Shippensburg, PA 17257	Cumberland Co. Shippensburg Twp.	Burd Run
PAR10I078	Barode Corporation 1517 Cedar Cliff Dr. Camp Hill, PA 17011	Dauphin Co. L. Paxton Twp.	Spring Crk.
PAR10-O-182	Crown Properties 1910 Fruitville Pke. Lancaster, PA 17601	Lancaster Co. Warwick Twp.	Santo Domingo
PAR10-O-186	Charlan Group 1085 Manheim Pike Lancaster, PA 17601	Lancaster Co. W. Lampeter Twp.	UNT Mill Crk.

<i>NPDES Permit</i>	<i>Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAR10-O-188	Buckwalter Enterprises 235 N. Duke St. Lancaster, PA 17601	Lancaster Co. Manheim Twp.	Bachman Run
PAR10Q073	Cara Nino LTD P. O. Box 4300 Allentown, PA 18105	Lehigh Co. U. Saucon Twp.	Saucon Crk.
PAR10Q072	Mcquiddy Family Ptnr. 250 Millwood Dr. E. Greenville, PA	Lehigh Co. L. Milford Twp.	Hosensack Crk.
PAR10T253	Moulton Builder Inc. 301 N. Broad St. Lansdale, PA 19446	Montgomery Co. Hatfield Twp.	Neshaminy Crk.
PAR10T268	Lapio Partners 104 Mill Rd. Sellersville, PA 18960	Montgomery Co. U. Merion Twp.	Schuylkill Rvr.
PAR10U051	Alan Kunsman 1615 Easton Rd. Hellertown, PA 18055	Northampton Co. L. Saucon Twp.	Saucon Crk.
PAR105906	Eastern Development & Planning Inc. 5520 Derry St. Harrisburg, PA 17111	Snyder Co. Penn Twp.	UNT to Penns Crk.
PAR10W063	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Washington Co. S. Park Twp.	Peters Crk.
PAR10W064	Reservation Devel. Corp. P. O. Box 395 Meadowlands, PA 15347	Washington Co. S. Strabane Twp.	Chartiers Crk.
PAR10Y199	Jack Short 1225 Valley Green Rd. Etters, PA 17319	York Co. Newberry Twp.	UNT to Susquehanna
PAR10Y202	Robert Diller 1110 E. Princess St. York, PA	York Co. Manchester Twp.	Codorus Crk.
PAR10Y148	Mike McKinney 625 Whitetail Dr. Lewisberry, PA 17339	York Co. Fairview Twp.	Fishing Crk.

---

**The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.**

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Streams</i>
PAS103909	Warrior Run Development Corp. R. R. 2, Box 181 Turbotville, PA 17772	City of Williamsport Lycoming County	Daugherty's Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A017-1	Dept. of Transportation 45 Thoms Run Rd. Bridgeville, PA 15017-2853 and Stout Group Limited P. O. Box 787 Washington, PA 15301	Robinson Twp. N. Fayette Twp. Allegheny County	UNT Montour Run

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10A060-2	Port Authority of Allegheny County 2235 Beaver Avenue Pittsburgh, PA 15233-1080	Pittsburgh, City Boroughs of Crafton, Ingram Rosslyn Farms, Carnegie Allegheny County	Oakwood Run Chartiers Creek Campbells Run Ohio River Mononagahela River
PAS10X056	R.W.S. Development Co. Inc. R. R. 1, Box 61 Rillton, PA 15678	Hempfield Twp.	UNT Little Sewickley Creek

---

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

---

#### Permits Issued

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

**Permit No. 0275217.** Amendment No. 2. Industrial waste, **Shenango, Inc.**, 200 Neville Road, Neville Island, PA 15225. Construction of coke plant located in Neville Township, **Allegheny County** to serve the Coke Division.

**Permit No. 0496201.** Industrial waste, **BASF Corporation**, 370 Frankfort Road, Monaca, PA 15061. Construction of industrial waste—latex manufacturer located in Potter Township, **Beaver County** to serve the Monaca Plant/Primary Wastewater Treatment Plant.

**Permit No. 1195201.** Industrial waste, **BRW Steel Corporation**, 227 Franklin Street, Suite 300, Johnstown, PA 15901. Construction of steel manufacturing—continuous casting located in the City of Johnstown, **Cambria County** to serve the Johnstown Plant.

**Permit No. 0295406.** Sewerage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Construction of trunk sewer located in McCandless Township, **Allegheny County** to serve the Hazlett Pump Station to Busch Pump Station.

**Permit No. 566S019.** Amendment No. 1. Sewerage, **Carrolltown Municipal Authority**, P. O. Box 37, Carrolltown, PA 15722. Construction of sewage treatment plant improvements located in Carrolltown Borough, **Cambria County** to serve the Carrolltown Borough Wastewater Treatment Plant.

**Permit No. 6396402.** Sewerage, **Walter Morris**, 180 McAdams Avenue, Washington, PA 15301. Construction of single residence sewage treatment plant located in Mt. Pleasant Township, **Washington County** to serve the Morris residence.

**Permit No. 6396403.** Sewerage, **South Strabane Township Sanitary Authority**, 550 Washington Road, Washington, PA 15301. Construction of pump station located in South Strabane Township, **Washington County** to serve the Manifold Pump Station.

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

**Permit No. 0993405.** Sewerage, **Milford-Trumbauersville Area Sewer Authority**, P. O. Box 126, Spinnerstown, PA 18968. Installation of a new channel grinder in the influent pump station of the wastewater treatment plant located in Milford Township, **Bucks County** to serve Milford-Trumbauersville Area Sewer Authority.

---

**Permit No. 0996424.** Sewerage, **Chalfont-New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901. Construction and operation of an 18" relief and a 36" replacement sewer located in Chalfont Borough/New Britain Township, **Bucks County** to serve Chalfont Borough and portions of New Britain Township.

**Permit No. 4695431.** Sewerage, **Ernest and Donna Gehman**, 720 Morwood Road, Morwood, PA 18969. Construction of a single residence sewage treatment plant located in Franconia Township, **Montgomery County** to serve the Gehman residence.

---

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

---

*Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.*

**Permit No. 2895502.** **New Guilford Brethren in Christ Church**, Guilford Twp., **Franklin County**, (Richard Nowell, Operations Manager, 2038 Lincoln Way East, Suite B, Chambersburg, PA 17201), installation of Anion Exchange Nitrate Removal Equipment at an existing noncommunity water supply).

**Permit No. 6795504.** **Rutter's Dairy, Inc.**, Newberry Twp., **York County**, (Michael N. Rutter, 2100 N. George Street, Manchester Twp., PA 17404-1898), hauling of finished York Water Company Water in a 2,700 gallon stainless steel tanker by Rutter's Dairy to its farm stores or other customers.

**Permit No. 0696501.** **Friedens Lutheran Church**, Albany Twp., **Berks County**, (Mark D. Bernecker, Pastor, P. O. Box 70, Stony Run, PA 19557), nitrate treatment by anion resin and calcium carbonate filter for pH control.

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

**Permit No. 1794-T1.** Public water supply, **Pennsylvania-American Water Company**—Brownsville, 300 Galley Road, P. O. Box 1290, McMurray, PA 15317.

*Type of Facility:* Transfer of Brownsville Water Company Plant and distribution system.

*Permit to Operate Issued:* February 28, 1996.

**Permit No. 1794-A1-T1.** Public water supply, **Pennsylvania-American Water Company**—Brownsville, 300 Galley Road, P. O. Box 1290, McMurray, PA 15317.

*Type of Facility:* Revisions and improvements to the Brownsville System of the Pennsylvania-American Water Company.

*Permit to Operate Issued:* February 28, 1996.

**Permit No. 0294504.** Public water supply. **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108.

*Type of Facility:* 1.5 MG Elevated Water Storage Tank.

*Consulting Engineer:* Nichols & Slagle Engineering, Inc., 980 Beaver Grade Road, Suite 101, Westmark Building, Moon Township, PA 15108.

*Permit to Operate Issued:* February 27, 1996.

**Permit No. 5691504-A1.** Public water supply. **Meyersdale Municipal Authority**, 229 Center Street, Meyersdale, PA 15552.

*Type of Facility:* Relocation of Crystal Lake Wells #1 and #2 discharge points.

*Consulting Engineer:* EADS Group, 1065 Tayman Avenue, P. O. Box 837, Somerset, PA 15501.

*Permit to Operate Issued:* February 27, 1996.

**Permit No. 8821W-A1.** Public water supply. **Heinz USA**, Pittsburgh Factory, P. O. Box 57, 1062 Progress Street, Pittsburgh, PA 15230-0057.

*Type of Facility:* Replacement and upgrade of existing pressure filtration vessels and chlorination system.

*Consulting Engineer:* Ground Water Associates, Inc., 1011 Route 22, Bridgewater, New Jersey 08807.

*Permit to Construct Issued:* March 4, 1996.

**Permit No. 0394502.** Public water supply. **West Kittanning Municipal Authority**, 204 Arthur Street, West Kittanning, PA 16201.

*Type of Facility:* 398,000 gallon water storage tank and telemetering equipment, water line and valve replacement.

*Consulting Engineer:* Bankson Engineers Inc., 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051.

*Permit to Operate Issued:* March 4, 1996.

**Permit No. 0383502-A1.** Public water supply. **Worthington Municipal Authority**, P. O. Box O, Worthington, PA 16262.

*Type of Facility:* Cherry Street Water Treatment Plant rehabilitation.

*Consulting Engineer:* Bankson Engineers Inc., 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051.

*Permit to Operate Issued:* March 6, 1996.

**Permit No. 0488503-A1.** Public water supply. **David J. D'Atri**, Forest Brook Mobile Home Park, R. D. 1, Big Knob Road, Rochester, PA 15074.

*Type of Facility:* Three 3,000 gallon water storage tanks.

*Permit to Operate Issued:* February 29, 1996.

**Permit No. 3290503.** Public water supply. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

*Type of Facility:* Sylvan Acres—Kuntz Mobile Home Park.

*Consulting Engineer:* Gibson-Thomas Engineering Company, P. O. Box 853, Latrobe, PA 15235.

*Permit to Operate Issued:* February 27, 1996.

**Permit No. 5688509-A1.** Public water supply. **Meyersdale Municipal Authority**, 229 Center Street, Meyersdale, PA 15552.

*Type of Facility:* Meyersdale Municipal Authority Water Treatment Plant.

*Consulting Engineer:* Bankson Engineers Inc., 100 Blue Run Road, P. O. Box 200, Indianola, PA 15051.

*Permit to Operate Issued:* February 27, 1996.

**Permit No. 1195501.** Public water supply. **Elder Township Water Authority**, P. O. Box 23, St. Boniface, PA 16675.

*Type of Facility:* Pump Station, interconnection with Hastings Borough.

*Consulting Engineer:* Minetech Engineers, P. O. Box 791, Altoona, PA 16603.

*Permit to Operate Issued:* February 27, 1996.

**Permit No. 3292503.** Public water supply. **Indiana County Municipal Services Authority**, P. O. Box 351, Indiana, PA 15701.

*Type of Facility:* Jacksonville Storage Tank and water-line extension.

*Consulting Engineer:* Gibson-Thomas Engineering Company, P. O. Box 853, Latrobe, PA 15235.

*Permit to Operate Issued:* February 29, 1996.

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

**3589501.** Public water supply. A permit was issued on February 28, 1996, to **Hi-View Terrace Mobile Home Park**, c/o Robert Goodling, Investment Management Services, 722 Limekiln Road, New Cumberland, PA 17070. This proposal involves the permitting of an existing public water supply system serving the Hi-View Terrace Mobile Home Park. The application contains three existing wells, a proposed 1,200 gallon chlorine contact tank, metering valving, additional 2" PVC piping and an existing polyethylene distribution system. It is located in Jefferson Township, **Lackawanna County**.

**4088523.** Public water supply. A permit was issued on February 22, 1996, to the **Laurel Personal Care Center**, c/o Dr. K. A. Swami, R. R. 2, Box 7C, Shickshinny, PA 18655. This proposal involves the modification and permitting of an existing water supply serving a personal care center. The system includes 1 well, storage and inspection station. It is located in Union Township, **Luzerne County**.

**4092511.** Public water supply. A permit was issued on February 20, 1996, to **Pennsylvania Gas & Water Company**, Watres Water Treatment Plant, c/o David Kaufman, Vice President, Water Resources, Wilkes-Barre Center Building, 39 Public Square, Wilkes-Barre, PA 18711. This proposal involves a new raw water transmission main connecting the proposed Watres Water Treatment Plant to existing distribution lines serving the Gardner Creek Reservoir to the proposed Watres Water Treatment Plant; new finished water transmission main from the existing Gardner Creek Water Pumping Station to the Old Boston and Suscon Road distribution systems; and two new 750,000 gal. finished water storage tanks serving the Old Boston Distribution System. It is located in Jenkins and Pittston Townships, **Luzerne County**.

**4095501.** Public water supply. A permit was issued on February 22, 1996, to **Conyngham Borough Authority**,

c/o Lawrence Houseknecht, Manager, P. O. Box 469, 90 East Butler Avenue, Conyngham, PA 18219. This proposal involves the construction of a new 125,000 gallon storage tank, 700 water meters, and corrosion control treatment. It is located in Conyngham Borough, **Luzerne County**.

**4589523.** Public water supply. A permit was issued on January 30, 1996, to **Maple Rock Trailer Court**, c/o Steve Carbonara, R. D. 1, Box 122, Henryville, PA 19332. This proposal involves the permitting of a public water supply system consisting of one well, disinfection facilities, distribution storage and a distribution system serving the Maple Rock Trailer Court. It is located in Pocono Township, **Monroe County**.

**5289518.** Public water supply. A permit was issued on February 9, 1996, to **Paupack Water Company, Motor Lodge Phase I and II**, c/o Harold A. Gumble, Manager, P. O. Box 257, Hawley, PA 18428. This proposal involves the permitting of an existing public water supply system consisting of two wells, disinfection facilities, distribution storage and a distribution system. It is located in Palmyra Township, **Pike County**.

**5290506.** Public water supply. A permit was issued on March 6, 1996, to **Circle Green Condominiums**, c/o William Smith, President, Circle Green Condominiums Homeowner's Association, P. O. Box 984, Honesdale, PA 18431. This proposal involves the permitting of an existing community water system serving the Circle Green Condominiums in Palmyra Township, **Pike County**. The system contains two wells with separate houses and storage facilities that will be chlorinated and metered.

**5494506.** Public water supply. A permit was issued on February 26, 1996, to **Egg Harbor Spring**, c/o James M. Rodichok, 200 Wiconisco Avenue, Tower City, PA 17980. This proposal provides for the development of a spring and bulk hauling station to provide an additional source of supply for an existing permitted bottling plant. Stream crossing is expected. It is located in Porter Township, **Schuylkill County**.

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

**Permit No. 1595511.** Public water supply. **Spring Run Water Company**, P. O. Box 309, Exton, PA 19341. This proposal involves the construction of a pumping station and a 12" transmission main interconnection for transfer finished water from Embreeville State Hospital facilities to Spring Run Water Company in West Bradford Township, **Chester County**.

*Type of Facility:* Water supply system.

*Consulting Engineer:* Gannett Fleming, Inc., 207 Senate Avenue, Camp Hill, PA 17011.

*Permit to Construct Issued:* March 7, 1996.

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

Any person 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. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this

action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Richard Shudak at (717) 826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1(800) 654-5984.

---

**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, telephone (717) 826-2553.*

*Location:*

Blue Mountain Ski Area, on the east side of S. R. 2009, 1,800 feet south of intersection with S. R. 2006. Lower Towamensing Township, **Carbon County**.

*Project Description:*

This proposal modifies the approval granted for this project by the Department on March 3, 1995. The scope of the project remains the same, however, the location of the sewage treatment plant and discharge point have been changed.

Blue Mountain Ski Area is proposing to construct a ski lodge at the base of Blue Mountain, Lower Towamensing Township, Carbon County, PA. The total property area is approximately 1,050 acres.

The ski area has an existing top of the mountain ski lodge which is served by an existing in-ground septic system. The highest daily recorded flow meter reading for the top of the mountain ski lodge is 25,000 gpd. The National Ski Patrol building is served by an in-ground septic system with a capacity of 1,000 gpd. The ski area operates from December to April.

The proposed ski lodge is to be located on the east side of S. R. 2009, 1,800 feet south of the intersection with S. R. 2006. The ski lodge will have a ski rental area, ticket sales area, offices, bathrooms, changing areas, kitchen and dining area, bar, club rooms, ski supplies store and ski school lounge. The proposed commercial facility is expected to generate sewage flows of 23,000 gpd or 57.5 EDUs. The flow for the proposed ski lodge is projected to be 22,582 gpd.

Sewers will be installed to collect sewage from the existing ski lodge and National Ski Patrol building at the top of the mountain and from the proposed base of the mountain ski lodge. The existing in-ground septic systems will be abandoned. The total flow for the property is estimated to be 50,000 gpd. The proposed sewage treatment plant will be designed to accommodate 50,000 gpd or 125 EDUs.

The proposed discharge point for the treatment plant will be the Buckwa Creek, approximately 1,500 feet upstream from its confluence with the Aquashicola Creek.

Water supply will be provided by wells on-site.

---

**Plan revision approval granted March 13, 1996 under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.1—750.20).**

---

*Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110.*

*Location: Juniata House—Tuscarora Forest District #3 STP. On the south side of Route 103, 3 miles east of intersection of Route 103 and U. S. Route 522.*

The approved plan revision provided for:

Approval of a revision to the Official Sewage Plan of Shirley Township, Huntingdon County. Project involves construction of a small flow sewage treatment facility to serve an existing dwelling located on the south side of Route 103. Treated effluent is to be discharged to the perennial Juniata River located across Route 103 from the Juniata House.

Any required NPDES Permits or Water Management Permits must be obtained in the name of the Bureau of Forestry.

---

**Notice of Settlement**

---

In the matter of: Stonebank Property, Exton, Chester County, PA

Relating to: Foote Mineral Site, Exton, Chester County, PA

The Department of Environmental Protection, under the authority of the Hazardous Sites Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1304), hereby gives notice that it has entered into a Prospective Purchaser Agreement (PPA) with the Key West Connection Corp. (KWCC) associated with the purchase of the Stonebank Property in Exton, Chester County, PA.

The Stonebank Property is located across Swedesford Road from the Foote Mineral Site, a National Priority List Superfund Site in Exton, PA. Environmental investigations have revealed that groundwater contamination from the Foote Mineral Site has migrated beneath the Stonebank Property. KWCC, the prospective purchaser of the Stonebank Property, is not presently a responsible person with regard to contamination from the Foote Mineral Site. KWCC has resolved any potential liability to the United States which may be associated with the purchase of the Stonebank Property through a similar prospective purchaser agreement.

Through the PPA, KWCC would resolve any potential liability to the Department and become eligible for protection from contribution claims relating to the Foote Mineral Site that may stem from the purchase and ownership of the Stonebank Property. Under the terms of the PPA, KWCC will remit certain response costs to the Department, provide access to the Department, cooperate with any response actions, and agree not to exacerbate any contamination from the Foote Mineral Site.

This Notice is being provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department will provide for a 60 day public comment period on the proposed PPA from the date of publication of this Notice. Under section 1113 of HSCA, the PPA will become final when the Department files its response to any significant public comments received during the comment period. The PPA may be examined from 8 a.m. to 4 p.m. in the Department's Southeast Field Office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. Interested

persons may contact Thomas Sheehan at (610) 832-6149 or Anderson Lee Hartzell at (610) 832-6300. Persons may submit written comments to Thomas Sheehan at the above address.

---

**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 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.*

**Albert Einstein Medical Center**, 5501 Old York Road, Philadelphia, PA 19141; License No. **PA-HC 0146**; license issued March 15, 1996.

**Health Care Waste Services Corp.**, 3446 Rombouts Avenue, Bronx, NY 10475; License No. **PA-HC 0184**; license issued March 15, 1996.

**Waste Management of Delaware Valley-South**, a Division of Waste Management of PA, Inc., 408 South Oak Avenue, Primos, PA 19018; License No. **PA-AH 0066**; license issued March 15, 1996.

**Waste Management of Maryland, Inc.**, WMI Medical Waste Services of Baltimore, 6333 Macaw Street, Elkridge, MD 21227; License No. **PA-AH 0167**; license issued March 15, 1996.

---

**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.*

**Allwaste Environmental Services of Atlanta, Inc.**, P. O. Box 517, Forest Park, GA 30051-0517; License No. **PA-AH 0406**; license issued March 15, 1996.

**C. J. Langenfelder & Son, Inc.**, 8427 Pulaski Highway, Baltimore, MD 21237; License No. **PA-AH 0405**; license issued March 15, 1996.

**Price Trucking Corp.**, 67 Beacon Street, Buffalo, NY 14220; License No. **PA-AH 0371**; license issued March 8, 1996.

---

**Amended license 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.*

**C. J. Langenfelder & Son, Inc.**, 8427 Pulaski Highway, Baltimore, MD 21237; License No. **PA-AH 0405**; amended license issued March 15, 1996.

**Price Trucking Corp.**, 67 Beacon Street, Buffalo, NY 14220; License No. **PA-AH 0371**; amended license issued March 8, 1996.

---

**Hazardous waste transporter license reinstated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) 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.*

**Price Trucking Corp.**, 67 Beacon Street, Buffalo, NY 14220; License No. **PA-AH 0371**; license reinstated March 8, 1996.

**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 Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.*

**Permit No. 301230. E. J. Breneman, Inc.** (State Hill Road, P. O. Box 2126, Sinking Springs, PA 19608). Application for repermitting of a fuel contaminated soil burner for a site in Spring Township, **Berks County**. Permit issued in the Regional Office March 11, 1996.

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

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

**Permit No. 101166. Glasgow, Inc., Ivy Rock Demolition Waste Landfill**, P. O. Box 248, Glenside, PA 19038-0248. This permit was revoked in response to a letter received January 11, 1996 in the Southeast Regional Office requesting permit revocation for the Ivy Rock Demolition Waste Landfill located in Plymouth Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on March 8, 1996.

**Permit No. 400437. North Penn Hospital**, 100 Medical Campus Drive, Lansdale, PA 19446-1200. This permit was revoked because the facility indicated they are no longer operating their incinerator unit located in Hatfield Township, **Montgomery County**. Permit revoked in the Southeast Regional Office on March 8, 1996.

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

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

**Permit No. PAD049791098. Sun Company, Inc. (R&M)**, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299. This permit for the storage of hazardous waste in containers, the storage of hazardous waste in tanks and the incineration of the hazardous waste has been re-issued to Sun Company, Inc. (R&M). The permit was formerly held by Chevron USA. Facility located in the City of Philadelphia. Permit was issued in the Southeast Regional Office on March 7, 1996.

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

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**Permit No. 400592. Resource Recovery Facility**, Lancaster County Solid Waste Management Authority, (P. O. Box 4425, Lancaster, PA 17604). Application for modification for the Resource Recovery Facility to allow processing of municipal wastewater sludge for a site in Conoy Township, **Lancaster County**. Application withdrawn from the Regional Office.

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

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

**Permit ID No. 100590, Mon Valley Landfill, BFI Industries**, P. O. Box 3151, Houston, TX 77253, for the closure of a municipal waste landfill in Fallowfield Township, **Washington County**. Closure plan approved in the Regional Office on March 7, 1996.

**Operating permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonably Available Control Technology and when required 25 Pa. Code § 127.445.**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality compliance permit for the operation of the Major NOx and Major VOC emitting facilities described below:

Permit: **CP-15-0029**  
Source: Control VOC from Solvent Clean-up  
Issued: March 6, 1996  
Company: **Dopaco, Inc.**  
Location: Downingtown  
County: **Chester**

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

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**12-399-005D.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** for the operation of 12 sintering furnaces and associated air cleaning devices (burnoff units and a fabric collector) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Shippen Township, **Cameron County**.

**12-399-006A.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of two heat treat furnaces, associated equipment and associated air cleaning devices (2 electrostatic precipitators) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Shippen Township, **Cameron County**.

**12-399-007F.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of 13 sintering furnaces and associated air cleaning devices (burnoff units and a fabric collector) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Emporium Borough, **Cameron County**.

**12-399-009.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of powdered metal parts oil impregnation systems and associated air cleaning device (an electrostatic precipitator) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Shippen Township, **Cameron County**.

**12-399-010.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of a powdered metal parts oil impregnation system and associated air cleaning device (an electrostatic precipitator) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Emporium Borough, **Cameron County**.

**12-399-011.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of a sintered metal parts steam treating operation and associated air cleaning device (an electrostatic precipitator) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Emporium Borough, **Cameron County**.

**12-399-013.** The Department intends to issue an operating permit to **Sinter Metals, Inc.** (R. R. 2, Box 47, Emporium, PA 15834) for the operation of an induction furnace, draw furnace, quench tank and associated air cleaning device (an electrostatic precipitator) previously owned and operated by Pennsylvania Pressed Metals, Inc. in Emporium Borough, **Cameron County**.

---

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

---

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **46-320-006A**  
Source: Flexographic Press No. 3  
Issued: February 28, 1996  
Company: **BABN Technologies, Inc.**  
Location: Upper Dublin  
County: **Montgomery**

Permit: **46-313-117A**  
Source: 3 Glatt Columns  
Issued: February 28, 1996  
Company: **Merck & Company, Inc.**  
Location: Upper Gwynedd  
County: **Montgomery**

Permit: **23-399-027**  
Source: Two Converting Lines  
Issued: March 5, 1996  
Company: **Scott Paper**  
Location: Chester  
County: **Delaware**

Permit: **46-399-104**  
Source: Five I. C. Diesel Engines  
Issued: March 6, 1996  
Company: **O'Brien (standby) Power Energy, Inc.**  
Location: Upper Merion  
County: **Montgomery**

Permit: **15-399-044**  
Source: Hard Chrome Electroplating Baths Tanks #265 and #266  
Issued: March 7, 1996  
Company: **Quebecor Printing Atglen, Inc.**  
Location: West Sadsbury  
County: **Chester**

Permit: **46-318-045**  
Source: Paint Spray Booth  
Issued: March 7, 1996  
Company: **Department of the Air Force**  
Location: Horsham  
County: **Montgomery**

The Department has transferred the following air quality plan approval extensions for the specified companies described below:

Permit: **09-311-006**  
Source: Ready-Mix Concrete Plant  
Company: **Naceville Materials**  
Change of ownership: formerly, Miller & Son Paving, Inc.  
Location: Plumstead  
County: **Bucks**

Permit: **09-303-024**  
Source: Bituminous Concrete Plant  
Company: **Naceville Materials**  
Change of ownership: formerly, Miller & Son Paving, Inc.  
Location: Plumstead  
County: **Bucks**

Permit: **09-310-042**  
Source: Quarry and Crushing Plant  
Company: **Naceville Materials**  
Change of ownership: formerly, Miller & Son Paving, Inc.  
Location: Plumstead  
County: **Bucks**

The Department has extended the following air quality plan approvals for the specified companies described below:

Permit: **46-399-095**  
Source: Manufacturing Process  
Issued: February 28, 1996  
Extended: June 30, 1996  
Company: **Ortho-McNeil Pharmaceutical**  
Location: Lower Gwynedd  
County: **Montgomery**

Permit: **46-301-266**  
Source: Pathological Incinerator  
Issued: February 28, 1996  
Extended: June 30, 1996  
Company: **Rhone-Poulenc Rorer Pharm., Inc.**  
Location: Upper Providence  
County: **Montgomery**

Permit: **15-313-052**  
Source: Pharmaceutical Sciences Pilot Plant  
Issued: February 29, 1996  
Extended: June 30, 1996  
Company: **Sanofi Winthrop, Inc.**  
Location: East Whiteland  
County: **Chester**

Permit: **15-307-024**  
 Source: Slab Caster Cut-Off Torch  
 Issued: March 1, 1996  
 Extended: July 1, 1996  
 Company: **Lukens Steel Company**  
 Location: Coatesville  
 County: **Chester**

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

**10-313-047.** On March 13, 1996, a plan approval was issued to **Mine Safety Appliances Co., Callery Chemical Company** (P. O. Box 429, Pittsburgh, PA 15230) for the modification of an existing dust scrubbing system at the batch alkali metal organic production facility located in Forward Township, **Butler County**.

#### MINING ACTIVITY ACTIONS

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 such 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).

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

#### Coal Applications Issued

**56900115.** Permit renewal, **Pennsylvania Coal Company, Inc.** (One Riverfront Center, Suite 530, 20 Stanwix Street, Pittsburgh, PA 15222), commencement, operation and restoration of a bituminous strip mine, valid for reclamation, only in Shade Township, **Somerset County**, affecting 39.9 acres, receiving stream unnamed tributary to Oven Run and unnamed tributary to Lambert Run, application received March 11, 1996, permit issued March 12, 1996.

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

**65840119R.** **Buchinsky Brothers Coal** (R. D. 3, Box 94-A, Saltsburg, PA 15681). Renewal permit issued for continued reclamation only of a bituminous surface mine located in Loyalhanna Township, **Westmoreland County**, affecting 30.6 acres. Receiving streams unnamed tributary to the Conemaugh River. Application received August 29, 1995. Renewal issued March 6, 1996.

**03940112.** **Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mine located in Bradys Bend and Sugar Creek Townships, **Armstrong County**, affecting 44.9 acres. Receiving streams unnamed tributary to the Allegheny River. Application received October 3, 1995. Permit issued March 7, 1996.

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

**17850109.** **Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 52 acres, receiving streams unnamed tributaries of Morgan Run to Morgan Run to Clearfield Creek, application received January 4, 1996, permit issued March 1, 1996.

**17820151.** **Junior Coal Contracting, Inc.** (R. D. 3, Box 225-A, Philipsburg, PA 16866), renewal of an existing bituminous surface mine-auger permit in Bradford Township, **Clearfield County** affecting 250.2 acres, receiving streams Millstone and Valley Fork Run; to west branch of Susquehanna, application received December 26, 1995, permit issued March 4, 1996.

**17910103.** **Al Hamilton Contracting Company** (R. D. 1, Box 87, Woodland, PA 16881), renewal of an existing bituminous surface mine-auger permit in Jordan and Knox Townships, **Clearfield County** affecting 87 acres, receiving streams Potts Run, an unnamed tributary of Potts Run, and McNeel Run, application received January 4, 1996, permit issued March 1, 1996.

**17900145.** **L. T. Contracting, Inc.** (P. O. Box 147, West Decatur, PA 16878), renewal of an existing bituminous surface mine permit in Cooper and Morris Townships, **Clearfield County** affecting 22.5 acres, receiving streams two unnamed tributaries to Moshannon Creek, application received January 9, 1996, permit issued March 4, 1996.

**17850143.** **Sky Haven Coal, Inc.** (R. D. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Lawrence Township, **Clearfield County** affecting 148.7 acres, receiving streams Wolf Run and west branch Susquehanna River, Wolf Run to west branch Susquehanna River, application received December 27, 1995, permit issued March 8, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**30841317.** **Consol Pennsylvania Coal Company**, (450 Racetrack Road, Washington, PA 15301), to revise the permit for the Enlow Fork bituminous deep mine in Richhill Township, **Greene County** to add 21 vent boreholes, no additional discharge. Permit issued March 8, 1996.

**30841317.** **Consol Pennsylvania Coal Company**, (450 Racetrack Road, Washington, PA 15301), to transfer the Enlow Fork bituminous deep mine in Richhill Township, **Greene County** from Enlow Fork Mining Company, no additional discharge. Permit issued March 8, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**54693047R2.** **Pagnotti Coal Company**, (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing anthracite surface mine operation in Mahanoy Township, **Schuylkill County** affecting 698.0 acres, receiving stream none. Renewal issued March 11, 1996.

**40663029R2.** **Pagnotti Coal Company**, (800 Exeter Avenue, West Pittston, PA 18643), renewal of an existing anthracite surface mine operation in Foster Township, **Luzerne County** affecting 521.0 acres, receiving stream none. Renewal issued March 12, 1996.

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

*Noncoal Permits Issued*

**26950401. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a large noncoal surface/underground mining operation located in Springfield Township, **Fayette County**, affecting 570 acres. Receiving streams unnamed tributary to Clay Run, Clay Run to Mill Run to Indian Creek to Youghiogheny River; unnamed tributary to Buck Run to Buck Run to Laurel Run to Indian Creek to Youghiogheny River. Application received June 23, 1995. Permit issued March 12, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**7975SM4T. Edison Quarry, Inc.**, (25 Quarry Road, Doylestown, PA 18901), transfer of an existing quarry operation in Doylestown Township, **Bucks County** affecting 18.2 acres, receiving stream Neshaminy Creek. Transfer issued March 15, 1996.

**64950301. Eureka Stone Quarry, Inc.**, (Lower State and Pickertown Roads, Chalfont, PA 18914), commencement, operation and restoration of a quarry operation in Sterling Township, **Wayne County** affecting 162.0 acres, receiving stream Uban Creek, tributary to Wallenpaupack. Permit issued March 15, 1996.

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

*Small Noncoal Authorizations Granted*

**08950804. Myron Bristol** (R. D. 3, Box 336, Troy, PA 16947), commencement, operation and restoration of a Small Noncoal (Flagstone) permit in West Burlington Township, **Bradford County** affecting 1 acre, application received November 27, 1995, authorization granted March 12, 1996.

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

*General Small Noncoal Authorizations Granted*

**65952303. Buckeye Wrecking & Transfer, Inc.** (1800 19th Street NE, Canton, OH 44714). Permit issued for commencement, operation and reclamation of a small noncoal surface mining operation located in Vandergrift Borough, **Westmoreland County**, affecting 4.5 acres. Receiving streams Kiskiminetas River to the Allegheny River. Application received November 15, 1995. Permit issued March 12, 1996.

*Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.*

**58960801. Timothy Mark Smith**, (R. D. 3, Box 329E, Montrose, PA 18801), commencement, operation and restoration of a small noncoal quarry operation in Middleton Township, **Susquehanna County** affecting 5.0 acres, receiving stream none. Authorization granted March 11, 1996.

*Field Operations—Mining and Reclamation, 5 West Laurel Boulevard, Pottsville, PA 17901.*

*Coal Applications Returned*

**49910203. Empire Coal Mining & Development Co.**, (230 South Vine Street, Mt. Carmel, PA 17851), application for an anthracite surface mine operation in West Cameron Township, **Northumberland County** affecting 441.5, application received April 19, 1991. Application returned March 13, 1996.

The Department of Environmental Protection 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)).

Any person 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 St., P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P. L. 1987, No. 394) (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).

*Permits Issued and Actions on 401 Certification*

*DEP Central Office, Bureau of Dams, Waterways and Wetlands, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D04-059. Dam. Pennsylvania Power Company**, Bruce Mansfield Plant, P. O. Box 128, Shippingport, PA 15077-0128. To operate and maintain the existing North Low Dissolved Solids Impoundment, an offstream impoundment at the Bruce Mansfield Power Plant located in Shippingport Borough, **Beaver County**.

**D04-060. Dam. Pennsylvania Power Company**, Bruce Mansfield Plant, P. O. Box 128, Shippingport, PA 15077-0128. To operate and maintain the existing South Low Dissolved Solids Impoundment, an offstream impoundment at the Bruce Mansfield Power Plant located in Shippingport Borough, **Beaver County**.

**D04-061. Dam. Pennsylvania Power Company**, Bruce Mansfield Plant, P. O. Box 128, Shippingport, PA 15077-0128. To operate and maintain the existing East High Dissolved Solids Impoundment, an offstream impoundment at the Bruce Mansfield Power Plant located in Shippingport Borough, **Beaver County**.

**D04-062. Dam. Pennsylvania Power Company**, Bruce Mansfield Plant, P. O. Box 128, Shippingport, PA 15077-0128. To operate and maintain the existing West High Dissolved Solids Impoundment, an offstream impoundment at the Bruce Mansfield Power Plant located in Shippingport Borough, **Beaver County**.

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

**E09-702.** Encroachment. **Northampton, Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954. To remove a partially collapsed steel sheetpiling retaining wall, and to construct and maintain an approximately 150-foot long × 9-foot high gabion retaining wall along the eastern bank of Mill Creek (TSF, MF) for the purpose of protecting a 30-inch sanitary sewer line from stream bank erosion. The site is located approximately 1,200 feet upstream of where Bridgetown Pike (S. R. 2010) spans Mill Creek (Langhorne, PA Quadrangle N: 9.5 inches; W: 12.9 inches) in Northampton Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E46-728.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing deteriorated single span concrete encased I-beam bridge carrying Church Road (S. R. 4011) over the north branch of Schoolhouse Run (TSF), and to construct and maintain a precast R. C. box culvert having a 9-foot clear span, 6-foot underclearance and a length of 54.3 feet. The culvert invert will be depressed 1 foot below the streambed elevation. Precast concrete endwall sections, 16.5-foot long, will be constructed at both ends of the culvert and a rock lined energy dissipater will be provided. This site is located approximately 2,500 feet south of the intersection of S. R. 4012 (Wartman Road) and S. R. 4011 (Greenwood Avenue) (Collegetown, PA Quadrangle N: 16.2 inches; W: 15.2 inches) in Upper Providence Township, **Montgomery County**.

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

**E41-360.** Water obstruction and encroachment. **Charles L. and Bobbie A. Whelchel**, 250 Cottage Ave., Williamsport, PA 17701. Replace and maintain a trailer in the floodway of Lycoming Creek located on Cottage Avenue about 0.2 mile north of Sweeney Avenue (Cogan Station, PA Quadrangle N: 2.8 inches; W: 5.8 inches) in Old Lycoming Township, **Lycoming County**. This permit was issued under section 105.13(e) "Small Projects".

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

**E43-247.** Encroachment. **Tennessee Gas Pipeline Company**, 2000 Corporate Drive, Suite 200, Wexford, PA 15090. To rehabilitate, operate and maintain a 24-inch diameter (300-1) and a 30-inch diameter (300-2) high pressure natural gas pipelines across the impoundment of Lake Latonka Dam (DEP File No. D43-049) on Cool Spring Creek approximately 3,500 feet upstream of the dam (Jackson Center, PA Quadrangle N: 5.25 inches; W: 7.8 inches) in Cool Spring and Jackson Townships, **Mercer County**.

**E61-200.** Encroachment. **Tennessee Gas Pipeline Company**, Suite 200, 2000 Corporate Drive, Wexford, PA 15090. To rehabilitate, operate and maintain a 24-inch diameter (300-1) and a 30-inch diameter (300-2) high pressure natural gas pipelines across the following: 1) a 1.38-acre wetland approximately 3,500 feet north of S. R. 0157 at the Village of Hampton Station (President, PA Quadrangle N: 3.9 inches; W: 9.05 inches); 2) Porcupine Creek and associated wetlands approximately 1 mile downstream of S. R. 0157 (President, PA Quadrangle N: 4.6 inches; W: 7.85 inches); 3) an unnamed tributary to Porcupine Creek and associated wetlands approximately

2,500 feet northwest of the Village of Clapp Lease (President, PA Quadrangle N: 5.1 inches; W: 5.05 inches); and 4) Reese Run and associated wetlands approximately 1 mile northeast of the Village of Clapp Lease (President, PA Quadrangle N: 5.85 inches; W: 1.7 inches) in Pinegrove Township, **Venango County**.

---

#### **Notice of Final Action on Request for Certification under section 401 of the Federal Water Pollution Control Act**

---

Except as otherwise noted below, the Department of Environmental Protection, under § 401(a) of the Federal Clean Water Act, (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards, provided the listed conditions are met:

These actions of the Department may be appealable to the Environmental Hearing Board, 101 South Second Street, Suites 3-5, Harrisburg, PA 17101, (717) 787-3483 by any aggrieved person under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514); and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the 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 regulations governing practice and procedure before the Board may be obtained from the Board. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

*Regional Office: Regional Manager, Water Management, Northwest Region, 230 Chestnut Street, Meadville, PA 16335.*

*Certification Request Initiated By:* U. S. Army Corps of Engineers, Buffalo District.

*Date of Initial Pa. Bulletin Notice:* December 2, 1995.

*Location:* East Canal Basin of Erie Harbor, Erie County.

*Project Description:* This certification request is for the discharges associated with the construction of the historic Brig Niagara permanent berthing facilities at the East Canal Basin of Erie Harbor, Erie County. Approximately 30,400 cubic yard of shale sandstone bedrock plus large armor stone units (approximately 250 tons) will be excavated from the East Canal Basin and discharged at the open-lake site in the form of three reef modules (Erie North, PA Quadrangle N: 11.7 inches; W: 9.7 inches). Approximately 45,700 cubic yards of sediments and fill material will be dredged and excavated from the East Canal Basin and will be placed in the Lake Erie Harbor Confined Disposal Facility (CDF) (Erie North, PA Quadrangle N: 4.6 inches; W: 10.2 inches).

*Final Action on Request:* Certification Granted. This one time certification applies only to discharges associated with the construction of the Brig Niagara's permanent berthing facilities. Furthermore, this certification, as it relates to the use of the CDF, is subject to the following conditions:

1. Prior to the placement of dredged or fill material in the CDF, the Corps shall submit a water quality monitoring plan for the CDF and adjacent areas to the Department for review and approval.

2. Sediments and soil placed in the CDF shall be limited to those removed from those areas of the East Canal Basin, the Grain Elevator Pier and the proposed berthing area that have been sampled by the Corps as identified in the Corps' October 16, 1995 Environmental Assessment and Findings of No Significant Impact/Section 404 Public Notice and Preliminary Evaluation.

3. Placement of the dredged material within the CDF shall be limited to the eastern half of the facility.

4. Any subsequent use of the CDF will require separate 401 Water Quality Certifications from the Department.

**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 act of June 22, 1937 (P. L. 1987, No. 394) (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).

*Permits Issued and Actions on 401 Certification*

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

**E54-209.** Encroachment. **Schuylkill County Commissioners**, Courthouse, Second Street and Laurel Boulevard, Pottsville, PA 17901. To remove the existing structure (County Bridge No. 78) and to construct and maintain twin 13.5 foot × 5.5 foot prestressed concrete box culverts in the channel of Mahanoy Creek. This project is located along Bridge Street, approximately 60 feet south of the intersection with Water Street (Shenandoah, PA Quadrangle N: 8.0 inches; W: 16.2 inches) in Gilberton Borough, **Schuylkill County**.

**E66-089.** Encroachment. **Tunkhannock Borough Council**, 126 Warren Street, Tunkhannock, PA 18657. To remove an existing bridge and to construct and maintain a 14-foot by 4-foot, 7 1/2-inch arch culvert in Swale Brook located on McCord Street near the intersection with Harrison Street (Tunkhannock, PA Quadrangle N: 7.2 inches; W: 9.1 inches) in Tunkhannock Borough, **Wyoming County**.

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

**E46-735.** Encroachment. **Three Tower Bridge Associates**, 100 West Front Street, West Conshohocken, PA 19428. To excavate, construct and maintain a portion of a parking area and a 10 foot riverside walkway within the floodway of the Schuylkill River located approximately 1,400 feet downstream of the Fayette Street Bridge at the terminus of Ash Street (Norristown, PA Quadrangle N: 12.4 inches; W: 7.65 inches) in Conshohocken Borough, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects".

**E46-719.** Encroachment. **Mellon Bank NA** as Trustee for the Westinghouse Master Fund, Equitable Real Estate Investment Management, Inc., Mellon Bank Center, Philadelphia, PA 19103. To remove an existing roadway culvert consisting of two 76-inch by 39-inch CMP and one 48-inch CMP and to construct and maintain a 25-foot by

3.5-foot concrete box culvert at the same location in and along Frog Run. Work also includes sediment removal and channel regrading for a total linear impact of 130 feet. This site is located at the western end of King Manor Boulevard, approximately 6,200 feet north from the intersection of Henderson Road and Gulph Road, (Norristown, PA Quadrangle N: 16.4 inches; W: 14.2 inches) in Upper Merion Township, **Montgomery County**.

**E09-699.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To remove an existing deteriorated three-span reinforced concrete bridge structure which carries Constitution Avenue (S. R. 0152) over the Pleasant Spring Creek, and to construct and maintain a replacement bridge, consisting of a 71.2-foot long, single-span steel I-beam superstructure with a minimum underclearance of 8.7 feet. This project also includes the following:

1. Placement of fill material in the 100-year floodway of the Pleasant Spring Creek which is associated with the proposed reconstruction of bridge approaches and roadway realignment, for 650 feet to the west and 450 feet to the east of the bridge.

2. Placement of stone scour protection at the abutment footing within the streambed.

3. Channel cleaning and sediment removal for approximately 70 feet above and below the bridge.

4. Construction and maintenance of 27-inch and 24-inch R.C.P. stormwater outfall structures located along the western bank of Pleasant Spring Creek.

This site is located near the confluence between Pleasant Spring Creek and the east branch of Perkiomen Creek (Telford, PA Quadrangle N: 21.25 inches; W: 6.3 inches) in Perkasio Borough, **Bucks County**.

**E15-403.** Encroachment. **Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To reissue Permit No. E15-403 which authorized removal of the existing structure, and to construct and maintain a twin-celled 14-foot × 5-foot R. C. box culvert (culvert bottom depressed 6 inches and a 12-inch concrete weir in east cell) in Crum Creek (HQ,CWF) located at S. R. 1005, Section 30M, Station 12+92 (Valley Forge, PA Quadrangle N: 1.4 inches; W: 12.7 inches) in Willistown Township, **Chester County**.

**E15-502.** Encroachment. **Spring Run Water Company**, P. O. Box 309, Exton, PA 19341. To install and maintain a 12-inch water main line under the bed and across the channel of Broad Run (EV) to provide interconnection between a proposed pump station, which will be constructed south of the Embreeville State Hospital water storage tanks, to the Spring Run Water Company's Glenside Tank. This site is located approximately 200 feet west of the intersection of Broad Run Road (T-385) and Lieds Road (T-376) and situated (Unionville, PA Quadrangle N: 13.9 inches; W: 14.1 inches) in West Bradford Township, **Chester County**.

**E23-327.** Encroachment. **Delaware County Commissioners**, Government Center Building, Media, PA 19063. To remove an existing pedestrian bridge located approximately 1,500 feet northwest of the intersection of Baltimore Pike and Paper Mill Road and to construct and maintain two 65-foot span prefabricated truss pedestrian bridges across Crum Creek (WWF) located in Smedley Park at points 1,500 feet and 2,300 feet northwest of the intersection of Baltimore Pike and Paper Mill Road and

to construct and maintain a footpath within the floodplain of Crum Creek impacting a de minimus amount of wetland (Lansdowne, PA Quadrangle N: 7.5 inches; W: 15.4 inches and N: 7.95 inches; W: 15.5 inches respectively) in Nether Providence and Springfield Townships, **Delaware County**.

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

**E32-370.** Encroachment. **CKE, Inc.**, P. O. Box 211, Lucernes Mines, PA 15754. To place and maintain fill in 0.3 acre of wetlands for the purpose of expanding an existing parking lot to accommodate increased employee parking area caused by the relocation of employees. This project is located on the south side of Route 422, 1 mile west of the intersection of Route 422 and Benjamin Franklin Road (Indiana, PA Quadrangle N: 22.1 inches; W: 11.75 inches) in White Township, **Indiana County**. The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

**E32-372.** Encroachment. **Homer City Borough**, 30 East Wiley Street, Homer City, PA 15748. To construct and maintain five light poles, wiring around the walking trail and a modular play structure in the 100-year floodway of Yellow Creek as part of the upgrade to the recreational facilities in the Borough of Floodway Park. The project is located at North Main Street (Indiana, PA Quadrangle N: 8.0 inches; W: 5.0 inches) in Homer City Borough, **Indiana County**.

**E56-258.** Encroachment. **Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing structure and to construct and maintain a bridge having a normal span of 55 feet and a minimum underclearance of 8.65 across Buffalo Creek. This permit also authorizes the placement and maintenance of fill in 0.1 acre of wetlands and the construction of 0.278 acre of replacement wetlands. The bridge is located on S. R. 0219, Section 006, Segment 0310, Offset 0000 (Murdock, PA Quadrangle N: 5.1 inches; W: 0.15 inch) in Brothers Valley Township, **Somerset County**. The permit also authorizes the construction of a temporary roadway on the downstream side of the existing bridge.

*Southcentral Region: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E06-456.** Encroachment. **Bern Township**, R. R. 9, Box 9276, Reading, PA 19605-9632. To construct and maintain a sanitary sewer system and a storm sewer system and several outfalls in the floodplain of the Schuylkill River and Tulpehocken Creek at a point upstream of the junction of the Schuylkill River and Tulpehocken Creek (Reading, PA Quadrangle N: 20.5 inches; W: 12.1 inches) in Bern Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

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

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

Permits issued on March 6, 1996.

**WA 32-782B.** Water allocation. **Indiana County Municipal Services Authority, Indiana County, PA**. The right to purchase a maximum of 108,000 gallons per day (gpd) of water (408,780 liters per day of water), as a 30-day average, from the Pennsylvania-American Water Company, Indiana District, Indiana, PA.

---

## SPECIAL NOTICES

---

### Conservation and Natural Resources Advisory Council Meeting Notice

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will be held on Monday, April 8, 1996. The meeting will be held at 10 a.m. in the 1st Floor Meeting Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Glenda Miller at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

---

### Small Water Systems Regionalization Grant Program

---

The Department of Environmental Protection's Technical Assistance Center for Small Water Systems is accepting applications under the Small Water Systems Regionalization Grant Program. This grant program provides grants to eligible applicants to assess the feasibility of the formation of a regionalized water system. The proposed regionalized water system must involve at least one small water system (a system serving 3,300 people or fewer).

Eligible applicants include any community water supplier, county, township, borough or authority to which a small water system has issued a letter of intent to develop a water system regionalization study.

Grant awards are limited to 75% of all approved project costs related to the water system regionalization study or \$75,000, whichever is less. The grantee must provide local share in the form of matching funds or in-kind services at a minimum of 25% of the total project costs.

The application period runs from May 1 to July 31, 1996. Based on the availability of funding, applicants that submit a final work plan and budget which are approved by DEP will be given preference to receive a grant based on a first-come, first-served basis.

For more information or to obtain a grant application, contact the Department of Environmental Protection, Bureau of Water Supply and Community Health, Division of Drinking Water Management, Technical Assistance Center for Small Water System, P. O. Box 8467, Harrisburg, PA 17105-8467, or call Donna L. Green at (717) 787-0125.

[Pa.B. Doc. No. 96-491. Filed for public inspection March 29, 1996, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Request for Bids

The University of Pittsburgh, Facilities Management Division will receive sealed bids for the Campus Safety Systems Upgrade on our Oakland Campus, Pittsburgh, Allegheny County, PA, on Thursday, April 25, 1996 at 3 p.m. at the Facilities Management Office, 3400 Forbes Avenue, Pittsburgh, PA 15260 for the Commonwealth of Pennsylvania, Department of General Services Project No. 1103-56, .6—Fire Protection (Re-bid). The Bids will be publicly opened in the First Floor Conference Room, 3400 Forbes Avenue, shortly after the bid due time indicated herein.

Plans and specifications have been prepared by Baker & Associates, Airport Office Park, Building 3, 420 Rouser Road, Coraopolis, PA 15108, (412) 269-6200.

Plans and specifications can be obtained by prime contractors from Reprographics Resource, Inc., Building #7, Vista Industrial Park, 700 Vista Park Drive, Pittsburgh, PA 15205, (412) 788-0640, for a nonrefundable deposit of \$250. Checks and money orders shall be made payable to Baker and Associates and payments shall be made on receipt of documents.

A prebid conference and site walk-through have been scheduled for Wednesday, April 10, 1996, at 9 a.m. at the University of Pittsburgh, First Floor Conference Room, 3400 Forbes Avenue, Pittsburgh, PA 15206. Contractors who have secured documents are invited and urged to attend.

The University of Pittsburgh is an affirmative action, equal opportunity employer.

GARY E. CROWELL,  
*Secretary*

[Pa.B. Doc. No. 96-492. Filed for public inspection March 29, 1996, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hamilton Health Center; Certificate of Authority

On February 21, 1996, Hamilton Health Center filed with the Departments of Health and Insurance, an application for a Certificate of Authority to establish, operate and maintain a health maintenance organization in accordance with the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health HMO Regulations (28 Pa. Code §§ 9.1—9.97) and the Insurance Department HMO Regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Cumberland, Dauphin, Lancaster and York counties.

A copy of the application is available for public inspection by appointment only at the following locations:

Department of Health, Bureau of Health Care Financing, Room 1030 Health and Welfare Bldg., Harrisburg, PA 17120, (717) 787-5193; or Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Interested parties are invited to submit written comments, suggestions or objections within 30 days of the publication of this notice to A. J. Overton, Department of Health or Carolyn Smith, Insurance Department at the above listed addresses. Persons with a disability may submit comments, suggestions and objections in alternative formats, such as by audio tape, braille or using the Department of Health's TDD; (717) 783-6514. Persons with a disability who require alternative arrangements to inspect the application should contact either A. J. Overton or Carolyn Smith.

PETER J. JANNETTA, M.D.,  
*Secretary*

[Pa.B. Doc. No. 96-493. Filed for public inspection March 29, 1996, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Super Bingo Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15) and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Super Bingo.

2. *Price:* The price of a Pennsylvania Super Bingo instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania Super Bingo instant lottery game ticket will contain 11 play areas. The 76 play symbols located in the play areas are: The numbers 1 through 75 and FREE. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 5 x 6 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$5, \$25, \$50, \$250, \$500, \$2,500, \$25,000 and \$50,000. The player can win up to 10 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 5,010,000 tickets will be printed for the Pennsylvania Super Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Your Card 1," "Your Card 2," "Your Card 4," "Your Card 6," "Your Card 8," "Your Card 9," "Your Card 10," or "Your Card 11," shall be entitled to a prize of \$5.

(b) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Your Card 1," "Your Card 2," "Your Card 4," "Your Card 6," "Your Card 8," "Your Card 9," "Your Card 10," or "Your Card 11," shall be entitled to a prize of \$25.

(c) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and



through to each of the four corners on "Your Card 1," "Your Card 4," "Your Card 8," or "Your Card 10," shall be entitled to a prize of \$250.

(d) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and through to each of the four corners on "Your Card 2," "Your Card 6," "Your Card 9," or "Your Card 11," shall be entitled to a prize of \$2,500.

(e) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Your Card 3," or "Your Card 5," shall be entitled to a prize of \$25.

(f) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Your Card 3," or "Your Card 5," shall be entitled to a prize of \$250.

(g) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and through to each of the four corners on "Your Card 3," or "Your Card 5," shall be entitled to a prize of \$25,000.

(h) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Your Card 7," shall be entitled to a prize of \$50.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Your Card 7," shall be entitled to a prize of \$500.

(j) Holders of tickets matching the "Caller's Card" play symbols in an X extending through the "FREE" space and through to each of the four corners on "Your Card 7," shall be entitled to a prize of \$50,000.

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

Win	Approximate Odds	Approximate No. of Winners Per 5,010,000 Tickets
\$5	1:6	835,000
\$10 (\$5 x 2)	1:15	334,000
\$15 (\$5 x 3)	1:75	66,800
\$20 (\$5 x 4)	1:120	41,750
\$25 (\$5 x 5)	1:200	25,050
\$25	1:400	12,525
\$30 (\$5 x 6)	1:400	12,525
\$40 (\$5 x 8)	1:600	8,350
\$50 (\$25 x 2)	1:1,002	5,000
\$50	1:2,004	2,500
\$100 (\$25 x 4)	1:1,002	5,000
\$150 (\$25 x 6)	1:1,002	5,000
\$200 (\$25 x 8)	1:2,500	2,004
\$250 (\$25 x 10)	1:2,500	2,004
\$250	1:5,000	1,002
\$500 (\$250 x 2)	1:6,000	835
\$500	1:12,525	400
\$1,000 (\$250 x 4)	1:25,050	200
\$1,500 (\$250 x 6)	1:50,100	100
\$2,500	1:100,200	50
\$5,000 (\$2,500 x 2)	1:200,400	25
\$25,000	1:1,002,000	5
\$50,000	1:1,002,000	5

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Super Bingo instant lottery game tickets.

The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Super Bingo, prize money on winning Pennsylvania Super Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Super Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the Pennsylvania Code (relating to State Lotteries) and the provisions contained in this notice.

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

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-494. Filed for public inspection March 29, 1996, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation, Bureau of Motor Vehicles, under the authority of section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar):

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(3) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214.

(7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Inc., 715 Bright Street, Decatur, IL 62522.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, PA 17701.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, PA 17701.

Under 75 Pa.C.S. § 3368(c)(1) and § 3368(c)(3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105, Mechanical, Electrical and Electronic Speed-Timing Devices. The Department issues an approved speed-timing device certificate for the device, as required by section 105.72. The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy which was issued within 60 days of the citation and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

The Department of Transportation, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police:

AEL Industries, Incorporated, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed: 07/31/89, Station R6).

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, PA 15235 (Appointed: 04/06/73, Station R5).

Thomas Associates R. & E., Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, PA 18707 (Appointed: 08/08/86, Station R7).

Westinghouse Electric Corporation, 1002 McKee Road, Oakdale, Allegheny County, PA 15071 (Appointed: 09/12/85, Station R8).

YIS, Incorporated, 1049 North Hartley Street, York, York County, PA 17404 (Appointed: 01/14/75, Station R3).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, PA 16823 (Appointed: 02/10/69, Station S22).

Billy, The Speedometer Man, 4800 North Marvine Street, Philadelphia, Philadelphia County, PA 19141 (Appointed: 06/20/73, Station S52).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, PA 19403 (Appointed: 11/15/77, Station Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

Ciulli Motors, Incorporated, 520 Clairton Boulevard, Pittsburgh, Allegheny County, PA 15236 (Appointed: 09/13/78, Station S13).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, PA 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, PA 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145 (Appointed: 08/25/78, Station S85).

Hertz Penske Truck Leasing, Incorporated, 255 Penske Plaza, Reading, Berks County, PA 19603 (Appointed: 07/03/74, Station S76).

Highway Safety Traffic Surveillance, 1395 McLaughlin Run Road, Upper St. Clair, Allegheny County, PA 15241—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Hoffman Ford Sales, Incorporated, 5200 Jonestown Road, Harrisburg, Dauphin County, PA 17112 (Appointed: 06/23/81, Station S5).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, PA 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, PA 17272 (Appointed: 02/23/53, Station S106).

Joe's Carburetor & Ignition Service, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 08/16/57, Station S89).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakerstown, Bucks County, PA 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, PA 15202 (Appointed: 11/02/78, Station S69).

C. S. Powl & Son Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601 (Appointed: 09/07/78, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

Reading Mack Distributors, Incorporated, 4226 Pottsville Pike, Reading, Berks County, PA 19605 (Appointed: 05/15/79, Station S48).

Reading Speedometer Service Company, 200-210 Warren Street, Reading, Berks County, PA 19601 (Appointed: 09/22/78, Station S47).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, PA 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, PA 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, PA 18360 (Appointed: 07/24/89, Station S105).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors:

AEL Industries, Incorporated, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed: 10/02/79, Station EL1).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, PA 15235 (Appointed: 08/28/86, Station EL17).

Highway Safety Traffic Surveillance, 132 Fawn Valley Drive, McMurray, Allegheny County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, PA 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EL12).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station E22).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Lycoming Co., PA 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountain Top, Luzerne County, PA 18707 (Appointed: 11/27/79, Station EL6).

YIS, Incorporated, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, PA 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, PA 15065 (Appointed: 09/27/77, Station W9).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Frederick Clock Company, Route 343 and 22, Fredericksburg, Lebanon County, PA 17026 (Appointed: 07/08/88, Station W6).

Greene Jewelers, Route 819, Armbrust, Westmoreland County, PA 15616 (Appointed: 06/23/78, Station W41).

Highway Safety Traffic Surveillance, 132 Fawn Valley Road, McMurray, Allegheny County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, PA 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station W3).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, PA 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, PA 19061 (Appointed: 07/28/77, Station W7).

Marella's Jewelry, 416 North Springfield Road, Clifton Heights, Delaware County, PA 19018 (Appointed: 08/10/79, Station W42).

Molnars Jewelry, 972 Pennsylvania Avenue, Tyrone, Blair County, PA 16686 (Appointed: 06/30/87, Station W57).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

William H. Nagle, Incorporated, 617 Penn Avenue, West Reading, Berks County, PA 19611 (Appointed: 11/02/77, Station W25).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, PA 18612 (Appointed: 09/22/78, Station W47).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

C. A. Shire Jeweler, 456 River Avenue, Williamsport, Lycoming County, PA 17701 (Appointed: 07/20/77, Station W4).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Lycoming Co., PA 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, PA 17837 (Appointed: 10/06/77, Station W22).

YIS, Incorporated, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

Zimmel Jewelers, 1521 Bethlehem Pike, Flourtown, Montgomery County, PA 19031 (Appointed: 04/17/80, Station W35).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points:

AEL Industries, Incorporated, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed: 08/28/86, Station EM15).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also

authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Highway Safety Traffic Surveillance, 132 Fawn Valley Road, McMurray, Allegheny County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Highway Safety Traffic Surveillance, 5131 Springhouse Lane, Bridgeville, Allegheny County, PA 15017—Also authorized to use mobile units (Appointed: 05/03/94, Station EM10).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Targetron, Incorporated, 2442 Lycoming Creek Road, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

Thomas Associates R. & E. Incorporated, 65 South Mountain Boulevard, Mountaintop, Luzerne County, PA 18707 (Appointed: 10/06/80, Station EM3).

YIS, Incorporated, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions, or questions may be directed to Mary Sheriff, Manager, Inspection Station Processing, Bureau of Motor Vehicles, Room G-134, Transportation and Safety Building, Harrisburg, PA 17120 or by telephoning (717) 787-2795.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-495. Filed for public inspection March 29, 1996, 9:00 a.m.]

## Retention of Engineering Firms

### Erie County Reference No. 08430AG1985

The Department of Transportation will retain an engineering firm for final design, environmental mitigation and consultation during construction for S.R. 4034, Section A50, the Erie East Side Access Highway, in the City of Erie, Erie County, PA described as follows:

Work will involve the design of a four lane, controlled access highway in an urban setting comprised of dense residential dwellings interspersed with commercial and light to medium industrial establishments. The proposed highway will parallel an active railroad line and it is anticipated that a portion of this line will require relocation to accommodate the proposed highway. Work will also involve the realignment of a portion of 6th Street (S. R. 4018) at its intersection with East Avenue. There will be extensive involvement with both underground and aerial utilities. Facilitating traffic flow with existing parallel and cross streets and maintaining a comprehen-

sive public involvement effort will be important elements of the design. Environmental mitigation will include replacement of coastal zone wetlands, noise and vibration analysis and remediation of hazardous and residual waste sites. The estimated construction cost is \$3.0 million.

The selected firm will provide engineering services which will include the following tasks: field surveys and property investigations; preliminary roadway and railroad design; traffic counts; a traffic circulation study; preliminary traffic signal design; a type, size and location submission; a subsurface boring, sampling and testing program; utility coordination; noise analyses; vibration study; wetland replacement plans; hazardous waste management; preliminary and final right-of-way plans; meetings and design coordination; agency coordination and public involvement; Public Utility Commission (PUC) and railroad coordination; final roadway and railroad design; preparation of construction drawings; final traffic signal design; foundation and final structure design and drawings; preparation of final plans, specifications and estimates; development of a CPM schedule for construction activities and project management and administration. The selected firm will also be required to perform shop drawing reviews, alternatives review and provide construction consultation.

A Draft Environmental Impact Statement (DEIS) was made available for public review and comment on March 1, 1996. A public hearing is scheduled for April 11, 1996.

This project is a candidate project for "Design Phase Partnering."

Engineering firms that are currently serving, or are being considered for selection as the municipal engineer for the City of Erie will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the proposed highway as defined and recommended by the Draft Environmental Impact Statement will not be considered for this assignment. Firms are to state in their letter-of-interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer.

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

- a. Specialized experience and technical competence of firm on other projects of this type and magnitude.
- b. Past record of performance with respect to cost control, quality of work products and ability to meet schedules.
- c. Experience and managerial ability of proposed project manager and other key staff that will be assigned to this project.
- d. Available staffing for this assignment.
- e. Relative size of the firm to the size of the project.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised projects.

Technical questions concerning the requirements for this project should be directed to William G. Petit, P.E.,

District 1-0, at (814) 437-4270 or Michael L. McMullen, P.E., District 1-0, at (814) 437-4331.

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

#### General Requirements and Information

Firms interested in performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."
2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a joint venture and for each subconsultant the firm or joint

venture is proposing to use for the performance of professional services regardless of whether the sub-consultant is an individual, a college professor or a company. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be filled out in its entirety including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.
- c. Current workload and capacity of firm to perform the work within the time limitations.
- d. Location of consultant.
- e. Special requirements of the project.
- f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-496. Filed for public inspection March 29, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

DEP v. CBS Inc.; Doc. No. 93-052-CP-C

The parties have agreed to a settlement of the above matter, the major provisions of which include:

- (1) CBS has agreed to pay DEP a \$150,000 civil penalty.
- (2) CBS has agreed to fund environmentally beneficial projects in the amount of \$300,000.

Copies of the full agreement are in the hands of:

Martin H. Sokolow, Jr., Assistant Counsel, DEP, Rachel Carson State Office Building, P. O. Box 8464, 400 Market Street—9th Floor, Harrisburg, PA 17105-8464, (717) 787-8790;

John W. Carroll, Pepper, Hamilton & Scheetz, 200 One Keystone Plaza, North Front and Market Streets, P. O. Box 1181, Harrisburg, PA 17108-1181, (717) 255-1155;

and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

Persons aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, P. O. Box 8457, 2nd Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, contact the Secretary to the Environmental Hearing Board at (717) 783-3483. TDD users may telephone the Board through AT&T Pennsylvania Relay Service at (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no appeal is timely filed.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-497. Filed for public inspection March 29, 1996, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Notice

The following meeting of the Health Care Cost Containment Council has been scheduled: Thursday, May 2, 1996, Council Meeting 10 a.m. The meeting will be held at the Pennsylvania Chamber of Business and Industry, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101. The meeting is open to the public. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

ERNEST J. SESSA,  
*Executive Director*

[Pa.B. Doc. No. 96-498. Filed for public inspection March 29, 1996, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Notice of 1994-1995 Court Cases

The Human Relations Commission hereby announces the compilation of Commonwealth Court and Supreme Court of Pennsylvania cases from 1994-1995 involving the Human Relations Commission.

Copies of this Volume VII book, Volume I (1955-76), Volume II (1977-80), Volume III (1980-85), Volume IV (1986-90), Volume V (1991-92) and Volume VI (1193-94) may be obtained by mailing a request for the publication and accompanied by a check or money order in the amount of \$15 for each book to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

An additional two-book volume entitled, *Commission-related Federal and State Court Cases* covering 1986-1991 is also available for \$30.

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 96-499. Filed for public inspection March 29, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. 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 a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
	Pennsylvania Liquor Control Board	3-20-96
054-047	Events/Tournaments/Contests	
	JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 96-500. Filed for public inspection March 29, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield; Filing No. 297-ACII-CR-3/96 for Approval of a Non-Gatekeeper PPO Contract

Under filing no. 297-ACII-CR-3/96 Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield jointly submitted CONTRACT FORM ACII-CR-3/96, a Non-Gatekeeper, Risk-Assuming preferred provider contract to be marketed as Access Care II to community-related group accounts. The form filing consists of 92 pages.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal work hours at the Insurance Department's Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-501. Filed for public inspection March 29, 1996, 9:00 a.m.]

### Blue Cross of Western Pennsylvania; Blue Cross Master Group Filing; Filing No. 1-MG-96-WP

Blue Cross of Western Pennsylvania has submitted filing no. 1-MG-96-WP for Insurance Department approval. This filing updates the base rates, trends, FIT and

investment income factors and benefit costs applicable to Blue Cross Master Group agreements. An effective date of July 1, 1996, is requested for this filing.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-502. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Blue Cross of Western Pennsylvania; Filing for Prescription Drug Rating Factors for Experience-Rated Accounts; Filing No. 1-FSD-96-WP**

Blue Cross of Western Pennsylvania has submitted filing no. 1-FSD-96-WP for Insurance Department approval. This filing establishes new business rates and revises rating factors applicable to experience-rated groups having freestanding prescription drug programs. Approximately 500,000 group subscribers are covered under these programs. An effective date of July 1, 1996, is requested for this filing.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-503. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Group Major Medical Filing; Filing No. 1-GMM-96-WP**

Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield have submitted filing no. 1-GMM-96-WP for Insurance Department approval. This filing updates the base rates, trends and distribution table applicable to Major Medical groups. An effective date of July 1, 1996, is requested for this filing.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment,

during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-504. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Blue Cross of Western Pennsylvania; Pennsylvania Blue Shield; Group Primary Care Gatekeeper Designated Filing; Filing No. 1-PCGD-96-WP**

Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield have submitted filing no. 1-PCGD-96-WP for Insurance Department approval. This filing updates the base rates, trends, retentions and other rating factors applicable to Primary Care Gatekeeper Designated groups. An effective date of July 1, 1996, is requested for this filing.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal work hours at the Insurance Department's Offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-505. Filed for public inspection March 29, 1996, 9:00 a.m.]

**James F. Burns; Hearing**

*James F. Burns; Pennsylvania Assigned Risk; Doc. No. AG96-03-002*

The hearing is scheduled for May 8, 1996, at 9 a.m. in the Administrative Hearings Office, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General



Rules of Administrative Practice and Procedure) unless specific exemption is given.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-506. Filed for public inspection March 29, 1996, 9:00 a.m.]

### Deregulation of Accident and Health Forms

The Insurance Commissioner hereby deregulates certain accident and health forms, as authorized by section 354 of The Insurance Company Law of 1921 (40 P.S. § 477b) as set forth in Annex A.

#### Statutory Authority

Section 354 of The Insurance Company Law of 1921 (40 P.S. § 447b), requires that all policy forms for accident and health insurance and other lines of business, be submitted to the Insurance Commissioner for prior approval before issuance to any consumer in the Commonwealth. However, that law gives the Commissioner express authority to exempt forms from the prior approval requirement. Accordingly, the Commissioner hereby exempts from filing or prior approval the forms for the lines of business listed in Annex A.

#### Insurers Subject to the Filing Requirement

Section 354 applies only to insurance companies, associations and exchanges, which terms are defined at section 101 of The Insurance Company Law (40 P.S. § 361). Section 354, and thus this deregulation, do not apply to Health Maintenance Organization policies, Blue Cross/Blue Shield policies or Preferred Provider Organization policies.

#### Forms Which are not Deregulated

The Commissioner's action extends to certain group lines of business offered by commercial accident and health insurers only. The Commissioner has not deregulated policy forms used in the individual accident and health market. Thus, individual accident and health policies are not deregulated hereunder.

Forms which include both regulated and deregulated lines of business must continue to be submitted for prior approval. Also, forms which have been previously disapproved by the Insurance Department may not be used absent the prior approval of the Commissioner.

#### Continuing Authority of the Commissioner

Notwithstanding the implementation of this notice, the Commissioner will retain complete authority to request and be provided a copy of any form being issued in this Commonwealth, as provided by section 903 of The Insurance Department Act of 1921 (40 P.S. § 323.1 et seq.).

The Commissioner also will retain complete authority to reassume regulatory authority over the types of forms deregulated hereunder at her discretion.

Notwithstanding the deregulation of the forms specified herein, all such forms must continue to comply with applicable Pennsylvania law including, but not limited to:

Childhood Immunization Act 35 of 1992 (40 P.S. § 3501 et seq.)

Coverage for Mammographic Examination (40 P.S. § 764c)

Women's Preventive Health Services Act (40 P.S. § 1571 et seq.)

#### Effective Date

This deregulation action is effective as of July 1, 1996.

#### Questions

Questions concerning this notice may be directed to Gregory Martino, Deputy Insurance Commissioner, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192.

#### ANNEX A

#### Insurance Department

#### Deregulated Commercial Lines Accident and Health Forms

The Insurance Commissioner, by this notice, hereby deregulates the following lines of business under the authority of section 354 of The Insurance Company Law of 1921 (40 P.S. § 447b), effective July 1, 1996.

1) Group Long or Short Term Disability policies issued under The Insurance Company Law of 1921, section 621.2 (40 P.S. § 756.2). Regulations: 31 Pa. Code Chapter 89.

2) Blanket Student Accident and Health policies issued under The Insurance Company Law of 1921, section 621.3 (40 P.S. § 756.3). Regulations: 31 Pa. Code Chapter 89.

3) Group Dental and Vision policies issued by commercial insurers under The Insurance Company Law of 1921, section 621.2 (40 P.S. § 756.2). Regulations: 31 Pa. Code Chapter 89.

4) Group Accident and Health policies issued by commercial insurers under The Insurance Company Law of 1921, section 621.2 (40 P.S. § 756.2). Regulations: 31 Pa. Code Chapter 89.

5) Blanket Accident and Health policies issued under The Insurance Company Law of 1921, section 621.3 (40 P.S. § 756.3). Regulations: 31 Pa. Code Chapter 89.

6) Franchise Accident and Health policies issued under The Insurance Company Law of 1921, section 621.4 (40 P.S. § 756.4). Regulations: 31 Pa. Code Chapter 89.

7) Riders, amendments and endorsements used with the above lines of business.

LINDA S. KAISER,  
Insurance Commissioner

[Pa.B. Doc. No. 96-507. Filed for public inspection March 29, 1996, 9:00 a.m.]

### Independence Blue Cross; Group Experience Rated Factors Update; Basic/Personal Choice/Point-of-Service Comprehensive Major Medical Products; Filing No. 4-P-96

By filing no. 4-P-96, Independence Blue Cross requests approval from the Insurance Department of adjustments in its experience-rating factors which increase the credited discount, increase investment income credit, freeze the current excess claim provision for a minimum of 12 months, and increase the administration cost component of retention. The filing requests an effective date of July 1, 1996.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment,

during normal work hours at the Insurance Department's Offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-508. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Independence Blue Cross; Pennsylvania Blue Shield; Major Medical Rating and Financial Settlement for Experience-Rated Groups; Filing No. 1-P-96**

By filing no. 1-P-96, Independence Blue Cross and Pennsylvania Blue Shield seek Insurance Department approval to modify their methods for rating and financial settlement of retrospectively-rated Major Medical policies in order to align them more closely with those used for basic and comprehensive coverages. An effective date of July 1, 1996, is requested.

Copies of the filing are available for public inspection on Monday, Wednesday and Friday, by appointment, during normal working hours at the Insurance Department's Offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-509. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Mountain Laurel Assurance Company; Private Passenger Auto**

On March 13, 1996, the Insurance Department received from Mountain Laurel Assurance Company a filing for a rate level change for private passenger auto insurance.

The company requests on overall 1.61% increase amounting to \$2.4 million annually, to be effective May 15, 1996.

Unless formal administrative action is taken prior to May 12, 1996, the subject filing may be deemed approved by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Jin Liu, Actuary, Insurance Department, Office of Rate and Policy Regulation,

Bureau of Property and Casualty Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Department*

[Pa.B. Doc. No. 96-510. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Edna Peterson; Hearing**

*Appeal of Edna Peterson; Pennsylvania Assigned Risk Plan; Doc. No. P96-03-001*

Under section 19 of the Pennsylvania Assigned Risk Plan, that was adopted by the Insurance Commissioner under 75 Pa.C.S. § 1741, notice is hereby given that Edna Peterson has requested a hearing on the determination by the Pennsylvania Assigned Risk Plan Governing Committee of the termination of the above-captioned automobile insurance policy.

The hearing will be held on May 8, 1996, at 1 p.m. in Hearing Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is given.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-511. Filed for public inspection March 29, 1996, 9:00 a.m.]

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

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

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

Appeal of Lonnie and Susan Alexander; file no. 96-223-30591; General Accident Insurance Company; doc. no. PH96-03-007; April 25, 1996, at 1 p.m.;

Appeal of Robert J. DeMartyn, Jr.; file no. 96-188-00442; United States Fidelity & Guaranty; doc. no. P96-03-020; April 26, 1996, at 2 p.m.;

Appeal of Albert and Marilyn Longstreet; file no. 96-265-30322; West American Insurance Company; doc. no. PH96-03-008; May 2, 1996 at 9 a.m.;

Appeal of Francisco I. Babilonia; file no. 96-265-30033; West American Insurance Company; doc. no. PH96-03-005; May 2, 1996, at 10 a.m.;

Appeal of Sandra and William Porter; file no. 96-264-30369; State Farm Fire & Casualty Insurance Company; doc. no. PH96-03-006; May 15, 1996, at 9 a.m.;

Appeal of Rudolph D. Spoljaric, Jr.; file no. 96-188-00279; Erie Insurance Company; doc. no. P96-03-022; June 4, 1996, at 9 a.m.;

Appeal of Sebastian Jerrytone; file no. 95-121-00749; Erie Insurance Exchange; doc. no. P96-03-021; June 4, 1996, at 10 a.m.;

Appeal of Christine A. Kniffen; file no. 96-265-30380; Erie Insurance Company; doc. no. PH96-03-009; June 6, 1996, at 11 a.m.

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

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

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

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-512. Filed for public inspection March 29, 1996, 9:00 a.m.]

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

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies.

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

Appeal of Bruce Gilbert; file no. 96-267-30390; Boyertown Mutual Insurance Company; doc. no. PH96-03-004; April 23, 1996, at 3 p.m.;

Appeal of Dawn Vandeneeden; file no. 96-280-30397; Prudential Property & Casualty Insurance Company; doc. no. PH96-03-010; April 25, 1996, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accord-

ance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

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

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

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-513. Filed for public inspection March 29, 1996, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Lehigh County, Wine & Spirits Shoppe # 3907, Allentown.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 3,500 net useable square feet of new or existing retail commercial space in the Western portion of Allentown City in the vicinity of the intersection of U. S. Route 222 and PA Route 29.

*Proposals due:* May 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Charles D. Mooney, (717) 657-4228

The following Liquor Control Board leases will expire:

Lehigh County, Wine & Spirits Shoppe # 3917, Broadway Shopping Center, 960 Broadway, Bethlehem, PA 18015.

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Broadway and Itaska Streets, Fountain Hill Borough.

*Proposals due:* May 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Willard J. Rhodes, (717) 657-4228

Luzerne County, Wine & Spirits Shoppe # 4013, South Main Plaza, 379 S. Main Street, Wilkes-Barre, PA 18701.

*Lease Expiration Date:* April 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 5,200 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Academy and South Main Street, City of Wilkes-Barre.

*Proposals due:* May 2, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard J. Rhodes, (717) 657-4228

Butler County, Wine & Spirits Shoppe # 1001, 126 W. Cunningham Street, Butler, PA 16001.

*Lease Expiration Date:* April 30, 1998

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 the City of Butler. Loading facilities and some free parking highly desirable.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Tom Deal, (412) 565-5130

Jefferson County, Wine & Spirits Shoppe # 3302, Punxj Plaza, 545 W. Mahoning Street, Punxsutawney, PA 15767.

*Lease Expiration Date:* January 31, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Punxsutawney area.

*Proposals due:* April 5, 1996 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 96-514. Filed for public inspection March 29, 1996, 9:00 a.m.]

## PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

PHEAA/Treasury Department—Tuition Account Program

The Pennsylvania Higher Education Assistance Agency (PHEAA) and the Treasury Department are seeking a

contractor to help carry out the Statewide marketing and advertising of the Tuition Account Program (TAP). TAP is a prepaid college tuition program that is administered by the Treasury Department. The contractor would also help to generally increase awareness of the need to begin financial planning for higher education when children are at a young age.

The duration of the contract will be 12 months for a dollar amount not to exceed \$900,000. Contractors wishing to respond should contact Donna Orris, PHEAA, at (717) 720-2702 or Cynthia Lynch, Treasury Department, at (717) 787-9667 no later than 3 p.m. Wednesday, April 3, 1996.

MICHAEL H. HERSHOCK,  
*President and Chief Executive Officer*

[Pa.B. Doc. No. 96-515. Filed for public inspection March 29, 1996, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Creation of Office of Prothonotary

The Pennsylvania Public Utility Commission has created the Office of Prothonotary within the Office of the Secretary and has assigned duties associated with that office.

The Commission is responsible for the filing, docketing, safekeeping, control, dissemination, record retention and retrieval of all documents filed with this agency. The Office of the Prothonotary within the Secretary's Office will be responsible for these important duties. Additionally, the Prothonotary will have the discretion to reject filings not properly perfected. Because this represents a change in the historic practice of this agency, persons doing business before this agency are advised that the policy of rejecting filings not properly perfected will become effective within 30 days after publication of this notice.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-516. Filed for public inspection March 29, 1996, 9:00 a.m.]

### Implementation of the Telecommunications Act of 1996; Doc. No. M-00960799

Public meeting held  
 March 14, 1996

*Commissioners Present:* John M. Quain, Chairperson—Statement follows; Lisa Crutchfield, Vice Chairperson—Statement follows; John Hanger; David W. Rolka—Statement follows; Robert K. Bloom

#### Tentative Decision

*By the Commission:*

#### A. General Background

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 (act) into law. The act is a landmark piece of legislation which for the first time in

62 years comprehensively amends the Federal law which governs the provision of telephone service throughout the Nation. The far-reaching nature of the act and its profound effects on the future regulation of telecommunications services at both the State and Federal levels are best summarized in the Congressional Conference Report which states that the purpose of the act is:

... To provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes. . . .

As reflected in the stated purpose, the act sets forth a National policy framework to be implemented and coordinated in cooperative fashion by the Federal Communications Commission (FCC) and the various State commissions. The primary themes of this National telecommunications policy framework, as reflected in the stated purpose, are as follows: (1) to move away from a fully regulated telecommunications business environment towards a deregulated fully competitive business environment in all markets and submarkets; (2) to accelerate advanced deployment of the Nation's telecommunications infrastructure and (3) to assure universal service to all Americans through equal access to the Nation's telecommunications infrastructure.

In this regard, the underlying themes of the act are consistent with the Commonwealth's telecommunications policy framework as set forth in Chapter 30 of the Public Utility Code (66 Pa.C.S. §§ 3001 et seq.). Because of the parallel courses established by the act and Chapter 30, it is clear that through its efforts to implement Chapter 30, Pennsylvania has already made substantial progress in the direction now required by the National policy framework, as established in the act.

This is not to say that the act will not have a significant effect on the Commission's future regulation of the telecommunications industry. It certainly will. However, the act will not require a fundamental change in direction or focus, but instead will require the Commission to take a number of steps, both internally and externally, to assure the level of cooperation and coordination between the Commission and the FCC envisioned, and indeed required, by the act in implementing the National policy framework. However, as long as the Commission continues on its course as directed under its State legislative mandate, the required implementation steps will be more in the form of adjustments rather than overhaul or preemption.

Within this scenario, there are many provisions of the act which raise questions as to what steps, if any, the Commission must take to assure that its regulation of the telecommunications industry is fully consistent with Federal law. These provisions of the act can be divided into two categories for purposes of discussion. First, there are preemptive provisions which appear to eliminate or restrict the ability of the Commission to regulate or act in a certain manner. Second, there are enabling provisions of the act which assign new areas of activity to the states and appear to assign new responsibilities to the Commission in participating in the implementation of the National policy framework.

In this regard, although the ultimate goal of the act is to move toward a deregulated, competitive environment, the transition process envisioned by the act is clearly one involving very complex and far reaching regulatory activ-

ity by both the FCC and various State commissions—regulatory activity which appears, at least on its face, to be more complex and resource and time consuming than previously encountered by the Commission in some areas. While ultimately, through development of a fully competitive business environment in all telecommunications markets, the Commission's and FCC's regulatory roles should start to significantly decrease, the period of transition involves a quickly changing but extremely active role by the Commission in participating in the implementation of both State and Federal law.

Through issuance of this Tentative Decision, we will briefly discuss the provisions of the act which we have identified as requiring potential substantive modification or restriction of past or future Commission action or otherwise affect the manner in which the Commission conducts its business in its day-to-day regulation of the telecommunications industry. This decision is issued in tentative form in order to solicit and consider the comments of all interested parties before the Commission takes any final steps in furtherance of implementation of the act. In this regard, the issues discussed are not intended to represent an exhaustive list and we welcome comment on any issue pertaining to any provision of the act which we may have overlooked and which parties believe to require further Commission action or scrutiny.

## B. Discussion of Issues

### 1. Entry

#### a. Certificates of Public Convenience

The most apparent, immediately significant, express preemption in the act is found in section 253(a) of the act which provides as follows:

(a) IN GENERAL.—No state or local statute or regulation, or other state or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

Under Pennsylvania law, the Commission regulates entry through issuance of certificates of public convenience under 66 Pa.C.S. §§ 1101 and 1103. Under section 1103, the Commission may only approve the entry of a carrier "if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public" (public interest finding). Under the broad language of section 253(a) of the act, it appears that the Commission is prohibited from restricting the entry or preventing the continued operations of a telecommunications service provider whether or not the Commission finds the provision of services by the carrier to be in the public interest. Accordingly, it appears that the legal basis underlying the issuance and maintenance of all telecommunications certificates of public convenience, the public interest finding, has been preempted by the act, with one possible exception discussed hereafter.<sup>1</sup> Given the language of section 253(a), it appears that the requirements of 66 Pa.C.S. §§ 1101 and 1103, at least as they pertain

<sup>1</sup> As to one sector of the telecommunications industry, radio carriers, the Commission's entry regulation was previously preempted through enactment of Section 6002(c)(3) of the Omnibus Budget Reconciliation Act of 1993 (OBRA), 47 U.S.C. § 332. In this regard, on June 16, 1995 the Commission entered an Order in *In Re: Implementation of the Omnibus Budget Reconciliation Act of 1993*, L-00950104, M-00950695, 25 Pa.B. 3238, which implemented the entry preemption for radio carriers by canceling all radio carrier certificates of public convenience and requiring radio carriers to file a registration form with the Commission on an annual basis. The June 16, 1995 order also initiated an inquiry as to whether PCS/PCN services should be considered jurisdictional and subject to the same procedural requirements as other radio carriers. Although the preemptive language in the OBRA reads much differently than the preemptive language in Section 253(a), the language of Section 253(a) appears on its face to be even broader than that in the OBRA.

to Commission-approved operating authority, have generally been preempted<sup>2</sup> and that it may no longer be legally permissible for the Commission to adjudicate entry applications or issue or maintain entry certificates of public convenience.<sup>3</sup>

Presuming entry preemption, Commission implementation of the preemption could take a variety of forms. Certificates could be converted to Registrations Statements with the Commission's "A" file becoming the repository for carrier specific information regarding the nature and scope of a given carrier's intrastate business. Procedures would be developed by the Commission for registering new entrants. Alternatively, the Commission could cancel all existing telecommunications certificates, as it did for radio carriers in implementing the OBRA, and require each existing carrier and new entrant to file a Registration Statement to be developed by the Commission which would provide the Commission and the public with necessary information regarding the conduct of the carrier's business in Pennsylvania. Market specific registration forms could be developed by the Commission which would reflect the varying levels of information required of different types of carriers.<sup>4</sup> One possible advantage of this alternative would be that it would allow for more centralized record keeping for telecommunications carriers and more easily accessible information for the Commission and the public since the vital information on each carrier would be contained in the Registration Statement itself.

The Commission requests interested parties to comment on these and other possible alternatives and to include in their comments proposals regarding the content of registration information the Commission should require of providers in various markets. Comments should also address whether the Commission should require that registration forms be annually or periodically updated or whether the Commission should impose an ongoing obligation on carriers to file an amended Registration Statement if any of the information in the original Statement changes or becomes inaccurate. Commentators should also address whether it is feasible or desirable for Registration Statements to be filed in electronic format.

Parties should comment on whether removal of entry barriers and potential Commission implementation alternatives would have any tax or accounting repercussions as a result of possible loss in value of the certificate as a book asset or other financial ramifications resulting from potential Commission implementation.<sup>5</sup> Finally, we also seek comment on any interim procedures parties believe may be appropriate for the Commission to employ pending issuance of its final order in this matter.

#### b. *Terms and Conditions of Service*

Although the language of section 253(a) is relatively broad, section 253(b) of the act continues to permit states

<sup>2</sup> 66 Pa.C.S. §§ 3008(e) and 3009(a) clarify the application of Section 1101 within the context of Chapter 30. Accordingly, it appears that these subsections are also subject to preemption under the Act.

<sup>3</sup> Although administratively difficult to implement, removal of entry barriers does not constitute a significant substantive modification to Commission regulatory policy since the Commission has now opened up all markets, including the local market, to competitive entry.

<sup>4</sup> For example, it can be presumed that the Commission would require a lesser volume of information in an interexchange reseller registration form as compared to a local exchange carrier registration form.

<sup>5</sup> The Commission encountered these sorts of problems when it attempted to implement a Federal entry preemption in the motor carrier area. However, on its face, the telecommunications industry appears to be distinguishable from the motor carrier industry since, because of major differences in traditional forms of regulation of the two industries, telecommunications certificates were never as negotiable as motor carrier certificates and accordingly never accrued an identifiable market value as was associated with motor carrier certificates.

to impose operating terms and conditions on a "competitively neutral" basis. Section 253(b) of the Act provides as follows:

(b) STATE REGULATORY AUTHORITY-Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with Section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services and safeguard the rights of consumers.

While the entry preemption under section 253(a) is broadly expressed, the qualification to application of subsection (a) by subsection (b) appears to be equally broad. Although the State commission may not preclude new carriers from entering into any or all service markets, the State commission may continue to impose requirements pertaining to the terms and conditions under which services are provided to the consuming public as long as the requirements are competitively neutral.

Commission requirements governing the terms and conditions of service provided by telecommunications carriers are contained in Chapters 63 and 64 of the *Pennsylvania Code* and in some cases by Commission orders.<sup>6</sup> At least initially, it does not appear that there are any existing regulatory provisions (other than entry) which are subject to preemption since, to our knowledge, all existing regulatory provisions are applied equally to all similarly situated carriers providing services in various markets and fall within the broad language of section 253(b). However, we request interested parties to identify and provide explanation as to any regulatory requirements which a party believes are not covered by section 253(b) and are thus subject to Federal preemption.<sup>7</sup>

#### c. *Equity Transfers and Other Financial Transactions*

In addition to certificates of public convenience issued under 66 Pa.C.S. § 1101, Pennsylvania also requires regulatory approval of a wide variety of financial transactions involving existing utilities under 66 Pa.C.S. § 1102, including equity and asset transfers. Within certain contexts, Commission approval of equity and asset transfers has been viewed as an entry barrier particularly when the transaction involves transfers of control of the utility.<sup>8</sup> However here, the express language of section 253(a) only precludes State actions which have the effect of precluding a carrier's entry into various service markets. The language of section 253(a) thus does not appear to lend itself easily to an interpretation that the preemptive

<sup>6</sup> For example, in its *Proposed Rulemaking to Establish a Universal Service Funding Mechanism*, the Commission has proposed regulations to establish a state universal service fund and to require that all jurisdictional telecommunications carriers contribute to the fund on a pro rata, competitively neutral basis. It appears clear that the Commission's authority to require carrier contribution for all carriers, including carriers entering Pennsylvania markets, is preserved by Section 253(b). Another example pertains to the Commission's October 4, 1995 order approving entry applications for MFS Intelnet of Pennsylvania, Inc., TCG Pittsburgh, MCI Metro Access Transmission Services, Inc., and Eastern Telelogic Corporation at A-310203F0002, *et al.* In the Commission's order, the Commission imposed marketing restrictions on the new entrants applicable to the "Joint Package" marketing of their telecommunications services. It appears that the Commission's exercise of authority to impose these restrictions would also be preserved by Section 253(b).

<sup>7</sup> For instance, the Commission currently requires a filing fee of \$350 to be paid by all telecommunications carriers applying to do business in Pennsylvania. Some parties may argue that maintenance of this fee, in and of itself, constitutes an entry barrier even if the Commission continued to require it of all applicants or registrants on a competitively neutral basis.

<sup>8</sup> In implementing OBRA, the Commission viewed regulatory approval of transfers of control under Section 1102 to be subject to the OBRA entry preemption. However, as indicated previously, the language of the entry preemption in the OBRA is significantly different than the language of the entry preemption in Section 253(a). The OBRA language in question provides that "no state or local government shall have any authority to regulate the entry or the rates charged by any commercial mobile service or any private mobile service." 47 U.S.C. § 332. In contrast, the language of Section 253(a) is far more limited in scope, providing in relevant part that "no state or local statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service."

effect extends to required State regulatory approval of utility transfers of control. However, we request interested parties to comment on this issue.

Furthermore, section 103 of the act amends section 34(b) of the Public Utility Holding Act of 1935 ( 15 U.S.C. §§ 79 *et seq.*), to expressly recognize State commission authority to review proposed asset transfers by natural gas and electric registered public utility commission holding companies or their affiliates to a telecommunications affiliate in the holding company structure designated by the FCC as an exempt telecommunications company. This provision appears to reinforce the Commission's section 1102 authority in the public utility holding company context as gas and electric holding companies move into the telecommunications area. This provision should likewise be included as a subject for comment by interested parties.

#### d. *Exception for Rural Telephone Companies*

Another important exception to the removal of intrastate entry barriers by section 253(a) is found at section 253(f) of the act. Section 253(f) appears to establish a limited exception to the preemptive provisions of section 253(a) applicable only to rural telephone companies as defined in the act. Section 253(f) provides in relevant part as follows:

(f) RURAL MARKETS-It shall not be a violation of this section for a state to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements of section 214(e)(1) for designation as an eligible telecommunications carrier for that area being permitted to provide such service . . .

Section 214(e)(1), referenced in section 253(f), establishes a designation of eligibility process for universal service funding purposes, as will be discussed in more detail hereafter, which requires carriers to offer basic universal service throughout a given service area and advertise the availability of such service offerings to the consuming public in the service area.<sup>9</sup> Subsection (e)(1) expressly incorporates by reference the requirements contained in subsections (e)(2) and (e)(3). Section 214(e)(2) provides as follows:

(2) DESIGNATION OF ELIGIBLE TELECOMMUNICATIONS CARRIERS-A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, a State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional carrier meets the requirements of paragraph (1). Before designating an additional telecommunications carrier for an area served by a rural telephone carrier, the State commission shall find that the designation is in the public interest.

Accordingly, in addition to the obligation to serve commitment required as a prerequisite to universal service support eligibility under subsection (e)(1), subsection

<sup>9</sup> Section 253(f) is a permissive provision, not a mandatory provision. However, the Act appears to envision a potential situation in which entry to a rural service market would be linked to a readiness to serve throughout the service area.

(e)(2) requires the State commission to find, for rural telephone companies, that designation is in the public interest.

Finally, section 251(f) exempts rural telephone companies<sup>10</sup> from interconnection requirements and procedures, the details of which will be discussed hereafter, until such time as the rural telephone company receives a bona fide request for interconnection, at which time the State commission is apparently directed to conduct an inquiry to determine whether to require the rural telephone company's compliance with general interconnection requirements. In reaching its determination, the State commission is to consider whether the request for interconnection is unduly economically burdensome, technically feasible and consistent with universal service principles—a public interest type standard.<sup>11</sup> The Commission, at least with regard to the interconnection determination under section 251(b), is required to act upon the request within 120 days.

While for nonrural telephone companies universal service funding eligibility is considered independently from entry, for rural telephone companies it appears that universal service eligibility and interconnection requirements may be merged into consideration of the appropriateness of entry into a rural telephone company's local service and access service markets as an exception to the entry preemption.<sup>12</sup> Under the provisions of the act cited above, it appears a State commission could consider competitive entry into a rural telephone company's local and access markets at the same time and under the same standard (a public interest finding) as interconnection and universal service funding eligibility for the competitive local exchange carrier seeking to serve the rural area.<sup>13</sup> Under this scenario, in applying the public interest standard, the Commission would include in its consideration the "economically burdensome," "technically feasible" and universal service criteria expressed in section 251(f)(1)(B).

While there may be a variety of ways to administer the rural telephone company exception to the removal of entry barriers, one of the simplest and most logical ways would be to maintain the existence of rural telephone certificates of public convenience (assuming other § 1101 certificates are cancelled) and to require new entrants into rural telephone company local and access service markets to file an application under section 1103 which would be reviewed by the Commission within the context of the "necessary or proper" or public interest standard as appears to be required by the act. Interconnection and universal service funding eligibility for the new entrant would be evaluated through the same application pro-

<sup>10</sup> Under the definitions section of the Act (Section 3), a rural telephone company is defined as a local exchange carrier which meets one of the four criteria listed in the definition. One of the criteria includes local exchange carriers which provide telephone exchange service, including exchange access, to fewer than 50,000 access lines. This criteria appears to be the same criteria which qualifies a local exchange carrier for a streamlined form of regulation under Pennsylvania law. 66 Pa.C.S. § 3006. Accordingly, it appears that, at a minimum, all of the streamlined regulation carriers under Pennsylvania law qualify as rural telephone companies under the Federal standard.

<sup>11</sup> Section 251(f)(2) also provides local exchange carriers with fewer than 2% of the Nation's subscriber lines the opportunity to petition the Commission for suspension or modification of interconnection requirements, once interconnection requirements become effective. The Commission must evaluate such petitions under a public interest standard and must issue its decision within 180 days.

<sup>12</sup> It appears the interrelationship of these various provisions is designed to protect rural telephone companies from "cream skimming" practices by competing carriers. Because of their small size and limited number of commercial customers, potential "cream skimming" practices create greater exposure for rural telephone companies.

<sup>13</sup> This view is supported by Section 252(g) of the Act which expressly authorizes state commissions to consolidate entry, interconnection and universal service funding eligibility proceedings for rural telephone companies, "to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State Commission in carrying out its responsibilities under this Act."

cess.<sup>14</sup> The public interest standard employed by the Commission in the consolidated proceeding would be consistent with all express considerations required by the act as discussed above.

While the alternative identified above may be a workable procedure, we request interested parties to comment on this procedure and other possible alternatives to implementation of the rural telephone company exception to the removal of entry barriers. We also request the Pennsylvania Telephone Association (PTA) to closely review the definition of a rural telephone company contained in section 3 of the act and identify in its comments the member companies which presently qualify for the rural telephone company exception and indicate the section 3 criteria under which each identified member qualifies.

**2. Interconnection**

The act assigns far reaching responsibilities to State commissions to assure that interconnection arrangements between incumbent local exchange carriers and entrants seeking to compete with the incumbent are implemented through the development of interconnection parameters and procedures and through participation in the development and approval of interconnection agreements. The State commission's participation involves a combination of different roles including that of mediator, arbitrator and adjudicator. Such a mixed role, however it is implemented, involves a new type of responsibility for our Commission and will present a challenge in the development of appropriate internal and external procedures.

Section 251 of the act provides the general standards governing interconnection arrangements which standards will be further defined by the FCC and may be further defined by State commissions.<sup>15</sup> While the *MFS, Phase II* proceeding was initiated to address unbundling and general interconnection pricing standards for Bell, in *Investigation to Establish Standards and Safeguards for Competitive Safeguards*, M-00940587, the Commission has expressed its intention to determine whether the safeguards developed for Bell should be applied to other local exchange carriers. It appears that such a determination to extend Bell standards to other local exchange carriers may also be appropriate for standards developed in the *MFS, Phase II* proceeding. In this regard, we expect active parties to address the requirements of the act in litigating the *MFS, Phase II* proceeding, for example, the wholesale-retail requirement of section 252(d)(3) and the specific standards for interconnection under section 251(c)(2).

Section 252 of the act sets forth very specific procedures and time restrictions governing State commission participation in development and approval of individual interconnection agreements. It is implementation of these procedures which requires our timely attention.

Under section 252, the act sets forth a schedule of events which commences on the date an entrant makes a request to the incumbent local exchange carrier for interconnection.<sup>16</sup> The schedule is summarized as follows:

Day 1	Request for interconnection.
Day 1-Day 135	Parties are required to negotiate and attempt in good faith to reach an agreement without state commission participation. However, if they choose, any party(s) may ask the Commission to "mediate any differences arising in the course of the negotiation."
Day 135-160	Parties may continue to negotiate. However, if they choose, any party(s) may petition the Commission to act as an arbitrator to resolve any open issues (not necessarily all issues). Opposing parties may respond to the petition.
Petition date-Day 270	Section 252(b)(4)(C) requires the Commission to resolve all open issues by no later than 9 months from the original date the entrant made a request to the incumbent local exchange carrier for an interconnection arrangement (Day 1). Accordingly, the Commission will have between 110 days and 135 days to arbitrate the dispute, the exact amount of time depending on when during the day 135 to day 160 window a party petitions the Commission for arbitration.
Execution of Agreement	Under Section 252(e), following execution of an interconnection agreement, either through negotiations, mediation, arbitration, or a combination thereof, the agreement must be submitted to the Commission for approval. The Commission must either approve or reject the agreement within 90 days from submission for agreements reached through negotiations, and within 30 days for agreements reached through arbitration.

Although the chronology of the process is made very clear by the act, the procedural and substantive nature of the process, particularly the arbitration process, is not. Sections 252(c) and (d) require that the Commission's resolution of disputes within the arbitration process be consistent with the act and FCC regulations and that cost-based and reciprocal interconnection and network element charges and an interconnection implementation schedule should be established by the Commission.<sup>17</sup> Once an agreement is executed and filed with the Commission, whether reached through negotiation or arbitration, the Commission is to determine whether to approve or reject the agreement through application of a public interest standard. The Commission must also determine whether arbitrated agreements meet the generic interconnection standards under section 251 and the pricing standards under section 252—negotiated agreements are not required to meet the section 251 standards.

Under section 252(b), the arbitration process before the Commission is compulsory. Under section 252(b)(5), the refusal of any party to continue to negotiate throughout the process or to cooperate with the Commission in its role as arbitrator is considered a failure to negotiate in good faith and apparently viewed as a violation of the act. Furthermore, once issues are arbitrated by the Commission, the parties apparently must prepare and execute an

<sup>14</sup>It appears that the 120-day time limitation of Section 251(b) would not be applicable to a consolidated proceeding. Parties should comment on this issue.

<sup>15</sup>The Commission has already commenced the process of establishing and defining interconnection standards in *Application of MFS Intelenet of Pennsylvania, Phase II*, A-310213F0002. From our review, it appears that the general direction in which the Commission is headed in these dockets is fully consistent with the general standards governing interconnection arrangements under Section 251.

<sup>16</sup>Section 252 procedures only applies to an entrant's request to interconnect with an incumbent local exchange carrier. However, Section 251(a) of the Act requires all carriers to interconnect with each other. The Act does not address what procedures should be utilized, for example, if a local exchange carrier requires interconnection to an interexchange carrier's network and the parties are unable to reach a voluntary

interconnection agreement. At the state level, it appears that complaint procedures would be best suited for this purpose. Interested parties should comment on this issue.

<sup>17</sup>What constitutes cost-based and reciprocal pricing of terminating access is presently being litigated in the Commission's *Universal Service* docket. What constitutes cost-based and nondiscriminatory pricing of basic service elements is currently being litigated in the *MFS, Phase II* docket.



agreement which includes the terms and conditions arbitrated by the Commission. Accordingly, it appears relatively clear that the Commission's role of arbitrator and its determinations within that role are binding on the participating parties.<sup>18</sup> Furthermore, it appears that the Commission's actions in approving or disapproving arbitration determinations should not be considered adjudications and are interlocutory in nature, since the entire interconnection agreement, including arbitrated issues, is subject to subsequent Commission review under section 252(e)(2).

As to participants in the process, there is language throughout section 252 which seems to envision a process involving multiple parties and which could be read to permit interested parties other than the entrant and the incumbent local exchange carrier to participate in the process. If other parties are permitted to participate, it is unclear whether this participation should be permitted in all phases of the negotiations and/or arbitration, or whether such participation should be restricted to the review process before the Commission once the final interconnection agreement is formally submitted.

Section 252(a)(1) requires that all interconnection agreements be approved by the State commission, including those which were executed prior to enactment. It appears clear that this requirement would extend to areas like traditional extended area service (EAS) interconnection agreements between incumbent local exchange carriers, and to wireless interconnection agreements, arguably including those involving market sectors historically not regulated by the Commission, and possibly even to the IntraLATA Toll Originating Responsibility Plan (ITORP) arrangement.

Under section 252(f), Bell may file a statement of generally available terms with the Commission which sets forth Bell's offer of interconnection terms and conditions to entrants within the Commonwealth. The filing and review of this statement appears to be completely separate and apart from development and approval of individual interconnection agreements. Within 60 days of the filing of a terms statement by Bell, the Commission must either complete its review of the statement or allow the statement to go into effect subject to continuing review under subsection (f)(4), unless the filing carrier agrees to an extension of time. In reviewing a terms statement filed by Bell, the Commission must determine whether the statement is consistent with general interconnection standards under section 251 and otherwise consistent with the public interest. Although the act does not expressly identify a terms statement as a tariff filing, in coordinating administration of the act with State law procedures, it appears that tariff filing and approval procedures as provided by 66 Pa.C.S. §§ 1308(a) and (b) may be the best suited procedural platform for carrying out this function. However, if section 1308 procedures are utilized, application of the act would preclude the Commission from suspending the effectiveness of the terms statement but would permit the Commission to allow the terms statement to become effective, subject to litigation of interested party complaints.

Under section 252(h), the Commission must make all interconnection agreements available for public inspection within 10 days following Commission approval of a given agreement. The Commission is permitted to assess a reasonable and nondiscriminatory fee on participants to

<sup>18</sup> Despite the fact that arbitrator determinations appear to be binding on the parties, if the Commission subsequently approves the arbitrated agreement, aggrieved parties are given the opportunity by Section 252(e)(6) to challenge the Commission's action in Federal district court.

interconnection agreement procedures and on Bell for filing of a terms statement to cover the Commission's administrative costs. Of course, at the present time no such fees have been established and it is uncertain what level of fees is justified. In particular, the arbitration and mediation process in particular appear to be a relatively costly process for the Commission to administer, although it appears that the same individuals could serve both roles.

Because of the significant allocation of administrative time and resources required by the various regulatory functions assigned in the interconnection area by the act, it will be beneficial for the Commission to have advance notice, to the extent possible, when pleadings, requests or statements are going to be filed with the agency. While because of the various time deadlines and somewhat unpredictable circumstances which may arise it may be impossible to establish a strict prefiling notice requirement, it appears that some system should be developed to make the Commission aware of what is coming so it can plan accordingly.

Finally, section 251(c)(4) of the act enables State commissions to, "consistent with regulations prescribed by the Commission under this section, prohibit a reseller that obtains at wholesale rates a telecommunications service that is available at retail only to a category of subscribers from offering such services to a different category of subscribers." This prohibition appears to apply to situations where a carrier attempts to cross customer classes and resell services to a customer class different than the class the reseller purchased the underlying service for. However, in what context this situation may arise and in what manner the Commission should address such a situation is not readily apparent.

As is readily apparent, administration of the Commission's far-reaching role pertaining to regulation of interconnection arrangements as defined by the act will require development and implementation of new regulatory parameters and procedures in areas and for functions previously unknown to this Commission. Although section 252 is very detailed and specific, the practical application of the section at the State level is somewhat complicated and unclear. To assist the Commission in the implementation process, interested parties should provide comment on all issues addressed in the previous discussion and any other issues which may have been overlooked. The Commission requests that the comments be expansive and explanatory so as to allow the Commission to develop a process which is fair to all interests.

### 3. Collocation Policy Statement

Commission policy statements and guidelines at 52 Pa. Code § 69.311 establish the Commission's current policy governing expanded interconnection for intrastate special access. Section 69.331 provides as follows:

(c) It is the Commission's policy to permit Tier 1 Local Exchange Carriers to offer, on a nondiscriminatory basis, expanded interconnection for intrastate special access, either on a physical or virtual collocation basis. The expanded interconnection for intrastate special access that is offered on virtual collocation basis shall be technically, economically and operationally comparable to the physical collocation that is being offered. The Tier 1 Local Exchange Carriers and interconnectors may negotiate mutually acceptable arrangements on an individual basis, which will be tariffed to facilitate regulatory review and enforcement of nondiscrimination requirements.

This policy has governed intrastate collocation since 1994. However, section 251(c)(6) of the act provides as follows as one of the duties required of incumbent local exchange carriers:

(6) COLLOCATION-The duty to provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

While it has been the Commission's policy to allow the local exchange carrier to choose whether it offers collocation on a physical basis, subsection (c)(6) establishes the general rule that collocation must be made available on a physical basis unless it is infeasible in a given situation. The subsection also assigns the Commission the role of ascertaining when physical collocation is infeasible for both intrastate and interstate interconnection and access. While the subsection goes beyond the special access interconnection arrangement addressed in the Commission's policy statement, the subsection appears to be inconsistent with the policy statement and would appear to have preemptive effect on the policy statement. Interested parties should comment on whether 52 Pa. Code § 69.311 has been preempted and whether the policy statement should be rescinded or modified. Parties should also comment on what procedures should be utilized by the Commission to determine whether physical collocation is infeasible in a given instance.

#### 4. Universal Service

Section 254(f) of the act addresses State authority in the universal service area. Section 254(f) provides as follows:

(f) STATE AUTHORITY-A State may adopt regulations not inconsistent with the Commission's rules to preserve and advance universal service. Every telecommunications carrier that provides intrastate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, in a manner determined by the State to the preservation and advancement of universal service in that State. A State may adopt regulations to provide for additional definitions and standards to preserve and advance universal service within that State only to the extent that such regulations adopt additional specific, predictable, and sufficient mechanisms to support such definitions or standards that do not rely on or burden Federal universal service support mechanisms.

Under section 254, the FCC must promulgate regulations which implement the recommendations of a Federal-State Joint Board on Universal Service within 15 months of enactment of the act.

At the State level, the Commission is presently conducting an on-the-record proceeding to address universal service in the *Universal Service Investigation* at I-00940035, and has initiated a rulemaking proceeding at L-00950105 designed to establish a State universal funding mechanism. At least at the present time, the Commission's actions and stated course in its universal service dockets appear to be completely consistent with the direction of the Federal government as set forth in the act. However, some issues deserve discussion at this time.

Under the Commission's present rulemaking proposal, the Commission would create a State universal service

fund to replace historic subsidies to high cost areas of the Commonwealth as those subsidies are identified in the litigation docket. The fund, as presently proposed, would be contributed to by all jurisdictional telecommunications carriers on a pro rata basis based on a given company's share of jurisdictional Statewide intrastate operating revenue. The fund would reimburse any carrier, incumbent or new entrant, which served a given customer in a high cost area in an amount equal to the historic subsidy as calculated by the Commission. Although the Commission's proposal only requires contribution by jurisdictional carriers, the Commission has previously requested comment as to whether nonjurisdictional telecommunications carriers should also contribute.

In its rulemaking comments to the Commission submitted in January of this year, the Independent Regulatory Review Commission questioned the Commission's legal authority under State law to establish a State universal service fund. While the Commission continues to strongly believe that it has authority under the Public Utility Code to establish a fund and proceed with its rulemaking, section 254(f) expressly recognizes the authority and the expectation that states, including the Commission on behalf of the Commonwealth, will promulgate regulations to preserve and advance universal service in the manner consistent with that proposed by the Commission. In this regard, section 254(f) appears to expressly enable State commissions, including the Commission, to promulgate regulations to establish a universal service funding mechanism, even if it were determined that the Commission lacks authority under State law on a stand alone basis. Interested parties should comment on this issue.

Under its present rulemaking proposal, the Commission only requires contribution to universal service by jurisdictional telecommunications carriers. However, section 254(f) mandates that *every* telecommunications carrier, as defined in section 3(a)(49) of the act, contribute to the State universal service funding mechanism. Given this statutory language, it appears clear that the nonjurisdictional telecommunications carriers, like cellular companies and possibly even cable companies, operating in Pennsylvania would be required by Federal law to contribute to the Commonwealth's universal service funding mechanism. Interested parties should comment on whether they agree with this analysis.

Under the Commission's present rulemaking proposal, carriers automatically qualify to receive universal service funding if they serve customers in a high cost service area. No universal service certification or designation is required as a prerequisite.

Under section 214 of the act, carriers must receive designation from the State commission in order to be eligible to receive Federal universal service support<sup>19</sup> in a given service area—which service areas are also to be established by the State commission.<sup>20</sup> In order to qualify for State commission designation, a carrier must offer basic universal service to all parts of the universal service area for which it seeks designation and must advertise in the media the availability of charges for basic universal

<sup>19</sup>In interpreting the Act, it is important to distinguish between the issue of which carriers are required to contribute to the universal service funding mechanism and which carriers are eligible for universal service support. While, under Section 254(f) every intrastate telecommunications carrier must contribute to the universal service funding mechanism, only carriers designated under Section 214(e) are eligible for universal service support.

<sup>20</sup>In the on-the-record component of the Commission's *Universal Service Investigation*, the Commission is presently addressing the establishment of service areas for universal service support purposes.

service.<sup>21</sup> Procedures are also established by section 214(e)(4) of the act for the State commission to permit a carrier to relinquish its designation in an area upon approval of the State commission upon a finding that all customers in the area will be able to receive basic universal service from another designated carrier in the area.

Clearly there is a difference in approach between the Commission's present rulemaking proposal and the approach adopted by the act. Under the Commission's proposal, any carrier which serves any customer<sup>22</sup> in a high cost service area would be automatically eligible for support from the State fund. Under the act, carriers will not be eligible for designation for support until the carrier commits to making service available to all customers in a given service territory. Although, the requirements and procedures of section 214 are expressly restricted to the Federal universal funding mechanism, interested parties should provide comments as to whether the Commission should or is required to take the Federal approach in proceeding with its universal service rulemaking. Interested parties should also include in their comments recommendations pertaining to the development of procedures for the Commission to administer designation for universal service support whether or not such designation is relevant to both the State and Federal universal service funding mechanism or just the Federal mechanism.<sup>23</sup>

Section 254(h) makes special provision for health care providers and educational providers and libraries within the universal service context. As to health care providers, section 254(h)(1)(A) requires carriers to make necessary services and instruction pertaining to the services available to rural health care providers at rates reasonably comparable to rates charged urban health care providers. As to educational providers and libraries, section 254(h)(1)(B) of the act requires that carriers make universal services, as will be defined by the FCC under section 254(c)(3) of the act or as may be defined by the State commission, available to all educational providers and libraries at a discounted rate. As to intrastate services, the act assigns responsibility for determining the amount of the discount to State commissions. Carriers which provide universal services to either health care providers or educational providers and libraries are eligible for support or reimbursement through universal service funding mechanisms.

Interested parties should provide comment as to what parameters and procedures should be utilized to fulfill the Commission's responsibilities to assure required universal service protections for rural health care providers and all educational providers and libraries. Parties should include recommendations in their comments as to what extent the Commission can address these issues in its pending Universal Service dockets.

Finally, section 254(k) of the act provides as follows:

(k) **SUBSIDY OF COMPETITIVE SERVICES PROHIBITED.**-A telecommunications carrier may not use services that are not competitive to subsidize services that are subject to competition. The Commission, with

<sup>21</sup> The difference in the standard applicable to state commission review of universal service designation for a rural telephone company service area has been previously discussed in the discussion pertaining to removal of entry barriers.

<sup>22</sup> The issue as to whether or to what extent to include commercial customers in a high cost area in the universal service funding mechanism is an issue which has not been determined and is subject to inquiry in the proposed rulemaking docket.

<sup>23</sup> Pursuant to Section 214(e)(3), of the Act the Commission is assigned the responsibility to determine which carrier or carriers should be designated to serve unserved areas. Interested parties should also comment on what standards and procedures should be utilized by the Commission in making this determination.

respect to interstate services, and the states, with respect to intrastate services, shall establish any necessary cost allocation rules, accounting safeguards, and guidelines to ensure that services included in the definition of universal service bear no more than a reasonable share of the joint and common costs of facilities used to provide those services.

Clearly, our Commission has already commenced implementation of this subsection in its *Competitive Safeguards* and *Universal Service* dockets and it appears the Commission's course is completely consistent with the subsection's requirements. Interested parties should include discussion of this issue in their respective comments.

#### **6. Prohibition Against Interexchange Service Rate De-Averaging**

Section 254(g) of the Act generally prohibits providers of interexchange service from de-averaging interexchange toll rates between urban and rural areas. Subsection (g) provides as follows in relevant part:

(g) INTEREXCHANGE AND INTERSTATE SERVICES-Within 6 months after the date of enactment of the Telecommunications Act of 1996, the Commission shall adopt rules to require that the rates charged by providers of interexchange telecommunications services to subscribers in rural and high cost areas shall be no higher than the rates charged by each such provider in urban areas . . .

While it is clear subsection (g) assigns responsibility to the FCC to implement and enforce the de-averaging prohibition, application of the subsection will undoubtedly have significant effect on intrastate toll rates. For example, presently some interexchange carriers charge different toll rates in different local exchange carrier service territories and, in fact, higher rates may be economically justified (although apparently now prohibited by the act) in areas where access rates are higher. See, generally, *AT&T Petition for Approval of Revised Optional Calling Plans*, L-00920069, et al., (January 24, 1995), *Pennsylvania Public Utility Commission v. AT&T Communications of Pennsylvania, Inc.*, M-00940503F0095 (March 31, 1995). Furthermore, it is unclear as to what extent the subsection applies to promotional and/or contractual service offerings. Accordingly, interested parties should provide comment as to what type of activity is permitted and prohibited by subsection (g) within the intrastate context.

#### **7. In-Region InterLATA Services For Bell**

Under section 271(c) of the act, a Bell affiliate<sup>24</sup> is permitted to provide in-region interLATA services if either a facilities-based competitor is providing local service through a qualifying interconnection arrangement in Bell's service territory or if during a certain time frame specified by section 271(c)(1)(B) Bell has not received a request for access and interconnection.<sup>25</sup> In order for an interconnection arrangement to qualify, the arrangement must meet a competitive checklist as established by section 271(c)(2)(B). While the checklist is relatively detailed and specific, its application will undoubtedly be subject to varying interpretations.

The review process governing a Bell affiliate's entry into the in-region interLATA market is governed by section 271(d). Section 271(d) provides as follows in relevant part:

<sup>24</sup> Pursuant to Section 272 of the Act, Bell is required to structurally separate its in-region interLATA activities, once approved, through operation of an affiliate.

<sup>25</sup> It is so unlikely that Bell will not receive a request for access and interconnection during the time frame prescribed by Section 271(c)(1)(B) that the possibility is not worth further discussion.

## (d) ADMINISTRATIVE PROVISIONS-

(1) APPLICATION TO COMMISSION-On and after the date of enactment of the Telecommunications Act of 1996, a Bell operating company or its affiliate may apply to the Commission for authorization to provide interLATA services originating in any in-region State. The application shall identify each State for which the authorization is sought.

## (2) CONSULTATION-

\* \* \* \* \*

(B) CONSULTATION WITH STATE COMMISSION-Before making any determination under this subsection, the Commission shall consult with the state commission that is the subject of the application in order to verify the compliance of the Bell operating company with the requirements of subsection (c).

(3) DETERMINATION-Not later than 90 days after receiving an application under paragraph (1), the Commission shall issue a written determination approving or denying the authorization requested in the application for each state . . . ."

Review of any future Bell affiliate in-region interLATA application before the FCC, given the expected highly contentious nature of any such application, is placed on an extremely fast track and will involve statutorily required consultation between the Commission and the FCC—an unprecedented process—to address whether the competitive checklist has been met. Accordingly, interested parties should provide comment identifying how it is envisioned this process will operate and should address what factors should be considered by the Commission in reviewing whether the Bell affiliate has complied with the competitive checklist. Commentators should specifically address what input, if any, should be received by the Commission from interested parties during the application process in developing the Commission's positions for purposes of consultation with the FCC. If outside input is warranted, commentators should address how the opportunity for input should be procedurally structured.

**8. InterLATA EAS for Bell and GTE**

Section 601(a) of the act supersedes the AT&T and GTE consent decrees which had required Bell and GTE to seek waivers from the Department of Justice (DOJ) before carrying any traffic across a LATA boundary. At the State level, the DOJ waiver process became relevant in situations involving interLATA EAS where the Commission ordered that a given interLATA route be converted from a toll route to a local route. Under this scenario, if Bell or GTE was the originating carrier (and in some cases the terminating carrier) for an interLATA EAS route, Bell or GTE was required to seek and receive a consent decree waiver prior to conversion of the route to local. In this regard, Commission regulations at 52 Pa. Code § 63.75(6) provide as follows:

(6) In cases where the local exchange carrier is prohibited from providing service between the calling exchange and the receiving exchange by Federal antitrust consent decree restrictions and a waiver is necessary to implement EAS, the local exchange carrier shall apply for a waiver of Federal antitrust restrictions to allow it to implement EAS. The Commission will file a statement affirmatively supporting the waiver application.

The consent decree restrictions pertaining to interLATA EAS have been superseded by the act and Bell and GTE are no longer subject to Federal restrictions historically imposed by consent decree in carrying local traffic across

a LATA boundary for interLATA EAS purposes. At the time of enactment, Bell had at least two interLATA EAS waiver requests pending before the DOJ which it appears should be withdrawn or transferred. In any case, interested parties should comment on the effect of the Act on interLATA EAS situations involving Bell or GTE and whether the Commission's regulations at section 63.75(b) should be modified.

**9. Bell IntraLATA Toll Imputation Requirement**

Under section 271(e)(2)(A) of the act, once granted authorization to provide in-region interLATA services, the Bell affiliate may not start to offer and provide in-region interLATA services until it makes intraLATA presubscription available throughout its service territory in a given state. Given this provision, it is extremely likely that the Bell affiliate will start to provide in-region interLATA services coincidental with the availability of intraLATA presubscription (most likely to the day).

Section 272(e) of the act defines the relationship between Bell and its interLATA affiliate. Under section 272(e)(3), Bell:

(3) shall charge the affiliate described in subsection (a), or impute to itself (if using the access for its provision of its own services), an amount for access to its telephone exchange service and exchange access that is no less than the amount charged to any unaffiliated interexchange carriers for such service . . . .

Therefore, it appears that once the Bell affiliate enters the in-region interLATA market, coincident with the availability of intraLATA presubscription in Bell's service territory, Bell is subject to a mandatory imputation requirement for the provision of its services which utilizes its access services, apparently including Bell's intraLATA toll services.

In Pennsylvania, on December 14, 1995, the Commission entered an Opinion and Order in *Investigation Into IntraLATA Interconnection Arrangements*, I-00940034, which set forth the terms and conditions under which intraLATA presubscription would be made available in the Commonwealth. As to Bell, the Commission required that intraLATA presubscription be made available by no later than June 30, 1997. Furthermore, the Commission refrained from imposing an imputation requirement on intraLATA services provided once presubscription is available, on either local exchange carriers, including Bell, or interexchange carriers. Instead, the Commission determined that, at least initially, the marketplace should be permitted to govern the pricing of intraLATA services and that the Commission would monitor the marketplace on an ongoing basis to assure that no carrier was engaging in anticompetitive behavior. The monitoring of the intraLATA market would commence upon the availability of intraLATA presubscription in a given area.

It appears that the effect of section 272(e)(3) is to require that Bell be made subject to an imputation requirement upon the availability of intraLATA presubscription in its service territory. Accordingly, interested parties should comment on whether the Commission's December 14, 1995 Order at I-00940034 requires revision given the application of the act.

**10. Audits**

Section 272(d) of the act establishes an audit requirement for Bell and its interLATA service affiliates. Section 272(d) provides as follows:

## (d) BIENNIAL AUDIT.-

(1) GENERAL REQUIREMENT.-A company required to operate a separate affiliate under this section shall obtain and pay for a joint Federal/State audit every 2 years conducted by an independent auditor to determine whether such company has complied with this section and the regulations promulgated under this section, and particularly whether such company has complied with the separate accounting requirements under subsection (b).

(2) RESULTS SUBMITTED TO COMMISSION: STATE COMMISSIONS.-The auditor described in paragraph (1) shall submit the results of the audit to the Commission and to the State Commission of each State in which the company audited provides service, which shall make such results available for public inspection. Any party may submit comments on the final audit report.

Interested parties should comment on what the Commission's role, if any, should be in the joint audit process for Bell. Commentators who advocate an active role for the Commission should provide further comment regarding the intended scope of any such audit. Parties should also address the audit comment process established by section 272(d)(2) and discuss what procedures should be utilized by the Commission to evaluate final audit report comments and what alternatives are available to the Commission to address these comments.

Furthermore, section 103 of the act amends section 34(d) of the Public Utility Holding Company Act of 1935 (15 U.S.C.A. §§ 79 *et seq.*), so as to establish independent audit authority for State commissions to audit telecommunications affiliates of public utility holding companies which are categorized as exempt telecommunications companies by the FCC. Although the subsection goes on to impose auditor selection requirements and time deadlines for such a State audit, the language of the subsection is permissive, not mandatory, and does not require the Commission to conduct such audits unless they are found by the Commission to be necessary. Interested parties should provide comment as to whether such audits, if found to be necessary, can be integrated into the Commission's normal audit functions.

### 11. Notice of FCC Filings

In addition to the wide variety of filings which are required by the act to be filed with state commissions, the act also contains many filing requirements to be submitted to the FCC. Although in most instances the act does not expressly require documents filed by Pennsylvania carriers at the FCC to be submitted to the Commission, it appears important that Federal documents be shared with the Commission in order to assure the coordinated Federal/State activity envisioned by the act. At a bare minimum, it appears that the Commission should receive notice of all Federal filings by Pennsylvania carriers, particularly those which ultimately will require some action by the Commission or which trigger a deadline which requires Commission involvement. Interested parties should submit comments regarding this proposal.

### 12. Public Forum

In addition to receipt and evaluation of the written comments of interested parties, it appears valuable to create a setting for an open discussion of these important issues. Accordingly, the Commission will hold a public forum to address the issues raised by this Order and any other issues relevant to interpretation, application and administration of the act. The public forum will be held on April 3, 1996, at 10 a.m. in Hearing Room No. 1. All

interested parties are welcome to attend. Parties who wish to actively participate in the public forum should contact Otto F. Hofmann, Deputy Executive Director at (717) 783-5375 by no later than 5 days following publication of this Order in the *Pennsylvania Bulletin*. In both written comments submitted under this Order and any oral discussions at the public forum, parties should be careful not to discuss the substantive merits of any issue pending before the Commission in any contested on-the-record proceeding.

### 13. Conclusion

Overall, issuance of this Order represents the Commission's initial attempt to commence the arduous task of implementation of the Federal Telecommunications Act of 1996. Through this Order, the Commission establishes a 30-day comment period following publication for interested parties to comment on the wide variety of issues pertaining to Commission implementation of the Federal Act. The Commission is hopeful that interested parties give requested comments the time and effort these issues deserve so that the Commission can move forward in a timely manner to implement the act and, in doing so, bring its current procedures into compliance with Federal law, develop procedures and plan the allocation of resources to accomplish its newly created responsibilities; *Therefore,*

*It Is Ordered That:*

1. The Commission hereby solicits comment from all interested parties on all of the issues discussed in the body of this Order and any other issues pertaining to Commission implementation of The Telecommunications Act of 1996.

2. The Secretary is hereby directed to serve this Order on the Office of Consumer Advocate, the Office of Small Business Advocate, each jurisdictional telecommunications carrier, the Pennsylvania Electric Association, the Pennsylvania Gas Association, the A-310213F0002 service list and the Commission's Chapter 30 service list.

3. The Secretary shall duly certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. The Executive Director's Office shall schedule a public forum on for April 3, 1996, at 10 a.m. in Hearing Room No. 1 for interested parties to openly discuss all issues raised by this Order and any other issues relevant to interpretation, application or administration of The Telecommunications Act of 1996. Parties wishing to make an oral presentation at the public forum shall notify Otto Hofmann, Deputy Executive Director at (717) 783-8156 by no later than 5 days following publication of this Order in the *Pennsylvania Bulletin*.

5. Within 30 days of publication, an original and 10 copies of any comments concerning the subject matter addressed in the Order shall be submitted to the Pennsylvania Public Utility Commission at the above-captioned docket. The contact person is Alan Kohler, Assistant Counsel, (717) 772-8840. In addition to the original and 10 copies filed with the Commission's Secretary, each set of comments shall be served on each Commissioner's office.

JOHN G. ALFORD,  
*Secretary*

*Statement of Chairperson John M. Quain*

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 (Act) into law. The Act

represents a landmark piece of legislation, which for the first time in 62 years, comprehensively amends the federal law which governs the provision of telephone service throughout the nation.

The Law Bureau introduction states that the "far reaching nature of the Act and its profound effects on the future regulation of telecommunications services at both the State and Federal levels are best summarized in the Congressional Conference Report which states that the purpose of the Act is:

...To provide for pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition and for other purposes. . .

In my view Congress has given the Federal Communications Commission and the individual State Commissions a distinct mandate for implementation of this legislation.

The Law Bureau Tentative Decision before us today initiates the arduous task to implement the legislation in the Commonwealth of Pennsylvania. I challenge all interested parties to give diligent thought to their responses to the procedural considerations set out in the proposed Tentative Decision. Unlike past regulatory schemes, both regulators and industry need to work together to meet the ultimate goal of economic growth through competition.

I look forward to working with all interested parties on this monumental task. We have the challenge so we must move forward expeditiously but with some level of caution. Pennsylvania and consumers can benefit from this process.

*Statement of Vice Chairperson Lisa Crutchfield*

The recently enacted federal Telecommunications Act of 1996 (Act) sets the stage for a new era of competition in an industry that accounts for over \$200 billion in annual sales.<sup>1</sup> The Act, which amended the Communications Act of 1934, provides for a "pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans. . . ."<sup>2</sup> Long distance carriers, cable companies and other companies, including public utilities such as electric companies are no longer prevented from offering local telephone services. Local telephone companies are permitted to offer long distance telephone service as well as deliver video to homes and businesses.

The Act removes existing entry barriers to the local telephone market by preempting state or local statutes and regulations that excludes entities other than the traditional local exchange carrier (LEC) monopoly from providing telecommunications services. All carriers are subject to a number of access requirements which are intended to provide for open and fair competition. Additionally, in an effort to address the growing gap between the information "haves" and "have nots," the Act contemplates the development of an evolving definition for universal service as well as the establishment of a universal service fund.

A basic thrust of the Act is regulatory parity whereby all providers of telecommunications services are regulated in the same manner. The Act also provides for technological neutrality thereby preventing regulation from determining the appropriate technology (i.e. telephone, cable, satellite or wireless) that is used to provide services to consumers.

I envision a broadband, multimedia electronic network through which digitally coded information (i.e. voice, video, text, data, graphic or what have you) which runs to and from any point in the network to any other point in the network. This advance technology will serve important national goals, including (1) expansion of social services such as access to government information, improved health care, broader educational resources and (2) an increase in commercial activity including advanced manufacturing, more extensive electronic commerce and wider telecommuting.

The Act affects either directly or indirectly most areas of intrastate telecommunications services. There will be a significant impact on the Commission's regulatory activity. For example, the Act prohibits the Commission from restricting entry to the intrastate market. We currently regulate the entry to the intrastate market through the issuance of a certificate of public convenience pursuant to 66 Pa.C.S. §§ 1101 and 1103. This type of regulation is no longer permitted under the Act. There are other provisions of the Act that assign new areas of responsibility to the Commission thereby impacting our regulatory activity. These areas of responsibility include matters regarding interconnection, virtual collocation, Bell Operating Companies (BOC) requests for in-region interLATA services, and universal service. For example, the Act requires the Commission to approve negotiated interconnection agreements. Additionally, the Commission, pursuant to the Act, is permitted to mediate differences and to arbitrate unresolved disputes that arise during the course of interconnection negotiations.

This Commission deems it appropriate to take internal and external measures in order to implement the Act. The Executive Director's Office will serve as the chair of an internal implementation task force. The Law Bureau has prepared for our consideration today an implementation Order, in tentative form, to be issued for comment. Additionally, a public forum is scheduled to be held in April. This forum will provide an opportunity for dialogue with stakeholders and other interested parties. I believe these activities will provide for the orderly implementation of the Act. I commend the Law Bureau for its actions to date in preparing this Commission for the implementation of the Act. I, however, offer the following additional areas for consideration of comments by the parties in response to the Tentative Order.

#### 1. Repeal or Amend Provisions of the Public Utility Code and Pennsylvania Code

Existing laws under the Public Utility Code are subject to preemption under the Act. I request interested parties to identify and provide explanations as to any statutory requirements under the Public Utility Code which it believes is subject to Federal preemption and requires the Commission to seek the General Assembly's action to repeal or amend the particular law. Additionally, the Act preempts Commission regulations that are inconsistent with the Act as well as the Federal Communications Commission (FCC) regulations. Accordingly, I request interested parties to identify Commission regulations that should be repealed or amended.

<sup>1</sup>Source: Economic Report of the President to Congress (February 14, 1996).

<sup>2</sup>H.R. Conf. Rep. No. 104-458, 104 Cong., 2d Sess. (1996).

## 2. Interconnection

Section 251 of the Act includes general standards governing interconnection; however, it permits the Commission to enforce its regulations and policies governing access and interconnection obligations so long as the requirements are not inconsistent or prevent the implementation of the Act. The Commission's *Application of MFS Intelenet of Pennsylvania, Phase II*, at Docket No. A-310213F002, proceeding includes the unbundling and general interconnection pricing standards for The Bell Atlantic-Pennsylvania (Bell). The Tentative Order requires the parties, in this proceeding, to address the Act. Since this proceeding only examines unbundling and interconnection pricing standards for Bell as the incumbent LEC, I would like interested parties to comment on whether the Commission should institute a limited generic investigation or expand the MFS Phase II proceeding to include all other incumbent LECs.

Section 251(c)(6) requires incumbent LECs to provide for physical collocation unless it demonstrates to the Commission that physical collocation is not practical for technical reasons or there are space limitations. I encourage interested parties to comment on technical and space limitation standards the Commission should utilize in determining whether physical collocation is feasible and practical.

Section 251(f) of the Act exempts a rural telephone company from meeting the interconnection requirements of Section 251(c) until the company receives a bona fide request for interconnection service. The Act requires the Commission to make a determination as to whether the request is unduly economically burdensome, technically feasible and consistent with the universal service requirements. I request interested parties to identify standards the Commission should consider in making its determination as to the economic and technical feasibility of such interconnection request.

## 3. Universal Service

Section 254(f) permits a state to advance and preserve universal service. All intrastate telecommunications providers are required to contribute to universal service within a state as determined by the state. The FCC and the state are responsible for ensuring universal service is available at just, reasonable and affordable rates. The Tentative Order points out that the Independent Regulatory Review Commission, in comments to the Commission's universal service rulemaking, questioned our legal authority under state law to establish a state universal service fund. The Order specifically states that "[w]hile the Commission continues to strongly believe that it has authority under the Public Utility Code to establish a fund and proceed with its rulemaking, Section 254(f) expressly recognizes the authority and the expectation that states, including the Commission on behalf of the Commonwealth, will promulgate regulations to preserve and advance universal service in the manner consistent with that proposed by the Commission."

It is interesting to note that Congress specifically delineated the state commission as the responsible entity for carrying out certain provisions of the Act. As it relates to universal service, the Act specifically refers to the state rather than the state commission. We may require legislative action delegating to the Commission the state's responsibility relative to universal service. I request interested parties to comment on whether the Commission has the authority to oversee and implement the

universal service provisions of the Act which are specifically reserved to the state.

## 4. Exempt Telecommunications Companies

Section 103 of the Act amends the Public Utility Holding Company Act of 1935 (PUCHA) to permit registered electric and gas holding companies to establish affiliates to provide telecommunications services. The Tentative Order provides for service of the Order on the Pennsylvania Electric Association and the Pennsylvania Gas Association. In order to facilitate the comment process, I recommend that the Tentative Order be served on all jurisdictional electric and gas companies.

## 5. Audits

Section 272 of the Act requires Bell and its interLATA service affiliates to obtain a biennial joint Federal/State audit. The Act also requires the state commission to implement procedures to protect proprietary information submitted during the course of the audit. The Commission currently has procedures governing the protection of proprietary information. I request interested parties to comment on the adequacy of the Commission's existing procedures.

### *Statement of Commissioner David W. Rolka*

The Federal law specifically prescribes procedures for state certification of eligible telecommunications carriers (ETC) for purposes of qualifying for universal service funding. For areas served by a rural telephone company, state certification of more than one ETC must be based on a public interest finding. One of the requirements that an ETC must meet is to offer services that are supported by Federal universal service support mechanisms and to advertise the availability of such services and charges therefor, throughout the service area applicable to the ETC designation. These provisions, found at Sections 254 and 102/214(e) of the Act, link a carrier's eligibility to receive Federal universal service financial support with a carrier's obligation to serve throughout a particular service territory that is determined by the state commission. Section 253(f) expressly provides that a state may require as a condition of market entry that a carrier seeking to serve a rural telephone company area must meet the ETC standard prescribed in Section 214(e)(1).

The state commissions also may continue to prescribe a carrier's obligation to serve within non-rural markets under the new federal law. Section 253(b) expressly preserves the states' ability to impose, on a competitively neutral basis and consistent with Section 254, "requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers." However, sole reliance on Section 253(b) would be incomplete if I failed to note that the authority set forth in subsection (b) is limited by subsection (a) of Section 253. Subsection (a) forbids the imposition of requirements which prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. My interpretation of these sections is that the state commission may not impose geographic boundaries on the scope of a carrier's operating authority as a condition to market entry because that may be a barrier to entry. However, the carrier may be required to identify the geographic boundaries in which it intends to provide service, and must comply with the associated common carrier responsibilities which includes the obligation to serve within the carrier's defined service territory.

These provisions pursuant to Section 253 authorize state commissions to impose a common carrier obligation to serve on all carriers seeking to provide local exchange service, independent of and regardless of whether the carrier is certified by the state commission as an ETC under Section 214(e) to receive federal universal service financial support. Carriers which seek entry into areas served by rural telephone companies may have to meet an additional public interest threshold pursuant to Sections 253(f) and 214(e). All carriers, nonetheless, which seek entry into telecommunications markets, may be required to undertake an obligation to serve, consistent with the states' continued authority over such matters such as universal service, public safety and welfare and quality of service.

Under this interpretation of the Federal act, new competitors or new entrants could have the ability to serve narrow geographic segments of the Commonwealth and could more easily focus their energies in those areas where profit is expected to be most substantial. This may increase the potential for new competitors to "cream skim" the incumbent's customers, and may create pressure on incumbents to seek to deaverage rates as a responsive tactic. Given that both Pennsylvania and federal law prohibit deaveraged interexchange rates, local rate deaveraging is expected to be the primary focus for rate rebalancing efforts. Such efforts could seriously jeopardize the affordability of local basic rates. We must be mindful that like Pennsylvania's Chapter 30, the federal law establishes a framework for local exchange competition and for the advancement and preservation of universal service. Affordability of rates is a common goal of both the state and federal law. Our implementation efforts must take into account that the federal law was enacted to benefit customers through the introduction of competition. While the industry structure must undergo some further transition as the bill's framework is implemented, the perspective of the end result to the customer—the monthly bill—must always be a guiding factor.

In our pending docket on universal service, rules have been proposed that any carrier which serves a high cost customer could qualify to receive intrastate universal service financial support. The proposed Tentative Order before us today poses the question of whether a carrier's eligibility to receive intrastate universal service support should be predicated on the same basis as the eligibility to receive federal financial support, namely the carrier's obligation to serve throughout the service area. This approach might limit a new entrant's interest in "creamskimming" to only those areas where the new entrant would be willing to serve without qualifying for federal universal service support and perhaps state universal service financial support (if the state's eligibility criteria were revised to reflect the standards prescribed in Section 254).

In our pending Universal Service Investigations at Docket Nos. I-940035 and L-950105, the proposed rules would allow all local exchange service providers which serve subscribers in a high cost service area to receive universal service support. Some commenting parties have challenged this framework and have suggested that state universal service funding should be disbursed only to the incumbent carriers because only those carriers have an obligation to serve. Such a limitation appears to be foreclosed by the federal act for those facilities-based carriers which serve non-rural markets, because Section 214(e) prescribes that the state commission shall certify

as an "eligible telecommunications carrier" any carrier which: (1) agrees to offer the set of services included within the Section 254 definition of universal service; (2) agrees to advertise the availability of such services; and (3) which offers the universal services using its own facilities or a combination of its own facilities and resale of another carrier's services. If a facilities-based carrier undertakes the obligation to provide service within a non-rural service area, the state commission must certify the carrier as an ETC, which renders the carrier eligible to receive universal service support pursuant to Section 254. Section 254 establishes the ETC certification as a prerequisite for receiving Federal universal service support and further prescribes that state regulations must not be inconsistent with the FCC rules. These provisions appear to prohibit the limitation of availability of either state or federal universal service support mechanisms to incumbent carriers who are serving non-rural markets.

The law contemplates that the FCC and state commissions will work together to develop and implement policies governing telecommunications services. The FCC's deadlines for promulgating regulations to implement the various provisions and requirements of the law are very compressed, and consequently, the states must diligently and promptly pursue their implementation efforts so that we can be assured that federal and state policy making will be coordinated. As the proposed Tentative Order notes, Pennsylvania already has a number of proceedings well under way that will address various aspects of the federal law. In particular the second phase of our local competition docket will address various aspects of unbundling; the universal service docket will address cost and pricing issues for local call termination rates in addition to universal services and the competitive safeguards investigation will identify appropriate requirements applicable to Bell's provision of competitive services. Those dockets are currently scheduled to produce recommendations for Commission consideration in June of 1996. It will be imperative for the Commission to promptly review and dispose of these recommendations so that we can promptly implement our responsibilities under the federal law. This effort will also demonstrate to the FCC that we intend to be a full partner in fulfilling the requirements of the new law.

I noted with interest the statutory interpretation issue raised in Vice Chairman Crutchfield's Statement regarding this matter. In particular, the Statement seeks comment on whether the use of the term "state" rather than "state commission" in Section 254 means that legislative action is required to delegate to this Commission the state's responsibility relative to universal service. I would request commenting parties to consider whether the use of the terms "state" and "state commission" are interchangeable in Title II of the Federal Act. For example, Section 254 uses the term "state," while its companion section, 214(e) uses the term "state commission." Similarly, Section 253 uses the term "state," while Section 252 uses both terms within different subsections. Section 252(e)(1) and (2) refers to "state commission," whereas Section 252(e)(6) uses both terms within that subsection:

(6) REVIEW OF STATE COMMISSION ACTIONS—In a case in which a *State* fails to act as described in paragraph (5), the proceeding by the Commission under such paragraph and any judicial review of the Commission's actions shall be the exclusive remedies for a *State commission's* failure to act. . . .



(Emphasis added). Another such example is evident in Section 214(e)(3), which uses the term "state commission." In contrast, the Conference Committee Report uses the term "state" to describe the responsibilities and requirements set forth in Section 214(e).

By making state universal service support mechanisms available to new entrants as well as incumbents, the fund can be used as an incentive to obtain new entrants' commitments to serve particular areas and to minimize the potential for creamskimming. If the funds are not available to new entrants that are willing to undertake an obligation to serve in non-rural markets, the new entrants will be disadvantaged by having to compete with incumbents who would be able to qualify for such support. Additionally, the use of the fund as a tool to encourage more competition will be lost.

The interplay between Section 253(a) and 253(b) also raises a more general question of whether the state commission may revoke the operating authority of a telecommunications service provider and what alternative forms of recourse might be available. We should proceed cautiously before concluding that the fitness requirements prescribed in Chapter 30 should be nullified. The Tentative Order indicates that these criteria may be entry barriers. I suggest that they could also be construed as reasonable terms and conditions permitted by Section 253(b). We must consider an appropriate analytical framework for identifying market entry barriers versus reasonable terms and conditions.

I request commenting parties to address the analysis and ideas proposed in this Statement in their formal comments as well as at the public forum scheduled in the Tentative Order.

[Pa.B. Doc. No. 96-517. Filed for public inspection March 29, 1996, 9:00 a.m.]

#### **Petitions of Pennsylvania Power Company for Declaratory Orders, Amendment of Prior Commission Orders, and Waiver of Certain Regulations and Applications for Rate Changes; Doc. No. P-00961028**

Pennsylvania Power Company has filed: (1) petitions for declaratory orders under 66 Pa.C.S. § 331(f) and 52 Pa. Code §§ 5.41—5.43 to permit for accounting purposes the accelerated depreciation of nuclear generation assets and amortization of certain regulatory assets, the accelerated funding of decommissioning its interests in two nuclear plants, and establishing a procedure for the future disposition of certain assets; (2) applications to eliminate the energy cost rate as to Penn Power, roll the Energy Cost Rate (ECR) costs into base rates, and to implement five economic development tariffs; and (3) petitions to amend under 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572 two prior Commission orders relating to the ECR, and to waive certain Commission regulations. The filing constitutes Pennsylvania Power Company's Rate Stability and Economic Development Plan for which an effective date of May 1, 1996 is sought. The filing is docketed at P-00961028.

Persons desiring to file protests to the applications and answers to the petitions may do so in accordance with 52 Pa. Code §§ 5.51—5.54 (relating to protests) and 52 Pa. Code §§ 5.61—5.66 (relating to answers). All such pleadings must be filed with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. Copies of the petitions and applications are on file with the Commission and are available for public inspection. The contact person is Assistant Counsel Kevin J. Moody, (717) 787-2126.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-518. Filed for public inspection March 29, 1996, 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 April 22, 1996, 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-00112899. Sang Yul Lee, t/d/b/a Hankook Call Taxi** (753 Cheltenham Avenue #13, Melrose Park, Montgomery County, PA 19027)—persons upon call or demand in the township of Cheltenham, Montgomery County.

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

**A-00104504, Folder 1, Am-D. Krapf's Coaches, Inc.** (1060 Saunders Lane, West Chester, Chester County, PA 19380), a corporation of the Commonwealth of Pennsylvania—persons between points in the county of Berks and from said county to points in Pennsylvania, and return; *so as to permit* the transportation of persons in group and party service, between points in that part of Pennsylvania on and south of Interstate Highway 80 and on and east of Interstate Highways 81 and 83, and from points in said territory to points in Pennsylvania, and return. *Attorney:* Patricia Armstrong, P. O. Box 9500, Harrisburg, PA 17108.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of part of the rights as described under each application.**

**A-00112902. A & E Limousine, Inc.** (1679 Forest Acres Drive, Clarks Summit, Lackawanna County, PA 18411), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the county of Lackawanna, and from points in the said

county, to points in Pennsylvania and return; which is to be a transfer of part of the right issued to B Squared, Inc., t/d/b/a A 1 Special Delivery Limousine Service, under the certificate issued at A-00109053, subject to the same limitations and conditions.

**A-00111011, F. 3. The Rose Limousine Service, Inc.** (676 Main Road, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the county of Luzerne, and from points in the said county, to points in Pennsylvania and return; which is to be a transfer of part of the right issued to B Squared Inc., t/d/b/a A 1 Special Delivery Limousine Service, under the certificate issued at A-00109053, subject to the same limitations and conditions.

**Notice of Motor Carrier Applications—Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before April 15, 1996.

- A-00112890 John A. Wagner, t/d/b/a John A. Wagner Trucking  
1627 Walnut Street, Carnegie, PA 15106
- A-00112891 Louis H. Martin, t/d/b/a Louis H. Martin Trucking  
3795 Beagle Road, Middletown, PA 17057-4056
- A-00112892 Randall Davidson, t/d/b/a Randy Davidson Trucking  
R. D. 1, Box 44, Mahaffey, PA 15757
- A-00112893 Joseph W. Stockton  
21 Violet Lane, West Grove, PA 19390
- A-00112907 D & B Trucking  
P. O. Box 221, Hanover, PA 17331
- A-00112908 Thomas L. Sensenig & Tammy S. Sensenig, tenants by the entirety,  
t/d/b/a K & K Dispatch  
P. O. Box 309, Myerstown, PA 17067
- A-00112903 Vernon Martin  
845 East Kercher Avenue, Myerstown, PA 17067
- A-00112904 Raymond Sheerer, t/d/b/a Ray Sheerer Enterprises  
4421 Main Street, Whitehall, PA 18052
- A-00112905 Larry L. Fultz, t/d/b/a L L Fultz Trucking  
1337 Oaklyn Drive, Narvon, PA 17555
- A-00112906 Cynthia G. Carr and Andrew J. Jr., t/d/b/a StarrCarr Trucking  
Box 17, Barto, PA 19504
- A-00112909 York Electrical Supply Co., Inc., t/d/b/a YESCO  
P. O. Box 669, York, PA 17405
- A-00112897 Carl Dietrich  
328 Zion's Church Road,  
Shoemakersville, PA 19555
- A-00112898 Bernard M. Folmar, Jr., t/d/b/a BMF, Inc.  
R. D. 2, Box 226, Morrisdale, PA 16858

A-00112900 Eric Lee & Rudy Lynn Wolgemuth,  
Copartners, t/d/b/a E and R Farms  
1376 Landis Road, Elizabethtown, PA 17022

A-00112901 Donald Rebuck, Jr.  
R. D. 1, Box 32B, Dornsife, PA 17823  
JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-519. Filed for public inspection March 29, 1996, 9:00 a.m.]

**Water and Sewer Service  
Without Hearing**

**A-230510F0004. Westtown Water Treatment Company.** Application of Westtown Water Treatment Company t/d/b/a Westtown Sewer Company for approval to begin to offer, render, furnish or supply wastewater service/sewer service to the public in additional territory in Westtown Township, Chester County, that is Green Lane Development and Chesterfield Development.

This application may be considered without a hearing. Protests or Petitions to Intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before April 15, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicant:* Patricia Armstrong, Esquire, Thomas T. Niesen, Esquire, Regina Matz, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-520. Filed for public inspection March 29, 1996, 9:00 a.m.]

**STATE EMPLOYEES'  
RETIREMENT BOARD**

**Hearings Scheduled**

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Harrisburg, PA 17108:

May 22, 1996 James C. Gallagher 1 p.m.  
(Disability)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the

General Rules of Administrative Practice and Procedure,  
1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 96-521. Filed for public inspection March 29, 1996, 9:00 a.m.]

---

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, at the Administrative Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

**Contract No. 96-006-RJ41.** Roadway repairs between M. P. 188.59, Exit 14 and M. P. 236.06, Exit 17 on the PA Turnpike System in Franklin and Cumberland Cos., PA.

*Bid Opening:* April 17, 1996, 11 a.m.

*Bid Surety:* 5%.

Plans, specifications and contract documents will be available and open to the public inspection at the Administrative Building. Copies may be purchased upon payment of \$25 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676: Attn: *Secretary/Treasurer's Office*. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-522. Filed for public inspection March 29, 1996, 9:00 a.m.]

---

# FEDERAL SURPLUS PROPERTY PROGRAM

## DEPARTMENT OF GENERAL SERVICES

### INVENTORY AND INFORMATION

The Department of General Services, Bureau of Supplies and Surplus Operations oversees the Federal Surplus Property Program within the Commonwealth of Pennsylvania in accordance with the Federal Property and Administrative Services Act of June 30, 1949, 63 Stat. 377 as amended. Personal property is made available on an equitable basis to our State Agency for allocation to eligible organizations at minimal service charges. Available property can include office equipment and furniture, clothing, hand tools, hardware, light machinery, heavy equipment and much more. Some of the equipment is new, while some may require repair, but all of the property is useful, and is available to your organization at a fraction of the cost of buying retail. Most nonprofit, tax-exempt organizations, such as municipalities, schools, emergency management agencies, day care centers and other public service organizations are eligible and have saved thousands of dollars annually through the use of federal surplus property.

All federal surplus property is donated on a first-come, first-served basis to eligible nonprofit organizations within the Commonwealth. A nominal cost is incurred by the participants in the form of a service charge to cover the state's cost of administering the program. Questions about the availability of items or about your organization's ability to participate in the Federal Surplus Property Program should be directed to: The Department of General Services, Bureau of Supplies and Surplus Operations, Federal Surplus Property Program, P. O. Box 1365, 2221 Forster Street, Harrisburg, PA 17105, or call TOLL-FREE 1-800-235-1555.

### VEHICLES AND HEAVY EQUIPMENT

*Crane.* Mfg. Hanson Machine Company, 5 ton, 1988, Model H-446, diesel, 33,200 gvw, 459 hours. Only 1 available, good condition, stock number 3810-95-0416-001, \$3,750 ea.

*Trailer.* Mfg. varies, 2 wheel, 3/4 ton, cargo, 2,780 gvw. Several available, good condition, stock number 2330-95-0495-002, \$750 ea.

*Truck.* Mfg. Dodge, pick-up, 4x4, 1976 and 1977, 318, v-8, 8,000 gvw, automatic. Several available, conditions vary, \$250.00—\$1,500 ea.

*Car.* Mfg. Chevy, Citation, 4 door sedan, 1984, 4 cylinder, automatic, 51,765 miles. Only 1 available, good condition, stock number 2310-95-0453-004, \$200 ea.

*Car.* Mfg. GMC, Pontiac, Bonneville, 4 door sedan, 4.1 litre, v-6, automatic, 95,838 miles. Only 1 available, good condition, stock number 2310-96-0118-001, \$700 ea.

*Ambulance.* Mfg. Chrysler Corporation, Dodge, 4x4, w 20, 1977, 318, v-8, automatic, 8,000 lb gvw. Only 2 available, good condition, \$1,500 ea.

*Forklift.* Mfg. Hyster, gas, 4,000 lb capacity, Model 540C-P, 1971. Only 1 available, fair condition, stock number 3930-96-0235-016, \$750 ea.

### BUILDING MATERIALS

*Sheet.* Mfg. unknown, aluminum, 4' x 12' x .040". Plenty available, NEW, stock number 9535-95-0207-023, \$8.75 ea.

*Sheet.* Mfg. unknown, aluminum, 4' x 12' x .050". Plenty available, NEW, stock number 9535-95-0053-011, \$10.00 ea.

*Sheet.* Mfg. unknown, aluminum, 3' x 6' x .032". Plenty available, NEW, stock number 9535-95-0168-016, \$5.00 ea.

*Sheet.* Mfg. unknown, aluminum, 3' x 8' x .038". Plenty available, NEW, stock number 9530-95-0168-014, \$8.75 ea.

*Channel.* Mfg. unknown, aluminum, 4-3/4" x 1/2" x 1" long. Plenty available, NEW, stock number 9540-95-0141-062, \$2.50 ea.

*Sheet.* Mfg. unknown, steel, 4' x 8'. Plenty available, good condition, stock number 9515-95-0207-001, \$2.50 ea.

*Bolt.* Mfg. Stanley, eye bolt, steel, bright zinc plated, 3/8" x 4", 10 bolts/box, sold by the box. Plenty available, NEW, stock number 5306-96-0237-002, \$2.00 ea.

*Hinge.* Mfg. Stanley, spring hinge, steel, 3 hinges/box, sold by the box. Plenty available, NEW, stock number 5340-96-0237-001, \$2.00 ea.

*Castor.* Mfg. Powers Industrial, swivel, 6", with grease fitting. Limited quantities available, NEW, stock number 5340-96-0062-004, \$15.00 ea.

*Electrode.* Mfg. McKay, welding machine, size 1/4 x 14, class 1, type mil-310-16, 10 lb. can. Plenty available, NEW, stock number 3439-96-0195-006, \$5.00 ea.

### BUSINESS AND RESIDENTIAL FURNISHINGS

*Chair.* Mfg. varies, various styles and colors. Plenty available, condition varies, \$3.00—\$25.00 ea.

*Cabinet.* Mfg. varies, file, 4 and 5 drawer. Plenty available, good condition, \$35.00—\$60.00 ea.

*Partition.* Mfg. unknown, fabric, various sizes. Plenty available, very good condition, \$3.75 ea.

*Rack.* Mfg. AHF Enterprises, coat rack, wood, 4 hook. Limited quantities available, NEW, stock number 7110-96-0351-082, \$25.00 ea.

*Table.* Mfg. Rishel Hon Industries, printer table, wood, 36" x 30". Limited quantities available, NEW, stock number 7110-96-0351-093, \$50.00 ea.

### CLOTHING, TEXTILES AND PERSONAL ITEMS

*Boots.* Mfg. McRae Industries, hot weather, combat type, many sizes available, sold by the pair. Plenty available, NEW, stock number 8430-00-0005-001, \$12.00 ea.

*Boots.* Mfg. varies, insulated, cold weather, rubber, size varies, sold by the pair. Plenty available, NEW, stock number 8430-00-0003-001, \$12.00 ea.

*Boots.* Mfg. LaCrosse Footwear, Inc., 5 buckle, size 10, sold by the pair. Plenty available, NEW, stock number 8430-95-0121-008, \$3.50 ea.

---

## ELECTRICAL AND ELECTRONICS

---

*Lamp.* Mfg. Philips, reflector, elliptical, 50 watt, 120 volt, ER-30, flood. Plenty available, NEW, stock number 6240-95-0487-008, \$.38 ea.

*Lamp.* Mfg. Philips, reflector, elliptical, 120 watt, 120 volt, ER-40, flood. Plenty available, NEW, stock number 6240-95-0487-002, \$.75 ea.

*Lamp.* Mfg. Osram, medium, skirted base, 45 watt, "Super Halogen." Plenty available, NEW, stock number 6240-95-0487-003, \$1.25 ea.

*Lamp.* Mfg. General Electric, floor, indoor, R-30, "Miser," for track and recessed lighting, 45 watt, avg. life 2,000 hours. Plenty available, NEW, stock number 6240-95-0487-010, \$.75 ea.

*Multimeter.* Mfg. Barnett Instrument Company, AN/VRM 105C. Limited quantities available, good condition, stock number 6625-95-0553-005, \$11.25 ea.

*Light.* Mfg. Walter Kidde & Company, Inc., spot light, "Mobilite." Plenty available, NEW, stock number 6220-95-0067-006, \$7.50 ea.

*Fixture.* Mfg. Thomas Industries, Inc., lighting, ceiling square, walnut, 16" x 16", med. base. Limited quantities available, NEW, stock number 6210-95-0067-011, \$2.50 ea.

*Battery.* Mfg. Eveready Energizer, D, 12 batteries/pack, sold by the pack. Plenty available, NEW, stock number 6135-96-0050-001, \$7.00 ea.

*Light.* Mfg. Chemical Device Corporation, safety, 12 hour, green lightstick, 20 sticks/case, sold by the case. Plenty available, NEW, stock number 6260-96-0137-004, \$15.00 ea.

---

## OFFICE MACHINES AND SUPPLIES

---

*Printer.* Mfg. Hewlett Packard, Think Jet, personal computer, Model #2225B, specialized scientific application unless an extra adapter is acquired. Plenty available, NEW, stock number 7025-95-0467-003, \$7.50 ea.

*Fluid.* Mfg. LHB Industries, correction, opaque white, water base, type I, 0.6 ounces/bottle, 12 bottles/box, sold by the box. Plenty available, NEW, stock number 7510-95-0235-003, \$1.25 ea.

*Envelope.* Mfg. Kraft, 6-1/2" x 9-1/2", 500 envelopes/box, sold by the box. Plenty available, NEW, stock number 7530-95-0528-001, \$3.75 ea.

*Paper.* Mfg. Hammermill paper, white, offset book, type II, uncoated, recycled, 34" x 44", 12,500 sheets/skids, sold by the skid. Plenty available, NEW, stock number 9310-95-0032-004, \$46.08 ea.

*Holder.* Mfg. Tiffany, memo, 4" x 6", with 150 sheets of paper. Plenty available, NEW, stock number 7520-95-0528-002, \$2.00 ea.

*Cabinet.* Mfg. Steelmaster, card, 3" x 5" cards, gray, 1,500 card capacity, single drawer. Limited quantities available, NEW, stock number 7110-95-0538-005, \$3.00 ea.

*Pen.* Mfg. Sanford, extra fine point, green, 12 pens/box, sold by the box. Plenty available, NEW, stock number 7510-94-0409-002, \$.38 ea.

---

## OILS, PAINTS AND CHEMICALS

---

*Adhesive.* Mfg. Devon, epoxy, "5 minute," clear. Plenty available, NEW, stock number 8040-95-0494-004, \$1.00 ea.

*Fluid.* Mfg. Royal Lubricants Company, Inc., hydraulic, fire resistant, type I, 1 quart/container, sold by the container. Plenty available, NEW, stock number 9150-95-0223-001, \$.50 ea.

*Enamel.* Mfg. Pratt & Lambert, deck, interior, gray, 5 gallons/can, sold by the can. Limited quantities available, NEW, stock number 8010-95-0164-001, \$10.00 ea.

*Sealant.* Mfg. Koch Materials Company, joint, hot cured, jet fuel resistant, 5 gallons/can, sold by the can. Limited quantities available, NEW, stock number 8030-95-0223-008, \$5.00 ea.

*Cement.* Mfg. CMS Industries, Inc., refractory, "heat stop", resist high temperature, can be used for repairs to fire brick and masonry in fireplaces, woodstoves, kilns, furnaces, flues, 3-1/2 gallons/can, sold by the can. Plenty available, NEW, stock number 5680-95-0398-006, \$7.50 ea.

*Nail.* Mfg. Lowe's, steel wire, 3-1/2", 16D, 50 lbs./box, sold by the box. Limited quantities available, NEW, stock number 5315-95-0387-009, \$11.25 ea.

*Agitator.* Mfg. Dynamic Technologies Corporation, paint, works with gallons, quarts and pints, 115 volt. Plenty available, NEW, stock number 4940-95-0680-012, \$100.00 ea.

*Paint.* Mfg. varies, colors vary, quarts and gallons. Plenty available, NEW, \$.75—\$3.50 ea.

---

## PLUMBING/HEATING/AIR CONDITIONING EQUIPMENT

---

*Tank.* Mfg. American Standard, toilet, white, use with 3112 and 3412 bowl. Plenty available, NEW, stock number 4510-95-0498-005, \$2.50 ea.

*Guage.* Mfg. Marsh, pressure, 300 psi maximum, 3" diameter. Limited quantities available, NEW, stock number 6685-95-0441-005, \$1.50 ea.

*Toilet.* Mfg. Electra Magic, portable, free standing, with drain. Limited quantities available, good condition, stock number 4510-95-0261-001, \$12.50 ea.

*Heat Stop.* Mfg. CMS Industries, Inc., refractory, cement, 3-1/2 gallons/can, sold by the can. Plenty available, NEW, stock number 5680-95-0398-006, \$5.00 ea.

*Heater.* Mfg. State, water heater, self cleaning, 100 gallons, 115 volt, 60 cycle. Only 1 available, NEW, stock number 4520-91-0166-001, \$50.00 ea.

---

## VEHICLE PARTS AND ACCESSORIES

---

*Radiator.* Mfg. Modine, "New Complete", engine coolant, for Dodge M880. Limited quantities available, NEW, stock number 2930-95-0449-001, \$17.50 ea.

*Can.* Mfg. U. S. Metal Container Company, gasoline, steel, 5 gallon capacity, military. Plenty available, NEW, stock number 7240-95-0538-006, \$5.00 ea.

*Tube.* Mfg. Bridgestone/Firestone, Inc., inner tube, pneumatic, 11.00 R 12.00 R24/25, 2 tubes/box, sold by the box. Limited quantities available, NEW, stock number 2610-95-0346-017, \$3.50 ea.

*Set.* Mfg. Kent-Moore, reconditioning, injector tube. Only 3 available, NEW, stock number 5180-95-0501-017, \$25.00 ea.

---

**MISCELLANEOUS**


---

*Battery.* Mfg. Auftragsnummer, AA, alkaline, 40 batteries/package, sold by the package. Plenty available, NEW, stock number 6135-95-0398-008, \$1.00 ea.

*Roach Kill.* Mfg. Waterbury Company, kills cockroaches, waterbugs, ants and silverfish, 10 ounces/bottle, 12 bottles/box, sold by the box. Plenty available, NEW, stock number 6840-95-0268-004, \$4.00 ea.

*Powder.* Mfg. Care Products, talcum, 14 ounces/can, 24 cans/box, sold by the box. Plenty available, NEW, stock number 8510-95-0468-004, \$5.00 ea.

*Material.* Mfg. Ludlow Corporation, barrier, flexible, grease proofed, waterproof, self adhering, 36" x 100 yards/roll, sold by the roll. Plenty available, NEW, stock number 8135-95-0261-027, \$6.25 ea.

*Ashtray.* Mfg. Skokie Tool Corporation, tobacco, metal, 5". Plenty available, NEW, stock number 9920-95-0117-004, \$.08 ea.

*Machine.* Mfg. Tennant Company, scrubbing machine, Model 550 D, 4 cylinder, diesel. Only 1 available, looks good, stock number 3825-96-0106-002, \$1,875.00 ea.

*Tank.* Mfg. Beta Systems, aluminum, 500 gallon, for petroleum products, mounted on skids. Plenty available, NEW, \$200.00 ea.

*Machine.* Mfg. Tennant Company, scrubbing machine, 1982, Model 550 D, 4 cylinder, diesel, 1,099 hours. Only 1 available, good condition, stock number 3825-96-0106-002, \$1,875.00 ea.

*Ax.* Mfg. unknown, single edge. Plenty available, NEW, stock number 5110-96-0193-041, \$7.50 ea.

*Pallet Jack.* Mfg. Bib Joe Mfg. Company, Model WPT-40, 4,000 lb. capacity. Only 2 available, good condition, stock number 3920-96-0185-008, \$750.00 ea.

GARY E. CROWELL,  
Secretary

[Pa.B. Doc. No. 96-523. Filed for public inspection March 29, 1996, 9:00 a.m.]