

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 28, 1997.

BANKING INSTITUTIONS

New Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-28-97 | Northwest Interim Savings Bank I Warren Warren County | Warren | Filed |
| | Interim savings bank being formed in connection with the "two-tier" reorganization of Northwest Savings Bank, Warren. | | |

Conversions

| <i>Date</i> | <i>Name of Institution</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 1-28-97 | Wilbur Savings and Loan Association Bethlehem Northampton County | Bethlehem | Filed |
| | <i>To:</i> Wilbur Savings Bank Bethlehem Northampton County | | |
| | Application represents conversion from a State-chartered mutual savings and loan association to a State-chartered mutual savings bank. | | |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|------------------------------|
| 1-24-97 | Union Bank and Trust Company Pottsville Schuylkill County | Pottsville | Effective |
| | Purchase of assets/assumption of liabilities of two branch offices of Pennsylvania National Bank and Trust Company, Pottsville, located at: 101 North Front Street Auburn Schuylkill County | | |
| | | 450 West Shamokin Street Trevorton Northumberland County | |
| 1-27-97 | Pennwood Savings Bank, Pittsburgh and Pennwood Interim Savings Bank, Pittsburgh surviving institution— Pennwood Savings Bank, Pittsburgh | Pittsburgh | Approved and Effective |
| | Subject merger is being effected solely to facilitate the acquisition of Pennwood Savings Bank, Pittsburgh, by Pennwood Bancorp, Inc., Pittsburgh, new bank holding company. | | |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 1-27-97 | Summit Bank Bethlehem Northampton County | 3933 Freemansburg Ave. Bethlehem Northampton County | Filed |

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS**Conversions**

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-27-97 | Norristown Bell Federal Credit Union Blue Bell Montgomery County | Blue Bell | Filed |

To:

Norristown Bell Credit Union
Blue Bell
Montgomery County

Application represents conversion from a Federally-chartered credit union to a State-chartered credit union.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-189. Filed for public inspection February 7, 1997, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Rights-of-Way

The Department of Conservation and Natural Resources, acting through the Bureau of Forestry, and Levearl and Walter L. Schriever of Warfordsburg, PA, are proposing to negotiate an exchange of rights of way in Brush Creek Township, Fulton County, PA. This transfer is being considered for the purpose of securing a recorded, permanent access to a tract of the Buchanan State Forest.

The Bureau of Forestry is proposing to acquire from Levearl and Walter L. Schriever 623.70 lineal feet of permanent right of way along the existing Welsh Road on Town Hill.

In return, the Bureau of Forestry proposes to convey to Levearl and Walter L. Schriever 3,271.62 feet of perma-

nent right of way along the same Welsh Road where it crosses Commonwealth ownership.

As is the policy of the Department of Conservation and Natural Resources, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing February 10, 1997 and ending March 11, 1997. Oral or written comments or questions concerning this proposed exchange may be addressed to: Dr. James R. Grace, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, telephone (717) 787-2703. These oral and/or written comments will become part of the official document used in the final decision process.

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

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 97-190. Filed for public inspection February 7, 1997, 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 application of lawful standard 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 the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0057061. Sewage, **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435 and JRP Development LTD, 210 Bassett Court, Limerick, PA 19468.

This application is for issuance of an NPDES permit to discharge treated sewage from the Ivy Ridge STP in Upper Frederick Township, **Montgomery County**. This is a new discharge to Scioto 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 and water contact sports.

The proposed effluent limits for Outfall 001, based on an average flow of 21,525 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 ₅ | 25 | 40 | 50 |
| Suspended Solids | 30 | 45 | 60 |
| Ammonia (as N) | | | |
| (5-1 to 10-31) | 7 | | 14 |
| (11-1 to 4-30) | 20 | | 40 |
| Phosphorus (as P) | | | |
| (4-11 to 10-31) | 2 | | 4 |
| Total Residual Chlorine | 0.5 | | 1.2 |
| Fecal Coliform | 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.

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

PA 0003751. SIC: 3824, **Rockwell International Corporation**, P. O. Box 4250, Seal Beach, CA 90740-8250.

This proposed action is for renewal of an NPDES permit for a discharge of treated industrial wastewater to Juniata Run in the City of DuBois, **Clearfield County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.124 mgd, are:

| <i>Parameter</i> | <i>Monthly Average (ug/l)</i> | <i>Daily Maximum (ug/l)</i> |
|-------------------|-----------------------------------|---------------------------------|
| Trichloroethylene | 30 | 60 |
| pH | 6.0—9.0 std units | |

The EPA waiver is in effect.

PA 0114464. SIC: 3824, **Equimeter Incorporated**, P. O. Box 528, DuBois, PA 15801.

This proposed action is for renewal of an NPDES permit for a discharge of treated industrial wastewater to Juniata Run in the City of DuBois, **Clearfield County**.

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

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

The proposed effluent limits for Outfall 001, based on a design flow of 0.011 mgd, are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------|-----------------------------------|---|
| Total Organic Carbon | | monitor |
| Oil and Grease | 15 | 30 |
| pH | 6.0—9.0 std units | |

The EPA waiver is in effect.

PA 0028738. Sewerage, SIC: 4952, **Ralpho Township Municipal Authority**, 32A South Market Street, Elysburg, PA 17842-9602.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Shamokin Creek in Ralpho Township, **Northumberland County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin approximately 60 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.625 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-----------------------------------|-----------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| Fecal Coliforms | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | | |
| (10-1 to 4-30) | 2,000/100 as a geometric average | | |
| Total Residual Cl ₂ | | | |
| 1st month—36th month | report | | report |
| 37th month—permit expiration date | 1.0 | | 2.3 |
| pH | 6.0—9.0 at all times | | |

The EPA waiver is in effect.

PA 0114855. Industrial waste, SIC: 5171, **Montour Oil Service Company**, 112 Broad Street, Montoursville, PA 17754.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater runoff from a petroleum marketing terminal to an unnamed tributary to Limestone Run in Lewisburg Borough, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Water Authority located approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001 are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|-----------------------------------|---|
| Total Recoverable Petroleum Hydrocarbons | monitor and report | |

Other Conditions:

- (1) Treatment facilities must be "API approved oil/water separator."
- (2) Design requirements for sizing treatment units.
- (3) Minimum inspection requirements.
- (4) Disposal of oil and solids.
- (5) Recordkeeping.
- (6) Preparedness, Prevention and Contingency (PPC) Plan.
- (7) No discharge of tank bottom water.
- (8) No discharge of sewage, wash water, boiler blowdown or other wastewaters.
- (9) Additional requirements for discharges of hydrostatic tank test water.

The EPA waiver is in effect.

PA 0039241. Sewerage, SIC: 4952, **U. S. Department of Justice**, Allenwood Federal Prison Camp, P. O. Box 1000, Montgomery, PA 17752-9718.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Black Run in Gregg Township, **Union County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 8 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.1 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---|-------------------------------------|---|
| CBOD ₅ | 25 | 50 |
| TSS | 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 Cl ₂ 1st month—6th month | report | report |
| 7th month—permit expiration date | 1.0 | 2.3 |
| pH | within the range of 6.0—9.0 | |

The EPA waiver is in effect.

PA 0114693. Sewerage, SIC: 4952, **Clymer Township Mun. Auth.**, P. O. Box 62, Sabinsville, PA 16943.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Mill Creek in Clymer Township, **Tioga County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA/NY border 35 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.025 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------------------|--------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| TSS | 30 | 45 | 60 |
| Ammonia-N (6-1 to 10-31) | 4 | 6 | 8 |
| (11-1 to 5-31) | 12 | 18 | 24 |
| Total Residual Cl ₂ | 1.0 | | 2.3 |
| Fecal Coliforms (5-1 to 9-30) | 200 col/100 ml as a geometric mean | | |
| (10-1 to 4-30) | 2,000 col/100 ml as a geometric mean | | |
| pH | 6.0—9.0 at all times | | |

The EPA waiver is in effect.

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

PA 0060046. Sewerage, **Can-Do, Inc.**, Mezzanine-Northeastern Bldg., Hazleton, PA 18201.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Tomahicken Creek in Hazle Township, **Luzerne County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Co., located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------------------|------------------------------------|---|
| CBOD ₅ | 25 | 50 |
| Total Suspended Solids | 30 | 60 |
| NH ₃ -N (5-1 to 10-31) | 2.4 | 4.8 |
| (11-1 to 4-30) | 7.2 | 14.4 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | |
| 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>Monthly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------------|-------------------------------------|---|
| pH | 6.0—9.0 standard units at all times | |
| Total Residual Chlorine | monitor only | |
| First month through 36th month | | |
| 37th month through expiration date | .06 | .14 |
| The EPA waiver is not in effect. | | |

PA 0020435. Sewerage, **White Haven Municipal Building**, Main Street, 50 East Woodhaven Drive, White Haven, 18661.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Lehigh River White Haven Borough, **Luzerne County**.

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

Effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .100 mgd are:

| <i>Parameter</i> | <i>Monthly Average (mg/l)</i> | <i>Weekly Average (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 30.0 | 45.0 | 60.0 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 4.0 | 6.0 | 8.0 |
| (11-1 to 4-30) | 12.0 | 18.0 | 24.0 |
| Dissolved Oxygen | a minimum of 5.0 mg/l at all times | | |
| 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 | | |
| pH | 6.0—9.0 standard units at all times | | |
| Total Residual Chlorine | 1.0 | | 2.0 |
| The EPA waiver is in effect. | | | |

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

PA 0029106. SIC: 4952, Sewage, **Greenfield Township Municipal Authority**, R. D. 1, Box 585B, Claysburg, PA 16625.

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

The receiving stream is classified for trout stocking fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, 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 interim effluent limits for Outfall 001 for a design flow of 0.25 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 ₅ | 25 | 40 | | 50 |
| Total Suspended Solids | 30 | 45 | | 60 |
| NH ₃ -N | | | | |
| (5-1 to 10-31) | 15 | | | 30 |
| Total Residual Chlorine | monitor and report | | | |
| Dissolved Oxygen | minimum of 5.0 at all times | | | |
| pH | from 6.0—9.0 inclusive | | | |
| Fecal Coliforms | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | | | |
| (10-1 to 4-30) | 20,000/100 ml as a geometric average | | | |

The proposed final effluent limits for Outfall 001 for a design flow of 0.80 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 ₅ | 25 | 40 | | 50 |
| Total Suspended Solids | 30 | 45 | | 60 |

| <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> |
|--------------------------------------|-------------------------------------|----------------------------------|---------------------------------|---|
| NH ₃ -N (5-1 to 10-31) | 8.0 | | | 16 |
| Dissolved Oxygen | minimum of 5.0 at all times | | | |
| pH | from 6.0—9.0 inclusive | | | |
| Fecal Coliforms (5-1 to 9-30) | 200/100 ml as a geometric average | | | |
| (10-1 to 4-30) | 7,600/100 ml as a geometric average | | | |

The EPA waiver is in effect.

PA 0084948. SIC: 4951, Industrial waste, **Borough of Waynesboro**, 57 East Main Street, P. O. Box 310, Waynesboro, PA 17268.

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

The receiving stream is classified for high quality, cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Brunswick Mayor Council located in Brunswick, Maryland. The discharge is not expected to impact any potable water supply.

Discharge will not be continuous, but will be only on an emergency basis.

The proposed effluent limits for Outfall 001 for a design flow of 0.1413 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|---------------------------------|---|
| Suspended Solids | 30 | 60 | 75 |
| D. O. | minimum of 7.0 at all times | | |
| pH | 6.0—9.0 s.u. | | |
| Total Residual Chlorine | 1.0 | | 3.27 |
| Aluminum | 3.73 | 7.46 | 9.32 |
| Iron | 1.80 | 3.60 | 4.50 |
| Manganese | 0.87 | 1.74 | 2.17 |
| Copper | monitor and report | | |
| Zinc | monitor and report | | |

The EPA waiver is in effect.

PA 0084816. SIC: 4613, Industrial waste, **Sun Pipe Line Company**, P. O. Box 2086, Fritztown Road, Sinking Spring, PA 19608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to swale tributary to Cacoosing Creek in Sinking Spring Borough, **Berks County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Glen Alsace Water Company located in Robeson Township. The discharge is not expected to impact any potable water supply.

The proposed effluent limit for Outfall 001 is:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> |
|--|-----------------------------------|---------------------------------|
| Total Recoverable Petroleum Hydrocarbons | monitor and report | monitor and report |

The EPA waiver is in effect.

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

PA 0090522. Industrial waste, SIC: 4953, **Sacco Disposal Site (Ambridge Landfill)**, c/o **Gabriel Sacco**, Box 368, Ridge Road, Ambridge, PA 15003.

This application is for renewal of an NPDES permit to discharge treated stormwater, leachate and untreated stormwater from the Sacco Disposal Site in Ambridge Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located over 18 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.009 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 | | 20 |
| Sulfate | | | monitor and report | | |
| Cadmium | | | monitor and report | | |
| Chromium | | | monitor and report | | |
| Copper | | | monitor and report | | |
| Total Iron | | | 3.5 | | 7.0 |
| Dissolved Iron | | | | | 7.0 |
| Manganese | | | 2.0 | | 4.0 |
| Lead | | | monitor and report | | |
| Tin | | | monitor and report | | |
| Zinc | | | monitor and report | | |
| pH | 6.0—9.0 | | | | |

Other Conditions: Chemical additive, solids disposal, outfall identification, supersedence of Part II effluent limits, additive approval, stormwater and storm overflow conditions.

Outfall 002: existing discharge, design flow of 0.004 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 | | | | |
| Suspended Solids | | | monitor and report | | |
| Oil and Grease | | | monitor and report | | |
| Sulfate | | | monitor and report | | |
| Cadmium | | | monitor and report | | |
| Chromium | | | monitor and report | | |
| Copper | | | monitor and report | | |
| Total Iron | | | monitor and report | | |
| Dissolved Iron | | | monitor and report | | |
| Lead | | | monitor and report | | |
| Manganese | | | monitor and report | | |
| Tin | | | monitor and report | | |
| Zinc | | | monitor and report | | |
| pH | | | monitor and report | | |

Other Conditions: Outfall 002 to consist solely of uncontaminated stormwater runoff.

Outfall 003: 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 | | 20 |
| Sulfate | | | monitor and report | | |
| Cadmium | | | monitor and report | | |
| Chromium | | | monitor and report | | |
| Copper | | | monitor and report | | |
| Total Iron | | | 3.5 | | 7.0 |
| Dissolved Iron | | | | | 7.0 |
| Manganese | | | 2.0 | | 4.0 |
| Lead | | | monitor and report | | |
| Tin | | | monitor and report | | |
| Zinc | | | monitor and report | | |
| pH | 6.0—9.0 | | | | |

Other Conditions: Chemical additive, solids disposal, outfall identification, supersedence of Part II effluent limits, additive approval, stormwater and storm overflow conditions.

Outfalls 004 and 005:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Pond emergency overflows to discharge only during storm events of 25 year/24 hour or greater intensity. | | | | | |

The EPA waiver is in effect.

PA 0027669. Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237.

This application is for amendment of an NPDES permit to discharge treated sewage from Pine Creek STP in Hampton Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine 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 Millvale Municipal Water Works on the Allegheny River.

Outfall 001: existing discharge, design flow of 6.0 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|----------------------------------|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 10 | 15 | | 20 |
| (11-1 to 4-30) | 20 | 30 | | 40 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (3-1 to 11-30) | 1.5 | 2.3 | | 3.0 |
| (12-1 to 2-29) | 4.0 | 6.0 | | 8.0 |
| 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 | 0.3 | | | 1.0 |
| Dissolved Oxygen | not less than 6.0 mg/l | | | |
| pH | 6.0—9.0 | | | |

The EPA waiver is not in effect.

PA 0094064. Sewage, **Keystone Restaurant and Truck Stop**, P. O. Box 277, Ebensburg, PA 15931.

This application is for renewal of an NPDES permit to discharge treated sewage from the Keystone Restaurant and Truck Stop Sewage Treatment Plant in Munster Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Noels Creek, which are classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

Outfall 001: existing discharge, design flow of .0072 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|----------------------------------|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 25 | | | 50 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.0 | | | 4.0 |
| (11-1 to 4-30) | 4.0 | | | 8.0 |
| Nitrite-Nitrate | 10 | | | 20 |
| 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 | 0.1 | | | 0.2 |
| Dissolved Oxygen | not less than 7.0 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 0057070. Sewage, **Helen Pepe**, No. 5 Dudie Drive, Newtown Square, PA 19073.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Newtown Township, **Delaware County**. This is new discharge to an unnamed tributary to Hunter Run.

The receiving stream is classified for warm 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 400 gpd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|--|---|
| CBOD ₅ | 10 | 20 |
| Suspended Solids | 20 | 40 |
| Total Residual Chlorine | monitor/report | |
| Fecal Coliforms | 200 colonies/100 ml as a geometric average | |
| pH | within limits of 6.0—9.0 standard units at all times | |

The EPA waiver is in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (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 these proposed permit actions under the waiver provision 40 CFR 123.6E.

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

Following the 30-day comment period, the Water Management Program 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.

| <i>NPDES No.</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|----------------------|---|------------------------------------|-------------------------------|------------------------------------|
| PA0029939 | SHCSH Junior-Senior High Sch. R. R. 1, Box 1124, Three Springs, PA 17264 | Huntingdon Cromwell Twp. | UNT to Aughwick Creek | TRC |
| PA0029955 | SHCSD Trough Creek Vall. Elem. R. R. 1, Box 1124 Three Springs, PA 17264 | Huntingdon Todd Twp. | UNT to Great Trough Creek | TRC |
| PA0029947 | SHCSD Spring Farms Elem. Sch. Three Springs, PA 17264 | Huntingdon Clay Twp. | UNT to Three Springs Creek | TRC |
| PA0030678 | N. Bedford County Sch Dist. HC 1, Box 200 Loysburg, PA 16659 | Bedford S. Woodbury Twp. | Yellow Creek | TRC |

| <i>NPDES No.</i> | <i>Facility Name and Address</i> | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|------------------|---|--------------------------------|---------------------------|--------------------------------|
| PA0051748 | Tulpehocken Area Senior High School 430 N. Schaefferstown Rd. Bernville, PA 19506 | Berks Jefferson Twp. | UNT to Northkill Creek | TRC |
| PA0035301 | Upper Dauphin Area Schs. 5668 State Route 209 Lykens, PA 17048 | Dauphin Washington Twp. | Wiconisco Creek | TRC |

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.

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

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

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

NPDES Permit PAS10Q131. Stormwater. **Albert Khalil**, 1160 Howertown Road, Catasauqua, PA 18032 has applied to discharge stormwater from a construction activity located in Lowhili Township, **Lehigh County**, to UNT to Jordan Creek.

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

NPDES Permit PAS10T078. Stormwater. **Meadow-Homes Inc.**, 1120 N. Bethlehem Pike, Spring House, PA 19477 has applied to discharge stormwater from a construction activity located in Worcester Township, **Montgomery County**, to UNT to Stony Creek on site.

NPDES Permit PAS10T079. Stormwater. **Gambone Brothers Development Company**, 1030 W. Germantown Pike, Fairview Village, PA 19409 has applied to discharge stormwater from a construction activity located in Lochwood Estates, **Montgomery County**, to UNT to Skippack Creek.

Wayne County Conservation District, District Manager, Ag. Service Ctr., 470 Sunrise Ave., Honesdale, PA 18431, telephone (717) 253-0930.

NPDES Permit PAS107413-1. Stormwater. **Goyette Property**, T-405 Honesdale, PA 18431 has applied to discharge stormwater from a construction activity located in Texas Township, **Wayne County**, to Holbert Creek to the Lackawaxen River.

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

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

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

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

WQM Permit No. 4297401. Sewage, **Casey Schweikart and Julie Meachum**, SRSTP, R. D. 1, Box 11C, Eldred, PA 16731. This project is for the construction of a single residence sewage treatment plant in Eldred Township, **McKean County**.

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

A. 2297401. Sewage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110-3301 in Susquehanna Township, **Dauphin County** to replace the existing Appletree Road Pumping Station was received in the Southcentral Region on January 9, 1997.

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

1597401. Sewerage. **Oxford Area Sewer Authority**, P. O. Box 380, 401 Market Street, Oxford, PA 19636-0380. Construction of a pump station to serve Oxford Area Sewer Authority located in Borough of Oxford, **Chester County**.

1597402. Sewerage. **City of Coatesville**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. Construction of a sewage treatment plant to serve the City of Coatesville Authority located in the City of Coatesville, **Chester County**.

1997403. Sewerage. **Octorara Area School District**, R. D. 1, P. O. Box 65, Atglen, PA 19310. Construction of a sewage treatment plant to serve Octorara Area School District located in West Fallowfield Township, **Chester County**.

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

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

A. 5697501. **Seven Springs Municipal Authority**, R. D. 1, Champion, PA 15622. Provide iron and manganese removal by filtration and chemical adjustment of water with discharge of backwash waste to municipal sewer system, Middlecreek Township, **Somerset County**.

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

A. 2897501. Public water supply. **Edenville Water Association**, St. Thomas Township, **Franklin County**, (Clifford H. Snyder, Manager, Edenville Water Association, Inc., 2613 Apple Way, Chambersburg, PA 17201), installation of soda ash and caustic soda feed systems for

corrosion control, (Dennis E. Black, P. E., Dennis E. Black Engineering, Inc., 2400 Philadelphia Avenue, Chambersburg, PA 17201).

A. 6797501. Public water supply. **The York Water Company**, Springfield Township, **York County**, (William T. Morris, P. E., President and CEO; York Water Company, 130 E. Market Street, Box 15089, York, PA 17405), proposed hometown pump station which is to pump up to 1.0 MGD to higher elevation areas which cannot now be served, (Jeffrey R. Hines, P. E., The York Water Company, 130 E. Market Street, Box 15089, York, PA 17405).

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

A. 2696502. **NWL, Inc.**, P. O. Box 188, Farmington, PA 15437. Construction of a 500,000 gallon per day water treatment plant to remove iron and manganese and development of an additional well serving Nemaocolin Woodlands Resort in Wharton Township, **Fayette County**.

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

A. 0997501. Public water supply. **Keystone Ozone Pure Water Company**, John Henry, 1075 General Sullivan Road, Washington Crossing, PA 18977. This proposal involves the construction of a bottled water plant with two drilled wells in Yardley Township, **Bucks County**.

Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16355-3481, telephone (814) 332-6899.

A. 6206444. Bottled water facility. **Saegertown Beverages, Inc.**, 341 Grant Street, Saegertown, PA 16433. This proposal involves the installation of a distillation unit at the bottled water facility in the Borough of Saegertown, **Crawford County**.

A. 4397501. Public water supply. **Cardinal Court Mobile Home Park**, West Jamestown Road, Jamestown, PA 16134. This proposal involves permitting the existing water system, adding chlorination and adding a building to the system in Greene Township, **Mercer County**.

Acknowledgment of Notices of Intent to Remediate

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

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (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, please 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.

Columbia Gas of Pennsylvania, Inc., Grant Street Facility, City of York, **York County**. Columbia Gas of Pennsylvania, Inc., 650 Washington Road, Pittsburgh, PA 15228-2703, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Site Specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch* on January 21, 1997.

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

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

Pet Memorial Services Corp., 9923 Old 22, P. O. Box 343, Fogelsville, PA 18051; Louis B. Clarke, President; application received January 17, 1997.

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. 603308. Milton Mowrer Farm and Wayne Stauffer Farm, Columbia Municipal Authority, (308 Lo-

cust Street, Columbia, PA 17512). Application for agricultural utilization of sewage sludge at two sites in East Donegal Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office January 22, 1997.

A. 301161. Simpson Paper Company, (1201 Third Avenue, Seattle, WA 98101-3045). Application for closure of an residual waste land application closure site in Union Township, **Berks County**. Application determined to be administratively complete in the Regional Office January 21, 1997.

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

A. 300934. International Paper Lowville III Landfill, Route 8, two miles north of the Village of Lowville. Re-permit application submitted under 25 Pa. Code § 287.115(d) to operate a residual waste landfill. The landfill is located in Venango Township, **Erie County**, application received in the Regional Office on January 17, 1997.

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

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

46-318-034. On December 5, 1996, an application was received from **Naval Air Station Joint Reserve Base** (Route 611, Willow Grove, PA 19090) for a minor operating permit modification to a paint spray booth to be located in Horsham Township, **Montgomery County**.

09-399-043. On December 12, 1996, an application was received from **RJM Manufacturing, Inc.** (P. O. Box 67, Fairless Hills, PA 19030) for the construction of a extruder to be located in Bensalem Township, **Bucks County**.

09-320-048. On December 12, 1996, an application was received from **RJM Manufacturing, Inc.** (P. O. Box 67, Fairless Hills, PA 19030) for the construction of a flexo printer to be located in Bensalem Township, **Bucks County**.

09-318-072. On December 12, 1996, an application was received from **RJM Manufacturing, Inc.** (P. O. Box 67, Fairless Hills, PA 19030) for the construction of three surface coaters to be located in Bensalem Township, **Bucks County**.

23-329-003A. On December 12, 1996, an application was received from **Haverford College** (370 Lancaster Avenue, Haverford, PA 19041) for the modification of two emergency generators to be located in Haverford Township, **Delaware County**.

09-318-073. On December 19, 1996, an application was received from **Cleveland Steel Container Corporation** (350 Mill Street, Quakertown, PA 18951) for the installation of a thermal incinerator to be located in Quakertown Borough, **Bucks County**.

09-399-044. On January 7, 1997, an application was received from **CMS Gilbreth Packaging Systems** (550 Pinetown Road, Ft. Washington, PA 19034) for the installation of two hard chromium electroplating to be located in Bristol Township, **Bucks County**.

23-399-030. On January 9, 1997, an application was received from **Community Light & Sound, Inc.** (333 East Fifth Street, Chester, PA 19013) for the construction of a hand lamination and resin mixing facility to be located in City of Chester, **Delaware County**.

15-303-012A. On January 10, 1997, an application was received from **Great Valley Materials** (Route 29, P. O. Box 65, Devault, PA 19432) for the modification of a drum mix asphalt plant to be located in Charlestown Township, **Chester County**.

PA-15-0016A. On January 13, 1997, an application was received from **The Worthington Steel Company** (45 N. Morehall Road, Malvern, PA 19355) for the modification of a coil coating operation to be located in East Whiteland Township, **Chester County**.

15-318-018. On January 13, 1997, an application was received from **Graco Children's Products, Inc.** (P. O. Box 200, Elverson, PA 19520) for the construction of a powder coating system to be located in Elverson Borough, **Chester County**.

15-320-022. On January 14, 1997, an application was received from **Dopaco, Inc.** (479 Thomas Jones Way, Exton, PA 19341) for the construction of a flexographic printing press to be located in Downingtown Borough, **Chester County**.

46-313-116C. On January 14, 1997, an application was received from **Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) for the modification of process equipment to be located in Upper Merion Township, **Montgomery County**.

Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

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

18-322-003. The Department intends to issue an operating permit to the **Clinton County Solid Waste Authority** (P. O. Box 209, McElhattan, PA 17748) for the operation of a municipal landfill gas extraction, collection and control system in Wayne Township, **Clinton County**.

17-309-012B. The Department intends to issue an Operating Permit to **North American Refractories Co.** (P. O. Box 56, Curwensville, PA 16833) for the operation of a metallic mineral conveying and handling system and associated air cleaning device (a scrubber) in Pike Township, **Clearfield County**.

17-303-003A. The Department intends to issue an Operating Permit to **Glenn O. Hawbaker Inc.** (P. O. Box 135, State College, PA 16840) for the operation of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) in Sandy Township, **Clearfield County**.

Applications 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 Reasonable Available Control Technology (RACT).

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

OP-46-0063A. On January 9, 1997, an application was received from **Flexofirst, Inc.** (1196 Easton Road,

Horsham, PA 19044) for the approval of Facility VOC/NOx RACT located in Horsham Township, **Montgomery County**.

OP-15-0060. On November 15, 1996, an application was received from **SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) for the approval of Facility VOC/NOx RACT located in London Grove Township, **Chester County**.

PA-15-0060. On November 15, 1996, an application was received from **SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) for the approval of Facility VOC/NOx RACT located in London Grove Township, **Chester County**.

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

E06-486. Encroachment. **Grace & Camillo's Pizza**, Camillo Ciaravino, 432 Coronet Drive, Blandon, PA 19510. To perform minor grading in the floodway of Sacony Creek at a point approximately 1,200 feet downstream of Main Street (Kutztown, PA Quadrangle N: 3.8 inches; W: 4.2 inches) in Kutztown Borough, **Berks County**.

E06-487. Encroachment. **Adeline Grassi**, P. O. Box 39, Bernville, PA 19506. To relocate approximately 200 feet of channel of a tributary to North Creek at a point downstream of Route 183 (Strausstown, PA Quadrangle N: 13.4 inches; W: 1.9 inches) in Jefferson Township, **Berks County**.

E07-276. Encroachment. **Robert Bowman**, 1681 Crown Avenue, Lancaster, PA 17601. To construct and maintain a concrete adjacent box beam bridge having a

clear span of 70.0 feet and a minimum underclearance of 7.0 feet across Sandy Run Business Center along old SR 0220 directly across from its intersection with Hawthorn Drive (Bellwood, PA Quadrangle N: 10.2 inches; W: 13.0 inches) in Antis Township, **Blair County**.

E22-358. Encroachment. **Robert Dido**, 202 Oakleigh Avenue, Harrisburg, PA 17111. To construct a 16 foot x 18 foot addition to an existing residence in the floodway of Spring Creek at a point at the intersection of Oakleigh Avenue and Rutherford Street (Harrisburg East, PA Quadrangle N: 1.7 inches; W: 9.6 inches) in Swatara Township, **Dauphin County**.

E22-359. Encroachment. **Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To widen an existing bridge across the channel of Paxton Creek at a point at SR 0039 (Harrisburg East, PA Quadrangle N: 9.87 inches; W: 15.62 inches) in Lower Paxton Township, **Dauphin County**.

E22-360. Encroachment. **Middletown Borough Authority**, Peter Pappas, 60 W. Emaus Street, Middletown, PA 17057. To construct a well building and treatment facilities in the floodplain of Swatara Creek at a point along Hoffer Street (Middletown, PA Quadrangle N: 14.5 inches; W: 13.1 inches) in Middletown Borough, **Dauphin County**.

E44-081. Encroachment. **Paul Brown**, Box 557, HCR 61, Mill Creek, PA 17060. To construct and maintain a concrete box culvert having a span of 10.0 feet and a rise of 3.0 feet in an unnamed tributary to Kishacoguillas Creek to provide access to private property located along Spring Run Road about 300 feet south of its intersection with SR 0655 at Alexander Springs (Barrville, PA Quadrangle N: 0.4 inch; W: 6.7 inches) in Union Township, **Mifflin County**.

E44-082. Encroachment. **Dept. of Transportation**, Engineering District 2-0, Kim Bartoo, 1924-30 Daisy Street, Clearfield, PA 16830. To maintain a reinforced concrete box culvert having a span of 25.0 feet and a rise of 5.35 feet in Beaverdam Run having been constructed under Emergency Permit EP 44-96-03 located on Township Road T-328 about 3.0 miles south of its intersection with SR 0022 (Newton-Hamilton, PA Quadrangle N: 9.0 inches; W: 9.0 inches) in Wayne Township, **Mifflin County**.

E44-083. Encroachment. **Borough of Burnham**, Bobbe McCalips, 200 First Avenue, Burnham, PA 17009. To construct and maintain a 48 inch outfall pipe with type D concrete endwall in Hungry Run as part of approved project to upgrade the existing storm sewer system in the Borough of Burnham located at the intersection of Walnut Street and Freedom Avenue (Burnham, PA Quadrangle N: 2.0 inches; W: 9.5 inches) in Burnham Borough, **Mifflin County**.

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

E42-245. Encroachment. **Thomas R. Hutton**, P. O. Box 436, Pocono Pines, PA 18350-0436. To install and maintain two 5-foot diameter by 21-foot long culverts in King Run (perennial and CWF) for residential development purposes. The project is located approximately 100 feet east of Kings Run Road (T-430) from a point 1,800 feet south of the intersection of Kings Run Road (T-430) and Lynch Hollow Road (T-338) (Bullis Mills, PA Quadrangle N: 14.10 inches; W: 3.75 inches) located in Ceres Township, **McKean County**.

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

E09-739. Encroachment. **Mark Dewitt**, 810 Route 313, Perkasio, PA 18944. To construct and maintain a garage addition to an existing home and associated fill within the assumed 100-year floodway of an unnamed tributary to Morris Run (TSF). This site is located approximately 3,900 feet northwest of the intersection of Dublin Pike (SR 0313) and Bedminster Road (S. R. 0113) (Bedminster, PA USGS Quadrangle N: 2.5 inches; W: 14.7 inches) in Hilltown Township, **Bucks County**.

E15-534. Encroachment. **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355-1699. To construct and maintain three pedestrian bridges spanning Valley Creek (EV), a boardwalk through the wetlands (PEM), an asphalt and woodchip trail system in the floodway and associated park amenities in the floodway of Valley Creek. These activities are associated with the construction of the East Whiteland Park (401 site) located at the intersection of Conestoga Road (SR 0401) and Mill Road (T-488) (Malvern, PA Quadrangle N: 9.15 inches; W: 8.15 inches) in East Whiteland Township, **Chester County**.

E09-738. Encroachment. **Department of Transportation**, The Wolfson Group, 200 Radnor-Chester Road, St. Davids, PA 19087. To operate, modify and maintain an existing 48-inch diameter CMP stream enclosure in and along an unnamed tributary to Licking Run Creek (TSF) which conveys flow beneath SR 309. The project proposes to remove approximately 16 linear feet of the existing enclosure at the downstream end, replacing it with a 25 foot long, 48-inch diameter reinforced concrete culvert pipe with concrete endwall and approximately 80-linear feet of riprap energy dissipater. This work will facilitate access into a proposed retail shopping center to be known as "Richland Crossing Retail Center" (DEP application No. E09-713, submitted by the Wolfson Group, Inc.). The site is situated on SR 309, (West End Boulevard) approximately 1/4 mile north of its intersection with SR 663 (John Fries Highway) (Quakertown, PA Quadrangle N: 13.5 inches; W: 14.75 inches) in Richland Township and Quakertown Borough, **Bucks County**.

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

E14-302. Encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a post tensioned twin cell reinforced concrete box culvert with a clear span of 33.5 feet on a skew of 73 degrees and a minimum underclearance of 5 feet in Slab Cabin Run under SR 3012 about 0.5 mile west of the intersection of SR 3012 (Puddintown Road) and SR 3011 (Houserville Rd) (State College, PA Quadrangle N: 12.4 inches; W: 11.6 inches) in College Township, **Centre County**. Estimated stream disturbance is 225 feet of waterway and .007 of wetland; stream classification is Cold Water Fisheries.

E18-231. Encroachment. **Dotterer Farms**, R. R. 3, Box 589, Mill Hall, PA 17751. To construct and maintain two 8 foot diameter by 50 foot long smooth lined metal pipe culverts, depressed into the stream 1 foot, as a private road stream crossing over Cedar Run approximately 100 feet off Fox Hollow Road (T-321) and 2.5 miles west of the intersection of T-321 and SR 2018 (Beech Creek, PA Quadrangle N: 9.1 inches; W: 5.6 inches) in Porter Township, **Clinton County**. Estimated stream disturbance is 60 feet of waterway; stream classification is High Quality Cold Water Fisheries.

E19-164. Encroachment. **Santo and Helen Lanzafame**, 1743 Old Berwick Rd., Bloomsburg, PA 17815-1915. To place and maintain fill in an approximate 0.15 acre isolated palustrine emergent wetland to create a more manageable yard and to provide access to the Susquehanna River. The applicant proposes to meet the wetland replacement requirement by participating in the wetland replacement project. The project site is located approximately 1 mile east of the town of Bloomsburg (Bloomsburg, PA Quadrangle N: 0.25 inch; W: 6.50 inches) in Scott Township, **Columbia County**.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

E39-325. Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To repair and maintain the existing stone masonry Arch bridge having 3 spans (17 feet, 32 feet, 18 feet) with an underclearance from 8 feet, 6 inches to 15 feet, 6 inches across Little Lehigh Creek with work consisting of the replacement of missing stones, repointing of joints and sealing/weatherproofing the entire structure. The project, locally known as Schreibers Bridge, is located across Little Lehigh Creek immediately south of the intersection of Overhill Road and Martin Luther King Jr. Drive (Allentown East, PA Quadrangle N: 16.3 inches; W: 15.8 inches) in the City of Allentown, **Lehigh County** (Philadelphia District, Army of Engineers).

E40-455. Encroachment. **Kenneth J. Skuba**, 107 Conyngham Crest Drive, Sugarloaf, PA 18249. To place fill in approximately 0.7 acre of PEM wetlands for the purpose of preparing a 6.3 acre site for future development. The project is located within the drainage basin of Nescopeck Creek (CWF), on the east side of S. R. 0309, approximately 3,000 feet north of S. R. 0080 (Freeland, PA Quadrangle N: 11.3 inches; W: 12.2 inches), in Butler Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

E48-244. Encroachment. **Saucon Valley Square**, L. P., 961 Marcon Boulevard, Allentown, PA 18103. To place fill in approximately 0.18 acre of PEM wetlands for the purpose of developing the proposed Saucon Valley Square Shopping Center. The project is located between S. R. 0078 and S. R. 0378, approximately 0.5 mile south of S. R. 3004 (Seidersville Road) (Allentown East, PA Quadrangle N: 15.5 inches; W: 1.5 inches) in Lower Saucon Township, **Northampton County** (Philadelphia District, Army of Corps of Engineers).

E54-226. Encroachment. **East Union Township**, P. O. Box 295, Sheppton, PA 17967. To remove the existing structure and to construct and maintain a 14 foot by 4.5 foot concrete box culvert, on a 45° skew, and depressed 6 inches in the channel of a tributary to Catawissa Creek. This project is located along Township Road T-455 (Foosse Lane) approximately 300 feet west of S. R. 924 (Nuremburg, PA Quadrangle N: 0.5 inch; W: 3.7 inches) in East Union Township, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

E54-227. Encroachment. **East Union Township**, P. O. Box 295, Sheppton, PA 17967. To remove the existing structure and to construct and maintain a 15.5 foot by 5 foot concrete box culvert depressed 6-inches in the channel of a tributary to Catawissa Creek (CWF). This project is located along Township Road T-455 (Foosse Lane) approximately 1,600 feet west of S. R. 924 (Nuremburg, PA Quadrangle N: 0.35 inch; W: 4.25 inches) in East Union Township, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

E54-228. Encroachment. **Pennsylvania Power and Light Company**, 2 North Ninth Street, N-4, Allentown, PA 18101-1179. To construct and maintain 1,000 linear feet of aerial electric lines along and across the Little Schuylkill (CWF) and Schuylkill (CWF) Rivers in Port Clinton Borough, Schuylkill County and 1,000 linear feet of underground electric line in the floodway of the Schuylkill River in Tilden Township, **Berks County**. This project will provide three phase electric to an existing business and is located along Broad Street 400 feet east of S. R. 0061 (Auburn, PA Quadrangle N: 14.3 inches; W: 3.8 inches) (Philadelphia District, Army Corps of Engineers).

E66-111. Encroachment. **Falls Township**, R. R. 2, Box 12, Falls, PA 18615. To remove the existing structure and to construct and maintain an 18.0 foot × 7.0 foot concrete box culvert in Beaver Creek (CWF). The project is located along Township Road T 375, just east of its intersection with S. R. 0307 (Ransom, PA Quadrangle N: 20.2 inches; W: 11.3 inches) in Falls Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

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

D15-372. Dam. **Hankin Properties Partnership**, 717 Constitution Drive, P. O. Box G, Exton, PA 19134. To construct, operate and maintain a stormwater detention dam and roadway crossing across Shamona Creek (HQ-TSF, MF) impacting approximately 0.2 acre of wetlands (PEM) at a point approximately 1.1 miles upstream of East Branch Brandywine Creek. This facility is part of the Stormwater Management Plan and will provide access to the Eagleview Residential Development in Uwchlan Township, **Chester County**.

D56-004B. Dam. **The Manufacturers Water Company**, 119 Walnut Street, Johnstown, PA 15901. To modify, operate and maintain the Quemahoning Dam located across Quemahoning Creek in Quemahoning and Conemaugh Townships, **Somerset County**. Modifications will increase spillway capacity for major flooding events and will not change the normal operating pool. This was previously published in error as an Environmental Assessment.

The following Environmental Assessment and request for Water Quality Certification is being processed under Section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

D67-044EA. Environmental assessment. **Yorktowne Paper Mills, Inc.**, P. O. Box 2426, York, PA 17405. To remove a breached dam on Yorktowne Paper Mills property for the purpose of restoring Mill Creek (WWF) to a free flowing condition. The dam is located immediately upstream of S. R. 3029 where it crosses Mill Creek (York, PA Quadrangle N: 19.5 inches; W: 13.6 inches) in Springettsbury Township, **York County**.

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA26-1002. Water allocation. **HCSW Joint Water Authority, Fayette County**. HCSW Joint Water Authority

has submitted an application to acquire rights to utilize 2 million gallons per day of water, as a daily peak, from the Youghiogheny River, **Fayette County, PA.**

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

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

NPDES Permit No. PA-0052167. Sewerage. **Wind Gap Municipal Authority**, 16 South Broadway, Wind Gap, PA 18091 is authorized to discharge from a facility located in Plainfield Township, **Northampton County** to an unnamed tributary of Little Bushkill Creek.

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

NPDES Permit No. PA0022365. Sewage, **Perryopolis Area Joint Authority**, P. O. Box 298, Perryopolis, PA 15473-0298 is authorized to discharge from a facility located at Perryopolis Sewage Treatment Plant, Perryopolis Borough, **Fayette County** to Youghiogheny River.

NPDES Permit No. PA0096733. Sewage, **Lance L. Safran**, 5800 Steele Road, Murrysville, PA 15668 is authorized to discharge from a facility located at Pleasant View Mobile Home Park STP, Saltlick Township, **Fayette County** to Indian Creek.

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

NPDES Permit No. PA0050474. Sewerage. **Warwick Drainage Company**, 332 Gordon Drive, Exton, PA 19341 is authorized to discharge from a facility located in Warwick Township, **Chester County** into French Creek.

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

NPDES Permit No. PA 0038351. Industrial waste. **PHB, Inc.**, 7900 West Ridge Road, Fairview, PA 16415 is authorized to discharge from a facility located in Fairview Township, **Erie County** to receiving waters named Trout Run.

NPDES General Permit Final Actions

The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

List of NPDES General Permits Issued by DEP's Water Management Deputate

| <i>General Permit No.</i> | <i>Short Title of General Permit</i> | <i>Responsible Bureau</i> |
|---------------------------|---|---------------------------|
| PAG-2 | Stormwater—Construction Activities | BLWC |
| PAG-3 | Stormwater—Industrial Activities | BWQM |
| PAG-4 | Single Residence Sewage Treatment Plant | BWQM |
| PAG-6 | Combined Sewer Overflows | BWQM |

Notices of Intent for Coverages Under NPDES General Permits and Department Final Actions

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

These actions of the Department may be appealed 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, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 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 from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewater to the waters of the Commonwealth.

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

| <i>NPDES No.</i> | <i>GP No.</i> | <i>Facility Name and Address</i> | <i>Facility Location</i> | <i>Stream Name</i> | <i>SIC</i> |
|------------------|---------------|---|---------------------------|----------------------|------------|
| PAR406102 | 3 | Envirotrol, Inc. 432 Green Street, P. O. Box 61 Sewickley, PA 15143 | Beaver Beaver Falls | Walnut Bottom Run | 4953 |
| PAR806175 | 3 | Roadway Express, Inc. 1077 Gorge Blvd. P. O. Box 471 Akron, OH 44309 | Allegheny McKees Rocks | Chartiers Run | 4231 |
| PAR236118 | 3 | Industrial Terminal Systems, Inc. P. O. Box 4127 New Kensington, PA 15068 | Allegheny Plum Borough | Allegheny River | 2899 |

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 Stream</i> |
|-------------------------|--|--------------------------------|-------------------------|
| PAS10F053 | BXAL, Inc. 422 Allegheny St. Hollidaysburg, PA 16648 | College Twp. Centre County | Spring Creek |

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> |
|-------------------------|--|-----------------------------------|-------------------------|
| PAS10A089 | Lisa Berardi 1951 Lincoln Hwy. N. Versailles, PA 15137 A. Berardi & Son Inc 1951 Lincoln Hwy. N. Versailles, PA 15137 | N. Versailles Allegheny County | Brush Creek UNT |

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

Permits Issued

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

Permit No. 3996401. Sewerage. **Allied Utility Services, Inc.**, P. O. Box 1488, Skippack, PA 19474 (formerly Schnecksville North Wastewater Treatment Facility). Permit to increase the capacity of the existing sewage treatment plant, located in North Whitehall Township, **Lehigh County**.

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

Permit No. 0492201. Amendment No. 1. Industrial waste, **Alex A. Paris Contracting Company, Inc.**, Route 18, P. O. Box 369, Atlasburg, PA 15004. Construction of residual waste landfill located in the Township of Hanover, **Beaver County** to serve the Paris Flyash Disposal Site.

Permit No. 6596409. Sewerage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. Construction of sewage treatment plant located in the Township of Washington, **Westmoreland County** to serve the Mamont Elementary School.

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

Permit No. 4696420. Sewerage. **Borough of Royersford** (300 Main Street, P. O. Box 188, Royersford, PA 19468). Modifications of Borough of Royersford sewage treatment plant located in Upper Providence Township, **Montgomery County** to serve the Borough of Royersford.

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

WQM Permit No. 2595419. Sewerage. **Countryside II, Limited Partnership** (d/b/a/ Countryside Mobile Home Park), 10215 Perry Lake Road, Clarkston, MI 48348. This project is to upgrade the mobile home park's wastewater treatment facility in McKean Township, **Erie County**.

WQM Permit No. 2096407. Sewerage. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. This project is for plans to construct a new sewage treatment plant in the city of Meadville, **Crawford County**.

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

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

Location:

Crabapple Portal Sewage Treatment Plant, 300 feet off of S. R. 4002, approximately 0.6 mile west from the intersection of S. R. 3001 and S. R. 4002.

Project Description:

Approval of a revision of the Official Sewage Facilities Plan of Richhill Township, Greene County. Project involves the construction of a sewage treatment plant to serve the proposed Crabapple Portal in bathhouse for the Consol Pennsylvania Coal Company. Treated effluent is to be discharged to Crabapple Run, a tributary of the Dunkard Fork of Wheeling Creek.

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

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

Permit No. 6743-A1. Public water supply. **Borough of Somerset**, 340 West Union Street, Somerset, PA 15501.

Type of Facility: State Hospital Water Tank and Hickory Hill Water Tanks.

Permit to Operate Issued: January 10, 1997.

Permit No. 0290502. Public water supply. **Borough of Springdale**, 325 School Street, Springdale, PA 15144.

Type of Facility: Aluminum air stripping tower and appurtenances.

Permit to Operate Issued: January 10, 1997.

Permit No. 0288508-A2. Public water supply. **Pennsylvania-American Water Company**, 410 Cooke Lane, Pittsburgh, PA 15234.

Type of Facility: A 350,000 gallon wash water tank.

Permit to Construct Issued: January 10, 1997.

Permit No. 5691501-A1. Public water supply. **Borough of Somerset**, 340 West Union Street, Somerset, PA 15501.

Type of Facility: Improvements to the Bakersville Water Treatment Plant.

Permit to Construct Issued: January 10, 1997.

Permit No. 0388503-A3. Public water supply. **Municipal Authority of Buffalo Township**, 707 Sarver Pike Road, Sarver, PA 16055.

Type of Facility: Joe Jack Trailer Park Pump Station.

Permit to Operate Issued: January 16, 1997.

Permit No. 6593507. Public water supply. **James A. Lazarchik**, Owner, J & L Mobile Homes, Inc., R. D. 4, Box 423B96, Blairsville, PA 15717.

Type of Facility: Country Village Mobile Home Park Water System.

Permit to Operate Issued: January 21, 1997.

Permit No. 6593506. Public water supply. **James A. Lazarchik**, Owner, J & L Mobile Homes, Inc., R. D. 4, Box 423B96, Blairsville, PA 15717.

Type of Facility: Sun Dial Village Mobile Home Park Water System.

Permit to Operate Issued: January 21, 1997.

Submission of Final Reports on Attainment of Background and Statewide Health Standards (§§ 302(e)(2) and 303(h)(2)).

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1-(800) 654-5984.

The Department has received the following final reports.

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

Former Emeco Settling Pond, Hanover Borough, **York County**, and Conewago Township, **Adams County**. Phillip Schuchart, Schuchart Oil & Propane, 900 East Elm, Hanover, PA 17331, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals, solvents, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

Sun Pipeline Abbottstown, Berwick Township, **Adams County**. Sun Company, Inc., Twin Oaks Terminal, 4041 Market Street, Aston, PA 10014, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

Prompt Interim Response under the Hazardous Sites Cleanup Act

Phoenix Materials Site
East Franklin Township, Armstrong County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. § 6020.101—6020.1305) (HSCA), has initiated a Prompt Interim Response at the Phoenix Materials Site. This response has been undertaken under section 505(b) of HSCA (35 P. S. § 6020.505(b)).

The Department, under the authority of HSCA, began a Prompt Interim Response action on January 8, 1997, on

properties presently held in repository by Armstrong County that were previously owned by Phoenix Materials Corporation. The properties are located at 833 Butler Avenue, Kittanning, Armstrong County, PA, and at one time were the location of the operations of the Phoenix Materials Corporation. The Phoenix Materials Site consists of several interconnecting manufacturing and office buildings located on a 3.5 acre tract across the street from the West Hills Elementary School. The Phoenix Materials Site is surrounded by a residential community with the nearest house less than 25 feet from the building complex.

Based on the ongoing release and imminent threat of release of hazardous substances at the Phoenix Materials Site (Site) and the corresponding threats to human health and the environment, the Department determined that it is necessary to implement a Prompt Interim Response action at the Site under its authority under sections 501(a) and 505(b) of HSCA (35 P. S. § 6020.501(a) and 6020.505(b)). The Department determined that prompt action is required to protect the public health and safety and the environment from the ongoing release and imminent threat of release of hazardous substances due to the improper storage of hazardous substances in an unsecured area. The Department's prompt interim response is addressing the removal, offsite transportation and proper disposal of the hazardous substances found at the Site.

The Department determined that a prompt interim response is necessary at the Site because of the community's actual or potential exposure to hazardous substances via inhalation and dermal contact.

Because of these conditions, the Department determined a prompt interim response action should not be delayed for the length of time that it would take to formally develop and close an administrative record. Investigation of Site conditions by the Department occurred concurrently with this prompt interim response action.

The objective of the prompt interim response action to remove from the Site (a) a drum of concentrated nitric acid, (b) three drums of acidic sludge which is primarily aluminum chloride, (c) five capacitors which contain polychlorinated biphenyls (PCBs), and (d) the contents of two oil baths which contain high concentrations of lead. On January 8, 1997, these hazardous substances were properly containerized, identified, and placed in a secure area onsite until disposal could be arranged. These materials will be shipped offsite during the public comment period.

Three alternative prompt interim response actions were considered by the Department for the Site. The three alternatives are:

A. Alternative 1: This is the "no action" alternative. Under this alternative the Department would take no action to remove the hazardous substances. The waste materials would remain on the site in the present condition.

B. Alternative 2: Under this alternative, the Department would remove and dispose of materials previously found to be hazardous, perform additional sampling to determine all characteristics required for safe disposal and to determine if additional hazardous substances are located at the Site. This alternative would also entail the removal and offsite disposal of hazardous substances which pose a potential toxicological hazard to both human and environmental receptors in and around the Site.

C. Alternative 3: Under this alternative, the Department would place a fence around the site to eliminate the threat of direct contact.

In evaluating these alternatives, the Department considered the criteria of permanence, protection of human health and the environment, and the alternative's ability to meet applicable, relevant and appropriate State and Federal requirements. The Department also considered cost-effectiveness in analyzing the prompt interim alternative.

Based on its analysis of the alternatives according to the criteria identified above, the Department determined that because it calls for the removal of hazardous substances, Alternative 2 provides more permanent protection of human health and the environment than either Alternative 1 or Alternative 3. Inasmuch as Alternative 1 would leave in place all of the Site's hazardous substances and those materials corresponding threats, Alternative 1 will provide no protection at all to human health and the environment. Inasmuch as Alternative 3 would leave in place all of the Site's hazardous substances and those materials corresponding threats with only a fence to separate the public from these threats, Alternative 3 would not significantly reduce the risk of soil and water contamination and direct contact because children would be likely to gain entry in spite of the presence of the fence.

The Department chooses Alternative 2 and believes, further, that the remedial actions called for under Alternative 2 represent the most cost-effective method to address the Site's contamination.

Thus far, the Department has overpacked the hazardous substances found on the Site in preparation for shipment. The drums were properly labeled and identified. Additional samples of the nitric acid were submitted for analysis and two underground storage tanks were sampled for potential hazardous substances.

This notice is being provided under sections 505(b) and 506(b) of HSCA (35 P. S. § 6020.505(b) and 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. during normal business hours at the Department's office at 400 Waterfront Drive, Pittsburgh, Pa 15222-4745, telephone (412) 442-4000. Individuals interested in examining the Administrative Record should contact Ed Duval at (412) 442-4000 to arrange for an appointment to do so.

The administrative record will be open for comment until Monday, May 12, 1997. Persons may submit written comments into the record during this time only, by sending them to Joseph L. Wood at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering them to this office in person.

A public meeting is scheduled for March 12 at 7 p.m. in the West Hills Elementary School. Persons who want to present formal oral comments regarding the prompt interim response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Betsy Mallison at (412) 442-4182.

Persons with a disability who wish to attend the meeting and require an auxiliary service or other accommodation to participate in the proceedings should contact Betsy Mallison, at the telephone number listed above or through the Pennsylvania AT&T Relay Service at 1 (800)

654-5984 (TDD) to discuss how the Department of Environmental Protection can best accommodate their needs.

The public may also submit written comments regarding the Department's prompt interim response action during the period for public comment, which runs from the date of this notice through May 12, 1997. Written comments should be addressed to Joseph L. Wood, Project Manager, at the Department's office at the address listed above. Individuals with questions should call Joseph L. Wood at (412) 442-4135.

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

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

Incendere, Inc., 3710 Indian River Road, Chesapeake, VA 23325; License No. **PA-HC 0058**; amended license issued January 17, 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.

Ashland Chemical Company, Division of Ashland Inc., P. O. Box 2219; Columbus, OH 43216; License No. **PA-AH 0121**; renewal license issued January 22, 1997.

Autumn Industries, Inc., 518 Perkins-Jones Road, Warren, OH 44483; License No. **PA-AH 0267**; renewal license issued January 22, 1997.

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.

Ashland Chemical Company, Division of Ashland Inc., P. O. Box 2219, Columbus, OH 43216; License No. **PA-AH 0121**; amended license issued January 22, 1997.

Autumn Industries, Inc., 518 Perkins-Jones Road, Warren, OH 44483; License No. **PA-AH 0267**; amended license issued January 22, 1997.

Rollins Environmental, Inc., One Rollins Plaza, P. O. Box 2349, Wilmington, DE 19899; License No. **PA-AH 0514**; amended license issued January 17, 1997.

Licensed expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—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.

Bryson Industrial Services, Inc., P. O. Box 210799, Columbia, SC 29221; License No. **PA-AH 0345**; license expired on January 17, 1997.

Reasonably Available Control Technology; Public Hearing

On September 12, 1995, the Department of Environmental Protection conducted a public hearing to solicit comments on a proposed volatile organic compound Reasonably Available Control Technology (RACT) determination, plan approval issuance and State Implementation Plan (SIP) amendment for a wood door coating operation owned and operated by Mohawk Flush Doors, Inc. in Point Township, Northumberland County. The Department subsequently issued a plan approval, identified as PA-49-0001, which approved the construction of a new wood door prefinish line (consisting of nine roller coaters and three flash-off ovens) and three associated spray booths which were to use water-based coatings and which were to replace an existing prefinish line and spray booths which used volatile organic compound-based coatings.

Despite their success in using water-based coatings to coat doors in the new prefinish line and associated spray booths, Mohawk Flush Doors, Inc. has determined that it is unable to consistently meet all of the coating volatile organic compound content limitations originally proposed by the company and subsequently established by the Department as conditions of the plan approval. The Department has determined that this is due to the limited nature of the water-based coating compositional information available to Mohawk Flush Doors, Inc. at the time of plan approval application preparation and the company's failure to fully recognize the entire spectrum of water-based coatings which it would need to apply in the new prefinish line and associated spray booths until after the line and booths became operational.

Mohawk Flush Doors, Inc. has now better identified the entire spectrum of water-based coatings intended for use in the new prefinish line and associated spray booths and has proposed coating volatile organic compound content limitations which are more representative of the line and booths' true capabilities than those previously proposed and currently contained in the plan approval. After evaluating this information, the Department has determined that the revised coating volatile organic compound content limitations are still reflective of RACT. The Department has therefore made a preliminary determination to approve the proposed revised limitations.

If approved, the revised coating volatile organic compound content limitations will be incorporated into a revised plan approval and submitted to the U. S. Environmental Protection Agency as a revision to the Pennsylvania's State Implementation Plan.

The following is a summary of the revised limitations to which the Department has preliminarily determined the new prefinish line and associated spray booths should be subject:

1) The coatings used in the prefinish line shall not exceed the following limitations, as mixed (with tint pastes, dyes, "additives," thinners, reducers, and the like) for application:

| | <i>Maximum pounds of VOC per gallon of coating (with water)</i> | <i>Maximum pounds of VOC per gallon of coating (minus water)</i> |
|--------------------|---|--|
| washcoats | 1.80 | 4.60 |
| tiecoats | .10 | .10 |
| sealers | .60 | 1.10 |
| stains | .90 | 2.30 |
| toners/stains | .60 | 1.30 |
| basecoats | .15 | .25 |
| floodcoats | .20 | .40 |
| wipe stains | 3.60 | 6.68 |
| primers | .30 | .50 |
| enamels | .70 | 1.30 |
| waterbase topcoats | 1.60 | 3.00 |
| inks | .70 | 2.90 |
| wood protectant | 6.30 | 6.30 |
| UV topcoats | .10 | .10 |

2) The coatings used in the 3 spray booths associated with the prefinish line shall not exceed the following limitations, as mixed (with tint pastes, dyes, "additives," thinners, reducers, etc.) for application:

| | <i>Maximum pounds of VOC per gallon of coating (with water)</i> | <i>Maximum pounds of VOC per gallon of coating (minus water)</i> |
|--------------|---|--|
| all coatings | 1.5 | 3.0 |

One public hearing will be held for the purpose of receiving comments on the proposed revised plan approval and the proposed SIP revision. The hearing will be held on March 6, 1997, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 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 William P. Parsons, Acting Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by March 21, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

Approval of Reasonably Available Control Technology (RACT) plan for Jeraco Enterprises, Inc.

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

Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a fiberglass reinforced plastics manufacturing and surface coating facility owned and operated by Jeraco Enterprises, Inc. in Milton Borough, Northumberland County.

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

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

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

| <i>Source</i> | <i>RACT limitations/ requirements</i> |
|---|---|
| <ul style="list-style-type: none"> fiberglass reinforced plastics manufacturing or spray layup operation | all gel coat used shall contain no more than 37% styrene (by weight), all resin used shall contain no more than 36% styrene (by weight), all gel coat and resin must be applied using airless spray systems (or equivalent), the resultant styrene emissions shall not exceed 50.2 tons per calendar year and the volatile organic compound emissions (including styrene) shall not exceed 63.0 tons per calendar year. |
| <ul style="list-style-type: none"> fiberglass automotive accessory surface coating operation | all coating materials used shall contain no more than 6.68 pounds of volatile organic compounds per gallon of coating (as applied), all coating materials must be applied using high volume low pressure (HVL) spray systems (or equivalent) and the resultant volatile organic compound emissions shall not exceed 30 tons per calendar year, 1,000 pounds per day or 100 pounds per hour. |

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on March 6, 1997, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659, 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 William P. Parsons, Acting Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be submitted by March 21, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

Approval of Reasonably Available Control Technology (RACT) plan for Osram Sylvania, Inc.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a glass manufacturing facility owned and operated by Osram Sylvania, Inc. in Wellsboro Borough, Tioga County.

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

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

The preliminary RACT determination for the largest nitrogen oxides-emitting source within the facility, a glass furnace identified as Tank No. 42, is the operation of an associated combustion ratio control system so as to maintain optimum combustion conditions within the furnace, the implementation of the furnace maintenance, repair and upgrade program described in the respective RACT plan, the operation of the furnace in accordance with good air pollution control practices and the maintenance of a nitrogen oxides emission rate below 375.3 tons within any 12 consecutive month period. All other nitrogen oxide-emitting sources at the facility are subject to the presumptive RACT requirements of 25 Pa. Code § 129.93(c).

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on March 6, 1997, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

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

to do so should contact Daniel Spadoni at (717) 327-3659 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 William P. Parsons, Acting Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by March 21, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

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 Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 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 Project do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications

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

E08-306. Encroachment. **Scott Brown**, R. R. 1, Box 301A, Canton, PA 17724. To maintain a concrete culvert 18 feet by 9 feet by 20 feet in length in Beech Flats Creek on a private road off SR 3007 approximately 1/2 mile north of Road's Road (Canton, PA Quadrangle N: 3.25 inches; W: 8.25 inches) in Canton Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E12-098. Encroachment. **Thomas Diamond**, 1607 Pine St., Philadelphia, PA 19103. To remove an existing struc-

ture and to construct and maintain a single span, steel beam bridge to carry a private road across Four Mile Run. The proposed bridge shall be constructed with a single span of 24.0 feet, a width of 12.0 feet and an underclearance of 8.0 feet. The project is located along the eastern right-of-way of SR 0155 approximately 2.1 miles east of the intersection of Four Mile Run Road and SR 0155 (Emporium, PA Quadrangle N: 11.8 inches; W: 15.3 inches) in Shippen Township, **Cameron County**.

E14-295. Encroachment. **Pleasant Valley Campground, Inc.**, P. O. Box 217, Howard, PA 16841. To remove the existing structure and to construct and maintain a single span steel beam wooden deck bridge with a normal clear span of 22 feet and an underclearance of 9.0 feet crossing Little Marsh Creek on the campground road on the south side of SR 1002 approximately 1.5 miles west of the intersection of T-485 and SR 1002 (Snow Shoe SE, PA Quadrangle N: 4.3 inches; W: 2.3 inches) in Boggs Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-389. Encroachment. **Ecks Garage, Inc.**, R. R. 2, Muncy, PA 17756. To place and maintain fill and to excavate 0.4 acre of isolated palustrine emergent wetlands for the purpose of enlarging an existing parking lot and to relocate stormwater drainage swales. The proposed work will permanently impact 0.3 acre and temporarily impact 0.1 acre of wetlands replacement. The project site is located approximately 3.5 miles east of Montoursville and 0.3 mile southwest of I-180/Rt. 220 right of way (Muncy, PA Quadrangle N: 21.8 inches; W: 14.25 inches) in Fairfield Township, **Lycoming County**.

E47-057. Encroachment. **Speedex Industries, Inc.**, James Paugh, 120 Blue Springs, Danville, PA 17821. To place fill approximately 90 feet wide and 260 feet long within the floodway of an unnamed tributary to Chillisquaque Creek between SR 254 and the stream .25 mile west of SR 54 (Washingtonville, PA Quadrangle N: 8.6 inches; W: 5.5 inches) in Derry Township, **Montour County**. This permit was issued under section 105.13(e) "Small Projects."

E57-076. Encroachment. **William Derkacs**, 299 Goldenridge Dr., Levittown, PA 19057-3425. To construct and maintain a single span steel I-beam bridge that will carry a private single resident use road across Porter Run. The proposed bridge shall be constructed with a single span of 40.0 feet, an underclearance of 12.0 feet and width of 10.0 feet. The project is located along the southern right-of-way of the intersection of Hoagland Branch Road and T-416 (Shunk, PA Quadrangle N: 5.3 inches; W: 10.6 inches) in Fox Township, **Sullivan County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-332. Water obstruction and encroachment. **Sullivan Township**, P. O. Box 84, Mainesburg, PA 16932. To remove the existing structures and to construct and maintain a triple barrel 44 inch by 72 inch CMPA culvert about 40 feet long depressed 6 inches below streambed in an unnamed tributary to Elk Run and located on T-876 about 0.9 mile east of SR 1007 (Roseville, PA Quadrangle N: 13.4 inches; W: 12.5 inches) in Sullivan Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

E39-318. Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To remove the existing steel superstructure and three stone piers from the former Lehigh Valley Railroad Station, and to construct and maintain a channel improvement project consisting of approximately 80 linear feet of stone lining in and along the banks of Jordan Creek. The project is located immediately downstream of the Hamilton Street Bridge (Allentown East, PA Quadrangle N: 19.0 inches; W: 12.5 inches), in the City of Allentown, **Lehigh County**.

E40-447. Encroachment. **Donald F. Searfoss**, 629 East Tenth Street, Northampton, PA 18067. To remove the existing structure and to construct and maintain a private single-span bridge, having a span of approximately 20 feet and an underclearance of approximately 7 feet, across Mill Creek, for the purpose of providing access to a hunting camp. The existing bridge abutments will be repaired and maintained. The project is located near the outlet of Bryants Pond (White Haven, PA Quadrangle N: 15.3 inches; W: 8.7 inches), in Dennison Township, **Luzerne County**.

E45-284. Encroachment. **Pierce Hardy Limited Partnership**, 4121 Washington Road, McMurray, PA 15317. To amend Permit No. E45-284 to construct and maintain a channel change in a tributary to Brodhead Creek having a length of approximately 830 feet. The proposed R-4 riprap lined trapezoidal channel will have a minimum depth of 3 feet, a varying bottom width of 10 to 15 feet and 2 to 1 sideslopes. The project is associated with the proposed 84 Lumber Company Home Center and is located approximately 700 feet north of the intersection of S. R. 0447 and T-512 (Brushy Mountain Road) (East Stroudsburg, PA Quadrangle N: 5.3 inches; W: 10.4 inches) in Stroud Township, **Monroe County**.

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

E07-271. Encroachment. **Howard Dilling**, R. D. 2, Box 219, Williamsburg, PA 16693. To remove an existing structure and to construct and maintain a single span bridge having a span of about 44 feet and an underclearance of about 5.5 feet across Clover Creek to access private property located about 2.8 miles south of the Borough of Williamsburg off Township Road T-400 (Williamsburg, PA Quadrangle: N: 8.0 inches; W: 12.2 inches) in Woodbury Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E28-241. Encroachment. **David and Eugenia Shindledecker**, Franklin County, 915 Hade Road, Chambersburg, PA 17201. To construct and maintain a 40 foot span steel girder bridge with a minimum 5 feet underclearance across Conodoguinet Creek to provide access to the rear of the Shindledecker's located south of T-556 (Lower Horse Valley Road) about 2.6 miles from its intersection with PA 641 (Roxburg, PA Quadrangle N: 14.4 inches; W: 16.7 inches) in Letterkenny Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E28-242. Encroachment. **Jerry L. Ridge**, Franklin County, 7601 Creager Road and Joel Barnhart, 7605

Creager Road, Waynesboro, PA 17268-9750. To construct and maintain a 54 inch x 40 inch arch pipe with a length of 180 feet along an unnamed tributary to Antietam Creek located in Fairview Village (Waynesboro, PA Quadrangle N: 8.91 inches; W: 8.72 inches) in Quincy Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E36-623. Encroachment. **East Hempfield Township**, Lancaster County, George Marcinko, Mgr., 1700 Nissley Road, Landisville, PA 17538. To construct and maintain two pedestrian bridges having 20 foot clear spans with underclearances of 2.25 feet and 4.25 feet across Brubaker Run, accessed by a 6 foot wide mulched foot path deminimus area of wetlands less than or equal to 0.05 acre will be impacted by this project. An eight car parking lot of grasscrete blocks and a playground area will be located within the 100-year floodplain of the Little Conestoga Creek for development of Wheatland Park located adjacent to Columbia Avenue (Lancaster, PA Quadrangle N: 7.6 inches; W: 16.3 inches) in East Hempfield Township, **Lancaster County**.

E44-079. Encroachment. **Brown Rook**, Mifflin County, P. O. Box 552, Milroy, PA 17063. To maintain a bridge constructed under Emergency Permit EP44-96-02 having a clear span of 30 feet and an underclearance of about 6 feet across Laurel Creek for the purpose of providing access to private property located along SR 1001 about 600 feet east of its intersection of Church Lane (T-464) (Burnham, PA Quadrangle N: 15.65 inches; W: 9.57 inches) in Armagh Township, **Mifflin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E67-574. Encroachment. **L & H Trucking Company**, Helen Longstreth, Sec/Treasurer, York County, 860 Gitts Run Road, Hanover, PA 17331. To fill 2.37 acres of jurisdiction wetlands for the purpose of facility and parking expansion located at the southwest corner of the intersection of Moulstown Road and Gitts Run Road (Hanover, PA Quadrangle N: 14.7 inches; W: 11.6 inches) in Penn Township, **York County**. The permittee is required to construct 2.42 acres of replacement wetlands.

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

E09-723. Encroachment. **Borough of Quakertown**, 15-35 North Second Street, P. O. Box 727, Quakertown, PA 18951. To modify, operate and maintain an existing roadway bridge spanning Old Bethlehem Pike across Beaver Run. The project consists of widening the bridge structure by adding a prefabricated pedestrian bridge unit along the eastern side of the bridge. The unit will be placed on existing piers and abutments which extend downstream from the bridge. The proposed pedestrian bridge, a 50-foot long by 4-foot wide steel frame with wooden deck structure, will serve as a pedestrian access from residential subdivisions in Richland Township to Quakertown Borough businesses, schools and parks. The site is located along Old Bethlehem Pike's right-of-way at a point approximately 1 mile north of the intersection of S. R. 309 and Tollgate Road (Quakertown, PA Quadrangle N: 10.0 inches; W: 13.1 inches) in Quakertown Borough, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects."

E51-156. Encroachment. **American Stores Properties, Inc.**, P. O. Box 30658, Salt Lake City, Utah 84130-0658. To place and maintain fill in 420 feet of Paul's Run,

a tributary to Pennypack Creek (TSF-MF) to construct and maintain 600 feet of channel to convey the relocated flows of Paul's Run and to construct and maintain 30 linear feet of 48-inch RCP culvert which will be installed near the confluence of an unnamed tributary of Paul's Run with Paul's Run. The project will impact 0.08 acre of wetland (PEM/SS) to facilitate the proposed construction of an Acme supermarket. Construction also includes the creation of 0.39 acre of replacement wetlands in the 100-year floodplain of the proposed stream channel. A 30-inch CMP conduit will also be constructed to convey stormwater under the bed of the channel to a proposed nonscope detention dam and basin as well as a 30-inch outfall structure from the basin into the proposed channel. The project is located at the corner of Northeast Boulevard and Red Lion Road (PA Route 63) (Frankford, PA-NJ Quadrangle N: 18.0 inches; W: 3.75 inches) in the City of Philadelphia, **Philadelphia County**.

E51-155. Encroachment. **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122-0500. To operate and maintain an existing 24-inch petroleum product pipeline crossing of the Schuylkill River (WWF-MF) owned by the Philadelphia Gas Works. The site is situated approximately 600 feet upstream of the Passyunk Avenue Bridge (Philadelphia USGS Quadrangle N: 8.2 inches; W: 11.0 inches) in the City and **County of Philadelphia**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E20-437. Encroachment. **John N. Jay**, 2708 Camelot Drive, Columbiana, OH 44408. To operate and maintain an existing 570-total square foot pile supported dock extending approximately 90 feet from the eastern shore in Conneaut Lake along the Konneaut Trail Property Owners Association property known as Iroquois Drive Property Access approximately 2,000 feet west of S. R. 0018 at Iroquois (Conneaut Lake, PA Quadrangle N: 3.75 inches; W: 6.5 inches) located in Sadsbury Township, **Crawford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E20-438. Encroachment. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. To construct and maintain a sewage treatment plant and appurtenances within the mapped FEMA floodway of French Creek along the west side of S. R. 6/19 immediately upstream of the Smock Memorial Bridge carrying S. R. 6/19 across French Creek (Meadville, PA Quadrangle N: 0.7 inch; W: 4.4 inches) in City of Meadville, **Crawford County**.

To construct and maintain a sewage pump station within the mapped FEMA floodway of French Creek approximately 50 feet southeast of the existing pump station at the foot of Clark Street downstream of S. R. 6/19 (Meadville, PA Quadrangle N: 0.1 inch; W: 4.3 inches) in West Mead Township, **Crawford County**.

To construct and maintain a 36-inch diameter RC pipe outfall structure along the east bank of French Creek adjacent to the downstream end of the pier of the Smock Memorial Bridge (Meadville, PA Quadrangle N: 0.05 inch; W: 4.45 inches) located in West Mead Township, **Crawford County**.

E37-111. Encroachment. **Charles D. Leise**, R. D. 1, Box 2, New Wilmington, PA 16142-8902. To construct and

maintain a steel beam bridge having a span of 20 feet and a maximum underclearance of 6 feet across a tributary to Little Neshannock Creek (McClure Run) for private access located approximately 200 feet downstream of S. R. 0208 and 100 feet west of the New Wilmington Borough line (New Castle North, PA Quadrangle N: 21.9 inches; W: 12.7 inches) located in Wilmington Township, **Lawrence County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E42-244. Encroachment. **Sergeant Township Supervisors**, Box 1A Star Route, Mt. Jewett, PA 16740. To remove the existing bridge and to construct and maintain a concrete box culvert having a 13-foot wide by 3-foot high waterway opening in Bloomster Hollow on T-321 approximately 1.5 miles south of S. R. 0006, just upstream of Shelander Hollow (Hazelhurst, PA Quadrangle N: 20.65 inches; W: 0.1 inch) located in Sergeant Township, **McKean County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Actions taken on permits issued 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 the Commonwealth.

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

WA9-346B. Succession to Water Rights. The Department has acknowledged that **Philadelphia Suburban Water Company**, Lower Merion, **Montgomery County**, has given notice that it succeeded to all rights and obligations under the permit, issued to the former Bristol Borough Water and Sewer, Bristol Borough, Bucks County on January 1, 1997.

[Pa.B. Doc. No. 97-191. Filed for public inspection February 7, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996 edition of the *Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. One version of the list of the documents contained in this edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center, scroll down to the "Technical Guidance Document" heading and (under this heading) click on "Basic Inventory."

Paper copies of the Inventory are being printed and will be available mid-January. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a paper copy of the June 1996 Inventory.

Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. The link to draft technical guidance documents is listed under the heading "Proposals Open to Comment." The link to recently finalized technical guidance documents is listed under the heading "Recently Finalized Proposals." Two links are under the heading "Technical Guidance Documents": one link is to the "Basic Inventory" and one link is to "Final Documents" on the Web. The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

Changes to Technical Guidance Documents

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance—Substantive Revisions to Existing Guidance

DEP ID: 361-0800-001. Title: Principles for Ground Water Pollution Prevention and Remediation. Description: This guidance sets forth the principles for a consistent Statewide program for prevention of ground water pollution and remediation of contaminated ground water. Page Length: 5 pages. Location: Volume 28, Tab 6. Contact: James T. Ulanoski at (717) 787-9633.

Final Technical Guidance—Minor Revision

DEP ID: 383-3301-106. Title: Filter Rule Reporting Instructions for Public Water Systems Using Filtered Surface—Water Sources. Description: This document establishes uniform instructions and protocol for certified laboratory directors and public water suppliers for the proper reporting of turbidity, disinfectant residual and heterotrophic bacteria performance monitoring data to DEP under the Safe Drinking Water Program. Page Length: 40 pages. Location: Volume 20, Tab 6. Contact: Joe Hoffman at (717) 787-5017.

Draft Technical Guidance

DEP ID: 580-2200-003. Title: Use of Electronic Atmospheric Detectors in lieu of Approved Flame Safety Lamps. Background: Section 316(h) of the Pennsylvania Bituminous Coal Mine Act identifies gas detection requirements for machine operators. Specifically, machine operators are required to carry flame safety lamps. MSHA requires an electronic methane detector for gas checks instead of a flame safety lamp. Technological advances in electronic gas detection equipment have increased their reliability. Mine operators have indicated a need to use electronic detectors in lieu of flame safety lamps for machine operators. This technical guidance is necessary to ensure that reasonable and consistent standards exist for the approval of alternate gas detection devices. This guidance will establish the necessary standards. Establishment of standards will align Federal and State requirements. Deadline for Submittal of Comments: March 8, 1997. Contact: Glen D. Ziegler at (717) 787-1376.

DEP ID: 580-2200-008. Title: Approval of Internal Combustion Motors in Underground Mines other than Coal. Background: Section 25-2(f) of the General Safety Law requires that all mines other than coal mines be operated in a manner that provides reasonable and adequate protection to workers employed therein. In furtherance of this requirement, the use of internal combustion motors in underground mines other than coal mines is prohibited unless otherwise approved by the Department. This technical guidance is necessary to ensure that reasonable and consistent standards exist for the approval and regulation of internal combustion motored equipment. Deadline for Submittal of Comments: March 8, 1997. Contact: Glen D. Ziegler at (717) 787-1376.

Notice of Intent to Revise Existing Guidance

DEP ID: 563-2100-216. Title: Permit Renewals. Background: This guidance relates to the coal mine permit renewal requirements of 25 Pa. Code § 86.55. This section of the regulations was revised in December, 1995. Additional guidance is necessary to address the revisions. Anticipated Effective Date: May 1, 1997. Anticipated Draft Development Date: February 28, 1997. Proposed Development and Review Process: The revisions will be drafted with input from the District Mining Office and the Office of Chief Counsel. The draft guidance will be provided to the Pennsylvania Coal Association, Pennsylvania Anthracite Council, Pennsylvania Mining Professionals and the public for review and comment. Contact: Nevin Strock at (717) 783-8845.

DEP ID: 561-5300-101. Title: Mine Subsidence Insurance (MSI) Coverage Issuance Procedures. Background: This guidance will standardize the administrative procedures and forms used to respond to requests for MSI coverage. Anticipated Effective Date: November 30, 1997. Anticipated Draft Development Date: May 31, 1997. Proposed Development and Review Process: These administrative procedures will be drafted by a committee consisting of representatives from the MSI Field Offices and the MSI Central Office. The draft will be forwarded by the Central Office to the appropriate Department levels for review and comments. All comments will be answered or incorporated into the final draft. The final draft will be announced in the *UPDATE* and in the *Pennsylvania Bulletin*, placed on DEP's Web site for public comment and circulated within DEP for final consideration. Contact: Lawrence Ruane at (717) 783-9586.

DEP ID: 561-5300-201. Title: Mine Subsidence Insurance (MSI) Damage Claim Processing Procedures. Background: This guidance will standardize the administrative procedures and form used to respond to damage claims made by MSI policy holders. Anticipated Effective Date: November 30, 1997. Anticipated Draft Development Date: May 31, 1997. Proposed Development and Review Process: Same as for 561-5300-101 (above). Contact: Lawrence Ruane at (717) 783-9586.

Notice of Intent to Rescind Technical Guidance

DEP ID: 561-2114-101. Title: Areas Unsuitable for Mining: Guidelines for Discretionary Criteria. Background: On October 25, 1995 the Environmental Quality Board (EQB) proposed rulemaking that incorporated the provisions of this guidance as regulations. An informal review of the proposed rulemaking by the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) indicated that the proposed rulemaking and program amendment would be less effective than the corresponding Federal requirements. OSMRE believes that the provisions of the proposed rulemaking would limit the consideration of petitions under the discretionary criteria. The EQB withdrew the proposed regulatory changes to the discretionary criteria. Because the proposed rulemaking was based upon this guidance, the Department believes that this guidance should also be rescinded. The rescission of this guidance will not have any effect on the operation of the program. Recommendations for designation of areas as unsuitable for mining, under this regulatory criteria, will remain at the discretion of the Department. Effective Date of Rescission: February 14, 1997. Contact: M. C. McCommons at (717) 787-4761.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-192. Filed for public inspection February 7, 1997, 9:00 a.m.]

DEPARTMENT OF HEALTH

Adoption of 1996-97 Edition of "Guidelines for Design and Construction of Hospital and Health Care Facilities"

Under its authority under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) and the hospital and ambulatory surgical facility regulations promulgated thereto, the Department of Health (Department) will adopt the 1996-97 edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities," (Guidelines) effective July 1, 1997. As of July 1, 1997, the Department will apply these new requirements to all plans for new construction or renovations for hospitals and ambulatory surgical facilities.

The Department currently applies the 1992-93 edition of the Guidelines, entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities," for all new construction, renovations or modernization of hospitals and ambulatory surgical facilities. The 1992-93 edition of the Guidelines will continue to be utilized through June 30, 1997.

The Department has received inquiries regarding the implementation of the 1996-97 edition of the Guidelines, and when they would be enforced. The 1996-97 edition of

the Guidelines can be utilized immediately; however, to allow adequate lead-in time for larger or more complicated projects, the mandatory usage of the new Guidelines will not take effect until July 1, 1997.

The established procedure requires the submission of construction plans and the issuance of a final construction plan approval by the Division of Safety Inspection prior to the start of any new construction, renovation, modernization or changes in usage. Blueprints are to be submitted to the Division and are reviewed for compliance with the NFPA 101, Life Safety Code, and the requirements as set forth in the Guidelines. The plan approval function is a requirement to insure that all new construction or renovations comply with all applicable regulations to avoid building noncompliant conditions into hospital or ambulatory surgical buildings, which would necessitate costly remedial work to correct prior to the Department allowing the renovated area to be occupied.

After construction has been completed, a final inspection must be conducted for Life Safety Code requirements by the Division of Safety Inspection, and for State licensure and/or Federal Certification requirements by the Division of Acute and Ambulatory Care Facilities prior to the use of the area.

We recommend that smaller renovation projects or new additions be designed and submitted for approval based on compliance with the 1996-97 edition of the Guidelines as soon as possible. Although it is still permissible to utilize the 1992-93 edition until July 1, 1997, it would be prudent to utilize the 1996-97 edition. Larger or more complicated projects should be designed in conformance with the new Guidelines, however, all final plan approvals issued after June 30, 1997, will be reviewed for conformance with the 1996-97 edition of the Guidelines, regardless of when the preliminary plans were submitted.

Those persons interested in purchasing a copy of the 1996-97 edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities" may telephone 1 (800) 365-ARCH (2724) to place an order or request a catalog.

Questions regarding this notice should be directed to Peter P. Petresky, Director, Division of Safety Inspection at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact Peter P. Petresky so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 97-193. Filed for public inspection February 7, 1997, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board; Meeting Notice

The Pennsylvania Cancer Control, Prevention and Research Advisory Board is scheduled to hold a meeting on March 26, 1997, from 10 a.m. to 1 p.m. in Room 812 of the Health and Welfare Building, Harrisburg, PA. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact Susan F. George, Program Manager, Department of Health, Cancer Control Program at (717) 787-5251.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans

with Disabilities Act of 1990 should contact Susan F. George at (717) 787-5251 at least 10 days prior to the meeting.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,
Acting Secretary

[Pa.B. Doc. No. 97-194. Filed for public inspection February 7, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 7, 1996, and took the following actions:

Regulation Disapproved:

Department of Public Welfare #14-414: Eligibility for Services Funded through the Medical Assistance Transportation Program (amends 55 Pa. Code Chapter 2070)

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Dissenting; Irvin G. Zimmerman

Public meeting held
November 7, 1996

Department of Public Welfare—Eligibility for Services Funded through the Medical Assistance Transportation Program; Doc. No. 14-414

Order

On July 13, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking would amend 55 Pa. Code Chapter 2070. The authority for this regulation is contained in sections 201, 205, 206 and 403 of the Public Welfare Code (62 P. S. §§ 201, 205, 206 and 403), Title XIX of the Social Security Act, and regulations at 42 CFR 431.53. The proposed regulation was published in the October 22, 1994 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 16, 1996.

The Department proposes to update Chapter 2070 of 55 Pa. Code, relating to eligibility for services funded through the Medical Assistance Transportation Program (MATP), and to eliminate misconceptions associated with the current regulation entitled "Eligibility for Services Funded through the Public Assistance Transportation Block Grant." Federal Title XIX regulations require a State Medicaid Agency to assure the availability of Medical Assistance (MA) transportation and describe the method used to meet this requirement in the State Plan.

These changes are intended to clarify that the funding source for the MATP program is not block grants and that the program does not include all public-funded transportation. The MATP program is a transportation cost-reimbursement program funded by Federal Title XIX

monies and Pennsylvania dollars as an administrative support to the Department's MA Program. It is administered on the local level by counties or prime contractors (individuals, agencies or organizations) which provide transportation services under a contract with the Department.

The contractors most often use "paratransit" vehicles (for example, vans and taxicabs), rather than fixed route public transportation, to transport MA eligible persons to nonemergency MA enrolled medical services within each county's defined service area. According to the Department, MATP "paratransit" constitutes all modes of transportation other than public (transit) transportation. There is no public transportation in 20 Pennsylvania counties due to their rural nature.

Providers are compensated for their MATP services by submitting requests for reimbursement to the Department as part of their quarterly reports to the Department. Reimbursements for driving in rural counties, for example, range from 12 cents to 24 cents per mile. Approximately 100,000 MA recipients are served by the MATP Statewide, with a total of 4,464,124 one-way rides provided in fiscal year 1995-1996 (through August 1996). Of that total, 2,341,767 (slightly more than one half of the total), were provided in Philadelphia County, with 2,122,357 one-way rides provided throughout the rest of Pennsylvania. Approximately 20% of those who use MATP services are located in Philadelphia County. There are a total of 59 prime contractors and providers in 66 counties which provide MATP services under contract with the Department.

The Department has made many amendments to Chapter 2070, including the following salient provisions of the final-form version. Section 2070.4 (Definitions) defines "curb-to-curb transportation service" as "the provision of safe transportation from pick-up to delivery on roadways maintained by government entities with driver assistance, as necessary, for the client to enter and leave the vehicle." Section 2070.29(b) (relating to service areas and limitations) provides that vehicles used to transport MA clients should not be left unattended to assure the safety of the occupants of vehicles. Hence, the MATP will provide curb-to-curb service.

The definition of "curb-to-curb transportation service" and the language of section 2070.29(b) reflects what the Department claims is its current policy of administering the MATP. In response to a concern we raised in our Comments about the failure of the proposed version of section 2070.29(b) to address door-to-door service, the Department deleted the word "only" before the phrase "curb-to-curb service" in the final-form regulation. However, the regulation has no provision for exceptions to curb-to-curb service.

Based on comments on both the proposed and final-form versions of this rulemaking, section 2070.29(b) remains the single most controversial provision. Many commentators assert that only providing curb-to-curb service will be a fundamental change in policy away from door-to-door MATP service. They point out that in Philadelphia County, where approximately half of all of the MATP one-way rides in the Commonwealth are provided, medically-qualified MA clients receive door-to-door (and paid escort) service under a contract with "Wheels," a local medical transportation service. The contract with Wheels has been renewed every 3 or 4 years since 1983; the present contract is scheduled to expire in mid-1998.

Neither the regulation nor the preamble narrative disclose or acknowledge the existence of the Wheels

contract or indicate if or how counties or transportation providers may seek a contractual exception to the general curb-to-curb service rule. The Department stated that it is not its intent to expand the existing MATP to a door-to-door service or provide attendants/escorts services to help facilitate door-to-door access because doing so would constitute a significant alteration in the nature of the program. For this reason, the Department projected there would be no fiscal impact associated with this rulemaking.

Section 2070.29(c) states that the MATP will not provide service where the distance from origin to destination is $\frac{1}{4}$ mile or less. Also, where the distance to and from public transportation which serves as the link between the origin and destination does not exceed $\frac{1}{4}$ mile, and where public transportation is the least costly and most appropriate level of service, public transportation is to be used and the MATP will reimburse counties and prime contractors for the cost of providing such service. Section 2070.29(d) provides that each county and prime contractor, in consultation with the Department, shall determine on an individual basis any exceptions to the $\frac{1}{4}$ mile policy based on the mental or physical capability of the MA client.

Section 2070.35 (Escorts) remains unchanged from the proposed regulation. The MATP will pay transportation costs for a noneligible person to accompany a client to needed medical services only when it has been determined that the client cannot travel independently. Subsection (1) provides that clients who are not minor children and require transportation assistance must arrange for their own escort or, when available, the escorts designated by the medical service practitioners. The MATP will reimburse for escorts only when the need is verified by a physician. Subsection (2) provides that transportation costs for a parent or designated responsible caregiver may be incurred only when that person accompanies the minor child to or from the MA compensable service.

Section 2070.35(3) provides that medical service practitioners who request transportation for persons who present a potential threat to the vehicle operator or vehicle occupants shall provide supervision for those persons. This requirement is designed to assure the safety of vehicle occupants and vehicle operation while accommodating the transportation needs of the individual.

Section 2070.37 (priority scheduling in periods of peak demand) was revised to require counties and prime contractors to have procedures which give preference to clients having the most pressing medical need to receive service before other clients when all clients cannot be satisfactorily served at the same time.

The Department received 33 comment letters on the proposed version of this rulemaking from various advocacy groups, clients, provider organizations, and governmental agencies, including this Commission. Almost all expressed concerns or opposition, especially to the Section 2070.29(b) provision for (only) a curb-to-curb MATP service. In connection with the final-form regulation, the Department met with various affected provider groups and the Consumer Subcommittee of the Medical Assistance Advisory Committee (MAAC) 6 days after the final-form regulation was submitted to the Commission and the standing committees of the General Assembly.

At the time of those meetings the Department indicated that it would do two things that are not reflected in the

final-form regulation. First, the Department indicated that it would consider requests for a "waiver" of its curb-to-curb standard. Second, it indicated that the Department would no longer require those MA clients who qualify for certification under the Americans with Disabilities Act (ADA) (42 U.S.C. § 12132) to seek such certification and use available public mass transportation in lieu of MATP service.

The Department's change of position on transporting ADA-qualified MA clients occurred after the Department received a letter, dated October 3, 1996, from the Federal Health Care Financing Administration (HCFA). The HCFA letter, received before the Department submitted this final-form regulation, informed the Department that Pennsylvania may not require MA beneficiaries to apply for ADA certification and use nonemergency transportation which public transportation systems must provide under the ADA. In essence, the Department is not allowed to move, or "shed," ADA-qualified MA clients from the MATP onto public mass transportation.

The Department's failure to consult with the MAAC and affected provider group organizations in the 2-year period before submitting the final-form regulation was of serious concern to Representatives Frank Oliver and Roy Cornell, the Chairpersons of the House Health and Human Services Committee, and Senator Hardy Williams, Minority Chairperson of the Senate Public Health and Welfare Committee. All three submitted comment letters to the Commission opposing the final-form regulation and recommended that it be disapproved.

Notwithstanding the Department's stated willingness to consider granting a waiver of its curb-to-curb service requirement and change its policy on transporting ADA-qualified MA clients, 11 MA client advocacy groups, provider organizations and individuals submitted comment letters raising various concerns and expressing opposition to the language of the final-form regulation.

Prior to the public meeting at which the final-form regulation was considered, the Department submitted information to the Commission to further clarify the preamble narrative to the regulation. Regarding the need for the regulation, revised language stated that in Philadelphia there is a contract with a private agency and services are provided based on the contractual agreement. In the other 66 counties, MATP services are provided through the Department's agreement with county governments. Also, a general statement was added to include the Department's willingness to consider waiver requests from the curb-to-curb policy. Finally, three paragraphs relating to the ADA were deleted and a statement was added to clarify the Department's revised policy to provide MATP service for ADA-certified MA clients. The written conformation of the change in the Department's position on ADA-certified MA clients resolved the Commission's concerns about cost-shifting of services in violation of the ADA.

However, the preamble, even as revised, does not acknowledge that the MATP in Philadelphia County is provided as a door-to-door service. It states, as noted previously, that the Department has not attempted to estimate the fiscal impact of a door-to-door program or attendant/escort services because doing so would constitute a significant "fundamental alteration in the nature of the program."

At our public meeting, discussion focused on the basic concern about the conflict between the regulation, which provides that the MATP is a curb-to-curb service with no

provision for door-to-door service, and the fact that door-to-door and escort services are currently available to medically qualified MA clients in Philadelphia County, where slightly more than 50% of total MATP rides are provided.

We expressed concern that individuals who are eligible for the MATP, but unable to get to the curb, would be deprived of access to available transportation services under the program. A spokesman for the Disabilities Law Project (Philadelphia), Robert Meek, Esquire, echoed this concern, noting that under Federal Title XIX requirements (of the Medicaid provisions of the Social Security Act), the Department is obligated to assure transportation to nonemergency medical services for MA clients in need of such services. He indicated that this includes providing door-to-door or escort services when necessary.

Federal law (at 42 CFR 431.53 relating to assurance of transportation) requires the Department to ensure necessary transportation service for MA clients to and from medical services providers and to describe the methods the Department will use to meet this requirement. Although the Department has flexibility in structuring how MATP services are provided, it must ensure that those with transportation needs are accommodated. Federal law also requires states to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability (28 CFR 35.1030(B)(7)).

The essential nature of the MATP in Pennsylvania is as both a curb-to-curb service and a door-to-door service. Clearly, for part of the Commonwealth, the Department already provides the necessary modifications in service to accommodate those who cannot reasonably locomote between the door and curb. That fact eviscerates the Department's assertion that including some provision in the regulation for door-to-door service would constitute a significant "fundamental alteration in the nature of the program."

Given Federal law requirements and the way the MATP actually operates, we object to a regulation which specifies curb-to-curb service with no provision for door-to-door service when the latter has been and is an integral part of the program. Indeed, the dichotomy creates the appearance, if not the reality, that the regulation would deny certain disabled MA clients access to the MATP. That, we believe, is problematic for the Department under the above assurance of transportation provision of Federal law, as well as under the ADA rule which prohibits discrimination against any individual on the basis of disability (42 U.S.C. § 12132).

To help resolve the problem, we recommend the Department add another sentence to section 2070.29(b) to provide that the MATP will make door-to-door service available on an individual basis if necessary due to the physical or mental incapacity of the client. Such language would be very similar to that already provided under section 2070.29(d) relating to granting exceptions to the ¼ mile rule. The clause "if necessary due to the physical or mental incapacity of the client" would limit the availability of the more costly door-to-door service to only those MA clients who qualify under established requirements.

As a practical matter, some provision for escorts is also necessary to help facilitate door-to-door service while allowing the driver to stay with the vehicle, thereby ensuring the safety of the MATP vehicle and its other riders. We also suggest the Department amend section

2070.35 further by adding a new provision to allow escorts on an "as necessary" basis per agreement between the Department and the county and/or other transportation provider in situations involving exceptions to curb-to-curb service.

We have been informed that in many instances volunteer escorts have provided assistance to MA clients using the MATP. We suggest, accordingly, that any language allowing or requiring escorts in connection with door-to-door service be flexible enough to permit volunteer (non-paid) escorts. Using volunteers would help ameliorate some of the additional costs for providing medically necessary door-to-door service.

We have reviewed this regulation and find it not to be in the public interest. As presently worded, the regulation is inherently ambiguous and in violation of the Regulatory Review Act. For the reasons previously discussed, there should be some provision for door-to-door service to accommodate the access needs of certain disabled MA clients. We also believe incorporating the foregoing suggested exceptions to curb-to-curb service, coupled with the Department's revised policy of not requiring ADA-qualified MA clients to use public mass transportation instead of the MATP, will blunt assertions that a curb-to-curb transportation policy violates Federal law. We are very sensitive to the Department's concerns that providing door-to-door service would increase the cost of the program. The Department, however, is obligated to assure transportation for those in need.

Therefore, it is Ordered That:

1. Regulation No. 14-414 from the Department of Public Welfare, as submitted to the Commission on October 16, 1996, is disapproved;
2. The Department of Public Welfare shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and
4. This Order constitutes a bar to final publication of Regulation No. 14-414 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-195. Filed for public inspection February 7, 1997, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates 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 the regulation, interested parties should contact the agency promulgating the regulation.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> |
|-----------------|--|-----------------|
| 18-322 | Department of Transportation Minimum Standards for Fixed Based Operations (resubmittal due to sine die) | 1/27/97 |
| 6-255 | Department of Education Community College Courses | 1/27/97 |
| 12-43 | Unemployment Compensation Board of Review General Requirements | 1/28/97 |
| 2-106 | Department of Agriculture Tuberculosis and Brucellosis Testing and Documentation Requirements for Cattle, Goats, and Bison | 1/29/97 |
| 2-95 | Department of Agriculture Noxious Weeds | 1/29/97 |

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-196. Filed for public inspection February 7, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Educators Alliance Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on January 22, 1997 and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2660.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-197. Filed for public inspection February 7, 1997, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

**Gas Service
Without Hearing**

A-121450 F2001. Kaylor Natural Gas Company, Inc. Application of Kaylor Natural Gas Company, Inc., for

approval of the abandonment or discontinuance of distribution of natural gas service to a portion of Brady's Bend and Sugar Creek Townships, Armstrong County, PA.

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 February 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Kaylor Natural Gas Company, Inc., P. O. Box 466, East Brady, PA 16028.

By and Through Counsel: Bruno A. Muscatello, Esq., Stepanian and Muscatello, 228 South Main Street, Butler, PA 16001.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-198. Filed for public inspection February 7, 1997, 9:00 a.m.]

Gas Service Without Hearing

A-120007. Nido's Ltd., Inc. Application of Nido's Ltd., Inc., for approval to begin to offer, render, furnish or supply natural gas service to the public in a portion of Brady's Bend and Sugar Creek Townships, Armstrong County, PA.

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 February 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Nido's Ltd., Inc., 144 Winterwood Drive, Butler, PA 16001.

By and Through Counsel: Bruno A. Muscatello, Esq., Stepanian and Muscatello, 228 South Main Street, Butler, PA 16001.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-199. Filed for public inspection February 7, 1997, 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 March 3, 1997, 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.

Application of the following for the approval of the transfer of stock as described under each application.

A-00105054, Folder 5000. Byers Taxi Service, Inc. (115 Franklin Avenue, Vandergrift, Westmoreland County, PA 15690), a corporation of the Commonwealth of Pennsylvania, this application seeks the transfer of all issued and outstanding stock from James P. Byers, Jr. (199 shares) and Clara E. Byers (199 shares) to Julia A. Martin. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

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 household goods by transfer of rights as described under each application.

A-00113673. Butchco, Inc., t/d/b/a Thomas Gerrity Moving & Storage (1252 Philo Street, Scranton, Lackawanna County, PA 18508), a corporation of the Commonwealth of Pennsylvania—household goods in use between points in the city of Scranton, Lackawanna County, and within 3 miles of the limits of said city; and household goods in use, from points in the city of Scranton, Lackawanna County, and within 3 miles of the limits of said city to other points in Pennsylvania and vice versa; which is to be a transfer of all of the rights issued to Fratco, Inc., t/d/b/a Thomas Gerrity Moving & Storage, under the certificate issued at A-00109996, subject to the same limitations and conditions. *Attorney:* Joseph J. Notarianni, Jr., Suite 700, 108 North Washington Avenue, Scranton, PA 18503.

Applications of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00107235, Folder 2, Am-A. Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc. (404 19th Street, P. O. Box 13, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the borough of Cherry Tree, Indiana County, and that part of Cambria County on and north of U. S. Highway Route 22, and from points in said area to points in Pennsylvania, and return; *so as to permit* the transportation of persons in limousine service, between points in the counties of Somerset, Cambria and Fayette, and from points in said counties, to points in the counties of Allegheny and Westmoreland and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00109343 to Luxury Limos, Inc., subject to the same limitations and conditions. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

A-00107235, Folder 2, Am-B. Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc. (404 19th Street, P. O. Box 13, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the borough of Cherry Tree, Indiana County, and that part of Cambria County on and north of U. S. Highway Route 22, and from points in said area to points in Pennsylvania, and return; *so as to permit* the transportation of persons in limousine service, (1) between points in Cambria County and from points in said county, to points in Pennsylvania, and return; and (2) between points in the counties of Indiana, Bedford and Huntingdon, and from points in said counties to points in Pennsylvania and return; which is to be a transfer of the rights authorized under the certificate issued at A-00110635,

F. 1, to Florence T. Rizzo, t/d/b/a Royal Lion Limousine, subject to the same limitations and conditions. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.

A-00107235, Folder 3. Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc. (404 19th Street, P. O. Box 13, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Cambria, Clearfield, Somerset, Blair, Bedford, Huntingdon, Centre and Mifflin, and from points in said counties to points in Pennsylvania and return; subject to the following condition: that no right, power or privilege is granted to use luxury-type stretch limousine vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00110635, F. 2, to Florence T. Rizzo, t/d/b/a Royal Lion Limousine, subject to the same limitations and conditions. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

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 February 24, 1997.

- A-00113682 Business Messenger Service, Inc.
5040 Louise Drive, Suite 101, Mechanicsburg, PA 17055; David H. Radcliff, Esquire, Cherewka & Radcliff, LLP, 3905 North Front Street, Harrisburg, PA 17110
- A-00113683 Samuel R. Snader
P. O. Box 297, 538 East 28th Division Highway, Lititz, PA 17543
- A-00113684 Refrigerated Food Express, Inc.
P. O. Box 374, 55 Murphy Drive, Avon, MA 02322
- A-00113685 H & H Freight Lines, Inc.
3018 Bowman Road, Lancaster, PA 17601; Melvin Hess, 41 East Orange Street, Lancaster, PA 17602
- A-00113686 Daniel J. Handerhan, t/d/b/a Dan's Delivery Service
15 Colecrest Street, Carnegie, PA 15106
- A-00113687 Daniel J. Dellich, Jr., t/d/b/a Daniel J. Dellich, Jr., Trucking
524 Harrisville Road, Boyers, PA 16020
- A-00113688 Adele L. Smith, t/d/b/a George's Small Engine Repair Service
238 West Otterman Street, Greensburg, PA 15601
- A-00113689 DeRosato Enterprises, Inc.
140 Evergreen Lane, King Of Prussia, PA 19406

- A-00113690 Nicholas F. and Nicholas J. Natale, t/d/b/a B & N Piano Service
693 Cherry Tree Road, Aston, PA 19014-2403
- A-00113691 Meadowbrook Trucking, Inc.
74 Meadow Drive, Mertztown, PA 19539
- A-00113692 Titus S. Kurtz
R. D. 3, Box 62, Elverson, PA 19520

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-200. Filed for public inspection February 7, 1997, 9:00 a.m.]

Stock Acquisition Without Hearing

A-121100F0002. Equitable Resources, Inc. Application of Equitable Resources, Inc. for approval of the acquisition of the voting stock of one or more subsidiary companies to be formed for the purpose of making corporate acquisitions through the issuance of common stock registered at S-00960584.

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 February 24, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Equitable Resources, Inc., 420 Boulevard of the Allies, Pittsburgh, PA 15219, c/o Elliot Gill, Senior Corporate Attorney.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-201. Filed for public inspection February 7, 1997, 9:00 a.m.]

Telecommunications Service Without Hearing

A-310280 F0002. Bell Atlantic-Pennsylvania, Inc. and WinStar Wireless of Pennsylvania, Inc. Bell Atlantic—Pennsylvania, Inc., and WinStar Wireless of Pennsylvania, Inc., by its counsel, filed on January 15, 1997, at the Pennsylvania Public Utility Commission, a joint petition for approval of agreement for network interconnection and resale.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic and WinStar Wireless joint petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-202. Filed for public inspection February 7, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following Contract:

Contract No. 87-021-RL80. Expansion of the women's restroom at the Valley Forge Service Plaza at M. P. 324.6E on the PA Turnpike System in Chester County, PA.

Bid Opening Date: March 6, 1997, 11 a.m.

Bid Surety: 5%

Plans, specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25.00 per set (do not add State tax) by check or Post Office Money Order (no cash) to the Turnpike Commission, Attention Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the 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. 97-203. Filed for public inspection February 7, 1997, 9:00 a.m.]