

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Transportation  
Environmental Hearing Board  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
State Board for Certification of Sewage Enforcement Officers  
State Board for Certification of Sewage Treatment Plant and Waterworks Operators  
State System of Higher Education

**Detailed list of contents appears inside.**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 312, November 2000**

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**PENNSYLVANIA**



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# Contents

## THE GENERAL ASSEMBLY

Recent actions during the 2000 regular session of the General Assembly . . . . . 5835

## THE COURTS

### CIVIL PROCEDURAL RULES

Amendments to the rules relating to domestic relations matters; no. 337; Civil Procedural Rules doc. no. 5 . . . . . 5837  
Proposed amendments relating to joinder of causes of action at law in actions in equity . . . . . 5836

### CRIMINAL PROCEDURAL RULES

Order amending Rule 6; No. 265; Criminal Procedural Rules doc. no. 2 . . . . . 5841

## EXECUTIVE AGENCIES

### DELAWARE RIVER BASIN COMMISSION

#### Proposed Rulemaking

Water usage reporting requirements . . . . . 5844

#### Notices

Notice of Commission meeting and public hearing . . 5851

### DEPARTMENT OF AGRICULTURE

#### Notices

Order of quarantine; plum pox virus . . . . . 5852

### DEPARTMENT OF BANKING

#### Notices

Action on applications . . . . . 5853

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Recruits applicants for Trails Board . . . . . 5854

### DEPARTMENT OF EDUCATION

#### Proposed Rulemaking

Reimbursement amounts for National School Lunch and Breakfast Programs . . . . . 5847

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 5855

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards . . . . . 5912  
State contracts information . . . . . 5904

### DEPARTMENT OF HEALTH

#### Notices

Applications for exceptions:  
Allegheny Valley Hospital . . . . . 5890  
Lance O. Yarus, D.O. . . . . 5890  
Quantum PET . . . . . 5890  
Robert Packer Hospital . . . . . 5891  
Statewide coordinated statement of need . . . . . 5891

### DEPARTMENT OF PUBLIC WELFARE

#### Notices

Prior authorization requirement for therapeutic staff support services . . . . . 5891

### DEPARTMENT OF TRANSPORTATION

#### Notices

Finding—Montgomery County . . . . . 5891

### ENVIRONMENTAL HEARING BOARD

#### Notices

Boarhead Farms Superfund Site v. DEP; EHB doc. no. 2000-220-MG . . . . . 5892

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Historical and Museum Commission . . . . . 5849

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued . . . . . 5892  
Notice of filing of final rulemakings . . . . . 5896

### INSURANCE DEPARTMENT

#### Notices

Alleged violation of insurance laws:  
Nelson, Benjamin Jr.; doc. no. SC00-07-023 . . . . . 5897  
Sniezek, Francis E.; doc. no. SC00-08-025 . . . . . 5897  
Appeal of Paul and John Bickerton under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; file no. 87-1704; doc. no. CF00-01-023 . . . . . 5897  
Children's Health Insurance Program; Advisory Council meeting . . . . . 5898  
Medical Professional Liability Catastrophe Loss Fund; 2001 hospital experience modification factors filing . . . . . 5898  
MIIX Insurance Company; physicians and surgeons professional liability . . . . . 5898  
Review procedure hearings; cancellation or refusal of insurance . . . . . 5898  
Review procedure hearings under the Unfair Insurance Practices Act (2 documents) . . . . . 5899  
State Farm Mutual Automobile Insurance Company; State Farm Fire and Casualty Company; private passenger automobile—vehicle safety discount (VSD) and revised insurance rating group (IRG) designations . . . . . 5900

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 5900

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

North Pittsburgh Telephone Company and Pittsburgh SMSA Limited Partnership d/b/a Verizon Wireless—telecommunications . . . . . 5901

---

**Now Available Online at <http://www.pabulletin.com>**

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5828

Service of notice of motor carrier applications. . . . . 5900  
Verizon North Inc. and DIECA Communications,  
Inc. d/b/a Covad Communications Company—  
telecommunications . . . . . 5901  
Verizon North Inc. and New Edge Network, Inc.  
d/b/a New Edge Network—telecommunications . . . 5901

**STATE BOARD FOR CERTIFICATION OF SEWAGE  
ENFORCEMENT OFFICERS**

**Notices**

2001 Examination announcement . . . . . 5902

**STATE BOARD FOR CERTIFICATION OF SEWAGE  
TREATMENT PLANT AND WATERWORKS  
OPERATORS**

**Notices**

2001 Examination announcement . . . . . 5903

**STATE SYSTEM OF HIGHER EDUCATION**

**Notices**

Request for proposals . . . . . 5903

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2000.

## 4 Pa. Code (Administration)

### Adopted Rules

1	8
120b	4226
120c	4229
120d	4238
174	5138
176	5138
177	5138

### Proposed Rulemaking

118	5735
119	5742
119a	5747
120	5748
177	1255
263	3795
401	3179
402	3179
403	3179
405	3179

### Statements of Policy

5	1469
9	44, 649, 902, 1556, 1760, 1876, 2380, 3081, 3469, 4011, 4434, 5025, 5849
114	4263

## 7 Pa. Code (Agriculture)

### Adopted Rules

138h	5540
------	------

### Proposed Rulemaking

3	768, 1255
7	768, 1255
21	3660, 5152
110	636, 5543
137	4573
137a	4573
137b	4573
138h	638
138i	771, 1255
138j	776, 1255
138k	781, 1255
151	4253

### Statements of Policy

3a	2482
----	------

## 12 Pa. Code (Community and Economic Development)

### Adopted Rules

33	3035
----	------

### Statements of Policy

123	4434
-----	------

## 16 Pa. Code (Community Affairs)

### Adopted Rules

45	3434
81	3168
83	3168
85	3168
87	3168
91	3168

## 17 Pa. Code (Conservation and Natural Resources)

### Proposed Statement of Policy

44	5454
507	4897
701	3776

### Proposed Rulemaking

14	4628
342	4628
507	1378
711	3463, 5290

## 22 Pa. Code (Education)

### Adopted Rules

44	4243
121	3924
354	5141

### Proposed Rulemaking

191	5847
-----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

86	4898
89	3439
91	521
93	3036
97	521
101	521
111 (with correction)	111, 232
121 (with correction)	1370, 2995, 3779, 5447
123	1370, 4899
129 (with correction)	2995, 3779
139 (with correction)	533, 2995, 3779
145	4899

### Proposed Rulemaking

78	3065
88	3053
90	3053
109	4596, 4611
123	399, 1135
145	399, 1135
210	2768
211	2768
215	4503
217	4503
219	4503
220	4503
224	4503
225	4503
226	4503
230	4503
232	4503
240	3661
245	3897
250	3946, 4356
260a	4816
261a	1136
266b	1136
268a	1136
269a	4816
270a	1136

901 ..... 5844  
 1021 ..... 2766

**Statements of Policy**  
 23 ..... 4935

**Proposed Statements of Policy**  
 23 ..... 1766

**28 Pa. Code (Health and Safety)**

**Adopted Rules**  
 1001 ..... 5363  
 1003 ..... 5363  
 1005 ..... 5363  
 1007 ..... 5363  
 1009 ..... 5363  
 1011 ..... 5363  
 1013 ..... 5363  
 1015 ..... 5363

**Proposed Rulemaking**

23 ..... 4591  
 25 ..... 3945  
 27 ..... 2715  
 701 ..... 3795  
 715 ..... 3795  
 1101 ..... 873  
 1103 ..... 873  
 1105 ..... 873  
 1107 ..... 873  
 1113 ..... 873

**31 Pa. Code (Insurance)**

**Adopted Rules**  
 33 ..... 4812  
 35 ..... 1542  
 67a ..... 4812  
 84c ..... 2228  
 86 ..... 3658  
 89 ..... 2229  
 113 ..... 310  
 123 ..... 1542  
 124 ..... 1542  
 154 ..... 1453  
 301 ..... 1453

**Proposed Rulemaking**

3 ..... 5019  
 11 ..... 5020  
 64 ..... 5543  
 84c (with correction) ..... 23, 312  
 86 ..... 886  
 89 ..... 4623  
 89a ..... 4623  
 118 ..... 1377, 5452  
 147 ..... 5023

**34 Pa. Code (Labor and Industry)**

**Proposed Rulemaking**  
 231 ..... 5152

**37 Pa. Code (Law)**

**Adopted Rules**  
 93 ..... 1252  
 95 (with correction) ..... 866, 1129  
 309 ..... 763

**Proposed Rulemaking**

199 ..... 1  
 871

**Statements of Policy**

421 ..... 3472

**49 Pa. Code (Professional and Vocational Standards)**

**Adopted Rules**  
 15 ..... 4429  
 16 ..... 2474  
 21 ..... 3040  
 23 (with correction) ..... 2355, 2475  
 25 ..... 533  
 31 ..... 2357, 2583, 3044, 5017  
 33 ..... 2359, 3046, 4245  
 35 ..... 228, 2586  
 36 ..... 3934  
 37 ..... 2589  
 40 ..... 2592  
 41 ..... 536, 2593  
 42 ..... 2597, 2599  
 47 ..... 3049

**Proposed Rulemaking**

1 ..... 2264  
 7 ..... 3266  
 9 ..... 2481  
 11 ..... 888, 1271, 2376  
 21 ..... 2265, 4730  
 27 ..... 4734  
 31 ..... 2378  
 35 ..... 641  
 36 ..... 5290  
 42 ..... 4255

**51 Pa. Code (Public Officers)**

**Proposed Rulemaking**  
 17 ..... 3467  
 21 ..... 3467

**52 Pa. Code (Public Utilities)**

**Adopted Rules**  
 32 ..... 3439  
 53 ..... 3441  
 54 ..... 3445  
 57 (with correction) ..... 1129, 1254  
 59 ..... 3172, 3451  
 64 ..... 2028  
 69 ..... 634

**Proposed Rulemaking**

3 ..... 3073  
 59 ..... 37  
 62 ..... 893, 897, 2605, 3073  
 63 ..... 539, 1379, 1549, 2376

**Proposed Statements of Policy**

69 ..... 2911

**Statements of Policy**

69 ..... 1959  
 Unclassified ..... 1764, 3081, 3808

**55 Pa. Code (Public Welfare)**

**Adopted Rules**  
 101 ..... 3779  
 125 ..... 3779  
 133 ..... 3779  
 140 ..... 15  
 141 ..... 3779  
 145 ..... 3779  
 166 ..... 3779  
 168 ..... 1743  
 175 ..... 3779



177 ..... 3779  
 178 ..... 3779  
 181 ..... 3779  
 183 ..... 3779  
 1163 ..... 2130  
 3040 ..... 1743  
 3800 ..... 3794

**Proposed Rulemaking**

4225 ..... 2785, 3806  
 4226 ..... 2785, 3806

**Statements of Policy**

3270 ..... 4641  
 3280 ..... 4641  
 3800 ..... 545

**58 Pa. Code (Recreation)**

**Adopted Rules**

51 ..... 634, 5013, 5541  
 53 ..... 870, 5013  
 61 ..... 870, 5013  
 63 ..... 870, 4814  
 65 ..... 870, 872, 4814  
 91 ..... 5016  
 93 ..... 870, 5013  
 97 ..... 870, 5013  
 111 ..... 4814  
 117 ..... 1652  
 135 ..... 4250  
 139 ..... 2366  
 141 (with correction) ..... 765, 2601, 2907, 4250  
 143 ..... 765, 2475, 4354  
 147 ..... 765, 2477, 2479

**Proposed Rulemaking**

1 ..... 2611  
 3 ..... 2611  
 5 ..... 2611  
 9 ..... 2611  
 11 ..... 2611  
 13 ..... 2611  
 21 ..... 2611  
 23 ..... 2611  
 25 ..... 2611  
 27 ..... 2611  
 31 ..... 2611  
 33 ..... 2611  
 51 ..... 1755, 4619  
 53 ..... 1755  
 61 ..... 1755  
 63 ..... 2373  
 65 ..... 2373, 4818  
 91 ..... 1874  
 93 ..... 1755  
 97 ..... 1755  
 111 ..... 2373, 4819  
 135 ..... 2908  
 139 ..... 1257, 4622  
 141 ..... 1262, 2908, 4253, 4622  
 143 ..... 1267, 2375  
 147 ..... 1268, 1269

**61 Pa. Code (Revenue)**

**Adopted Rules**

31 ..... 1654  
 32 ..... 3459  
 48 ..... 1654  
 55 ..... 3935  
 60 ..... 3459, 3935

101 ..... 3938  
 125 ..... 3938

**Proposed Rulemaking**

31 ..... 784  
 33 ..... 4932  
 101 ..... 2236, 2371  
 899 ..... 1755, 4932

**Statements of Policy**

60 ..... 233

**64 Pa. Code (Securities)**

**Adopted Rules**

202 ..... 18, 4551  
 203 ..... 18, 4551  
 204 ..... 18  
 205 ..... 18, 4551  
 206 ..... 4551  
 207 ..... 18  
 209 ..... 18  
 211 ..... 18  
 301 ..... 4551  
 302 ..... 4551  
 303 ..... 4551  
 304 ..... 4551  
 305 ..... 4551  
 404 ..... 4551  
 504 ..... 18  
 513 ..... 18  
 602 ..... 4551  
 603 ..... 18, 4551  
 606 ..... 18  
 609 ..... 18

**Proposed Rulemaking**

202 ..... 2237  
 203 ..... 2237  
 205 ..... 2237  
 206 ..... 2237  
 301 ..... 2237  
 302 ..... 2237  
 303 ..... 2237  
 304 ..... 2237  
 305 ..... 2237  
 404 ..... 2237  
 602 ..... 2237  
 603 ..... 2237

**Statements of Policy**

604 ..... 4437

**67 Pa. Code (Transportation)**

**Adopted Rules**

47 ..... 5448  
 175 ..... 3794  
 179 ..... 3051  
 601 ..... 3175

**101 Pa. Code (General Assembly)**

**Adopted Rules**

501 ..... 3152  
 521 ..... 3152  
 551 ..... 3152

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 3563  
 71 ..... 4728  
 82 ..... 2350, 5527  
 83 ..... 865, 1357

207 ..... 865  
 211 ..... 3564  
 215 ..... 4223

**Proposed Rulemaking**

71 ..... 2900  
 83 ..... 1124, 1126  
 85 ..... 1127  
 89 ..... 1127

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

1 ..... 619  
 5 ..... 619  
 33 ..... 2125  
 Unclassified ..... 5287

**Proposed Rulemaking**

1 ..... 5732  
 3 ..... 5732

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

35 ..... 3429  
 63 ..... 519  
 65 ..... 3429  
 67 ..... 11

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

Art I ..... 1639  
 Art IV ..... 1639, 1642, 3919  
 Art VI ..... 1643  
 Art VIII ..... 1639, 1645

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 519  
 1900 ..... 1646, 3027, 5837  
 1910 ..... 1646, 3155, 5837  
 1915 ..... 1646  
 1920 ..... 1646, 3155  
 1930 ..... 1646, 3155  
 1940 ..... 5837

**Proposed Rulemaking**

200 ..... 619, 620, 2350, 5287  
 400 ..... 620  
 1000 ..... 621, 2127, 3565  
 1500 ..... 2127, 5836  
 1900 ..... 1357  
 1910 ..... 1357, 4348  
 1915 ..... 2210  
 1930 ..... 1357, 4348  
 2220 ..... 5287  
 Part II ..... 1476  
 Part III ..... 4350

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1477, 2211, 5841  
 2 ..... 1477

3 ..... 1477  
 4 ..... 1477  
 5 ..... 1477, 2211  
 6 ..... 1477, 1955, 2211  
 7 ..... 1477  
 8 ..... 1477  
 9 ..... 1477  
 10 ..... 1477  
 11 ..... 1477  
 20 ..... 1477, 2211, 5135  
 30 ..... 1477  
 50 ..... 1477, 1508  
 100 ..... 1477  
 200 ..... 1477  
 300 ..... 1477, 2211  
 350 ..... 1477  
 1100 ..... 1477, 1955, 2211  
 1400 ..... 1477  
 1500 ..... 622, 1477  
 1600 ..... 1477  
 1700 ..... 1477  
 2000 ..... 1477  
 4000 ..... 1477, 2211  
 6000 ..... 1477  
 9000 ..... 1477

**Proposed Rulemaking**

1 ..... 2573  
 9 ..... 2575  
 20 ..... 1360  
 50 ..... 5527  
 100 ..... 4543, 4811  
 200 ..... 4543  
 300 ..... 5533  
 1500 ..... 2575, 5533  
 4000 ..... 4543  
 6000 ..... 4543

**237 Pa. Code (Juvenile Rules)**

**Statements of Policy**

301 (with correction) ..... 1762, 1960

**246 Pa. Code (Minor Court Civil Rules)**

**Proposed Rulemaking**

100 ..... 3265

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 13, 198, 201, 1362, 1649,  
 1740, 1741, 1957, 2128, 2129, 2472,  
 2763, 2900, 3565, 5136, 5446

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 2579

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 14, 201, 202, 225, 226, 307, 624,  
 762, 1120, 1251, 1369, 1509, 1511,  
 1651, 1741, 1870, 2222, 2351, 2352,  
 2353, 2581, 2763, 2764, 2765, 2904, 3027,  
 3028, 2039, 3030, 3166, 3430, 3566, 3766, 3773,  
 3920, 3922, 4223, 4224, 4225, 4353, 4549, 4896,  
 5137, 5446, 5536, 5537, 5733, 5734

# THE GENERAL ASSEMBLY

## Recent Actions During the 2000 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2000 Regular Session.

### 2000 ACTS — ACTS 85 and 86 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2000-85	Oct. 30	SB706	PN2226	Immediately*	Second Class County Code—omnibus amendments
2000-86	Oct. 30	SB1224	PN2222	60 days	Crime Victims Act—omnibus amendments

\* with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 00-1928. Filed for public inspection November 10, 2000, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1500]

#### Proposed Amendments Relating to Joinder of Causes of Action at Law in Actions in Equity; Proposed Recommendation No. 165

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 1508 and 1510 governing actions in equity be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than December 29, 2000 to:

Harold K. Don, Jr., Esquire,  
Counsel,  
Civil Procedural Rules Committee,  
5035 Ritter Road, Suite 700,  
Mechanicsburg, Pennsylvania 17055  
or E-Mail to  
civil.rules@supreme.court.state.pa.us.

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1500. ACTION IN EQUITY

#### Subchapter A. RULES

#### Rule 1508. Pleading More Than One Cause of Action.

(a) The plaintiff may state in the complaint two or more causes of action cognizable in equity.

**Official Note:** If more than one cause of action is asserted by or against two or more plaintiffs or defendants, the causes of action must arise from the same transaction, occurrence, or series of transactions or occurrences and a common question of law or fact affecting the rights or liabilities of all the parties must arise in the action. Rule 2229(a), (b).

**(b) If a transaction or occurrence gives rise to more than one cause of action against the same person, including causes of action in the alternative and causes of action equitable or legal, they may be joined in separate counts in the action against any such person.**

#### Rule 1510. Counterclaim.

(a) A defendant may plead as a counterclaim only a cause of action, whether equitable or legal, which arises

from the same transaction or occurrence or series of transactions or occurrences from which the plaintiff's cause of action arose. **[ A counterclaim shall not be subject to the objection provided in Rule 1509(c). ]**

(b) **[ A counterclaim shall be pleaded and tried as an action in equity. ]** Rescinded.

#### *Explanatory Comment*

#### *Joinder of Causes of Action at Law and in Equity*

The proposed addition of subdivision (b) to Rule 1508 is not so much a change in equity practice as a change in the rule to accommodate the reality of modern equity practice. A litigant should be able to join in one action related causes of action, i.e., causes of action arising out of the same transaction or occurrence or series of transactions or occurrences. This is already true of multiple causes of action all arising in equity under current Equity Rule 1508 and also causes of action all arising at law under Civil Action Rule 1020(d). It is proposed that a similar rule apply where a plaintiff brings an action in equity and wishes to join related causes of action at law in the equity action. When causes of action are related, litigants should not be required to commence separate actions at law and in equity with separate pleading and separate service of process and eventually consolidate those actions for trial.

The joinder of actions at law and in equity under proposed Rule 1508(b) is permissive. A cause of action is not waived by failure to join even though related to other causes of action asserted in an action.

#### *Preliminary Objections*

Rule 1509 governs preliminary objections in an action in equity. Subdivision (c) provides for pleading "the existence of a full, complete and adequate non-statutory remedy at law". This objection is equally applicable to causes of action in equity whether brought alone or joined with a cause of action at law as provided in proposed Rule 1508(b). Equity jurisdiction should not be exercised if the non-statutory remedy at law is "full, complete and adequate."

Equity Rule 1510(a) governing counterclaims currently provides that a related cause of action, whether equitable or legal, may be pleaded as a counterclaim. The second sentence of the rule further provides that a "counterclaim shall not be subject to the objection provided in Rule 1509(c)." However, there appears to be no reason to apply a rule to a counterclaim which differs from that applicable to the plaintiff's causes of action. Consequently, it is proposed that Rule 1510(a) be amended by deleting the exemption of a counterclaim from the objection in Rule 1509(c).

#### *Pleading and Trial*

An action at law and an action in equity do not lose their characteristics by their joinder in one action. Yet, current Rule 1510(b) provides that a counterclaim shall be pleaded and tried as an action in equity, making no distinction between counterclaims at law and in equity.

There appears to be no reason why the rule should mandate that causes of action at law joined in an action in equity should be pleaded and tried as an action in equity. It is therefore proposed that Rule 1510(b) be rescinded. However, there is no corresponding statement added that an action at law so joined should be pleaded

and tried as an action at law. The pleading and trial of causes of action at law and in equity joined in one action will frequently follow the respective practices and procedures governing the particular actions joined. However, if a variation in procedure is appropriate to a particular case, such a determination would appear to be better left to case law to develop as the courts strive for "the just, speedy and inexpensive determination of every action" envisioned by Rule 126.

By the Civil Procedural Rules Committee  
REA BOYLAN THOMAS,  
Chair

[Pa.B. Doc. No. 00-1929. Filed for public inspection November 10, 2000, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 1900, 1910 AND 1940]

Amendments to the rules relating to domestic relations matters; No. 337; Civil Procedure Rules Doc. No. 5

Order

Per Curiam:

And Now, this 27th day of October, 2000, Rules 1905, 1910.10, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4 and 1910.16-6 of the Pennsylvania Rules of Civil Procedure are amended as follows. New Rule 1940.9 of the Pennsylvania Rules of Civil Procedure is promulgated as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

Rule 1905. Forms for Use IN PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

\* \* \* \* \*

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form:

\* \* \* \* \*

[ ] 2. Defendant is evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other permanent or temporary residence where Plaintiff or any other person protected under this Order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

\* \* \* \* \*

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

\* \* \* \* \*

[ ] 2. Defendant is completely evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EX-

CLUDED ] or any other residence where Plaintiff or any other person protected under this Order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

\* \* \* \* \*

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.10. Alternative Hearing Procedures.

\* \* \* \* \*

Explanatory Comment—1995

\* \* \* \* \*

Armstrong [ 1910.11 ] 1910.12

\* \* \* \* \*

Indiana [ 1910.11 ] 1910.12

\* \* \* \* \*

Rule 1910.16-1. Amount of Support. Support Guidelines.

\* \* \* \* \*

(b) The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as the child support schedule [ and the chart of proportional expenditures ] set forth in Rule 1910.16-3, the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in these rules.

\* \* \* \* \*

Explanatory Comment—1998

\* \* \* \* \*

A. Income Shares.

\* \* \* \* \*

The basic support amounts reflected in the [ chart of proportional expenditures and ] child support schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

\* \* \* \* \*

C. Four-Year Review.

\* \* \* \* \*

2. Calculation of Basic Child Support. The amount of basic support was previously determined from either the grids or the chart of proportional expenditures in conjunction with the income shares formula. The grids and the chart of proportional expenditures have been eliminated. The Committee has chosen to [ retain the chart and to ] use a basic child support schedule, which numerically reflects the amounts spent on children in intact families by combined income and number of children. The [ chart and the ] schedule appears in Rule 1910.6-3 and [ either one may be ] shall be used to find the parties' combined basic child support obligation. In turn, the obligor's share of this obligation is calculated using the income shares formula in Rule 1910.16-4. [ In

**cases where the obligor's monthly net income is \$550 or less, however, the schedule must be used to determine his or her basic support obligation. ]**

The amounts of child support set forth in [ **the chart and** ] the schedule have been updated to reflect recent economic estimates of child-related spending in intact households. . . .

\* \* \* \* \*

3. *Computed Minimum Allowance in Low-Income Cases* . . . . Since the schedule reflects amounts of child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and APL cases so that the obligor retains at least \$550 per month in these cases as well.

\* \* \* \* \*

7. *Health Insurance Premiums*. Under the prior rules, the portion of the cost of health insurance premiums which benefit the other party or the children was deducted from the party's net income. This provided little incentive for either party to obtain or maintain health insurance coverage for the benefit of the other family members. If the obligor was paying the premium, it reduced the basic support award only marginally. If the obligee was paying the premium, he or she received virtually no financial credit at all in terms of a higher support award.

To maximize the value for the party carrying the health insurance **in most cases**, new Rule 1910.16-6(b), **in general**, treats the cost of the premium as an additional expense subject to allocation between the parties in proportion to their net incomes. **In the majority of cases, [ This ]** this more accurately reflects the costs of carrying such insurance and also ensures that the obligee receives some financial credit for carrying the insurance. **However, in cases in which the obligee has no income or minimal income, and the obligor would otherwise bear the entire burden of paying the health insurance premiums with no other adjustment to his or her support obligation, the trier of fact may deduct part or all of the cost of the premium from the obligor's income for support purposes.** The new Rule also permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. This change provides further incentive for parties to obtain health insurance for the benefit of the other party and the children.

8. *Unreimbursed Medical Expenses*. There are three changes to the treatment of unreimbursed medical expenses. First, since the first \$250 per year per child of these expenses is already built into the basic child support obligation reflected in [ **the chart and** ] the schedule, only medical expenses which exceed this amount are subject to allocation between the parties as an additional expense to be added to the basic support obligation. Rule 1910.16-6(c) reflects this distinction. The Committee has also chosen to draw this same distinction with respect to spousal support so that the obligee-spouse is expected to meet the first \$250 per year of his or her own unreimbursed expenses before seeking contribution from the obligor for any additional expenses.

\* \* \* \* \*

**Rule 1910.16-2. Support Guidelines. Calculation of Net Income.**

\* \* \* \* \*

**(b) Treatment of Public Assistance, [ and ] SSI Benefits and Social Security Payments to a Child Due to a Parent's Disability or Retirement.**

(1) Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) **If a child for whom support is sought is receiving social security retirement or disability derivative benefits as a result of a parent's age or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of obligee, obligor and child's benefits shall then be reduced by the amount of the child's social security or disability derivative benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4.**

**Example. If the obligor has net monthly income of \$1200 per month; the obligee has net monthly income of \$800; and the child receives social security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$539 per month. From that amount, subtract the amount the child is receiving in social security derivative benefits (\$539 minus \$300 equals \$239). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of \$239 between the obligor and the obligee in proportion to their respective incomes. Obligor's \$1200 net income per month is 60% of the total of obligor's and obligee's combined net monthly income. Thus, obligor's support obligation would be 60% of \$239, or \$143.40, per month.**

\* \* \* \* \*

**(c) Monthly Net Income.**

(1) Unless otherwise provided in [ **this Rule** ] **these rules**, the court shall deduct only the following items from monthly gross income to arrive at net income:

\* \* \* \* \*

**(e) Net Income Affecting Application of the Child Support Guidelines.**

\* \* \* \* \*

(2) *High Income Child Support Cases*. When the parties' combined net income exceeds \$15,000 per month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be obligor's percentage share of the highest amount of support which can be derived from the schedule [ **or the chart** ] for the appropriate number of children and using the parties' actual combined income to determine obligor's percentage share of this amount. The court may award an additional amount of child support based on the [ **remaining** ] **parties'** combined income and the factors set forth in *Melzer*. **The Melzer analysis in high income child support cases shall be applied to all of the parties' income, not just to the amount of income**

**exceeding \$15,000 per month. In a Melzer analysis case, the presumptive minimum remains applicable.**

For example, where obligor and obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule [ or chart ] in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$3,480. Obligor's percentage share of the combined obligation is 81% of \$3,480, or \$2,818. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule [ or chart ] in Rule 1910.16-3, [ both of ] which [ are ] is limited to combined household income of \$15,000, the court may award an additional amount of support based on [ the parties' remaining income of \$6,000 and ] the factors set forth in Melzer.

\* \* \* \* \*

**Explanatory Comment—1998**

\* \* \* \* \*

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. [ Since ] When the cost of health insurance premiums is [ now ] treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is no longer deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) also incorporates former Rule 1910.16-5(o) relating to awards of spousal support or APL when there are multiple families. In these cases, a party's net income must be reduced further to account for his or her child support obligations as well as any pre-existing spousal support, APL or alimony obligations being paid to former spouses who are not the subject of the support action.

\* \* \* \* \*

Subdivision (e) also reflects the limited application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$15,000 per month. The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount has been modified slightly to clarify that the parties' percentage shares should be calculated using their actual combined income rather than theoretical combined income of only \$15,000. This change eliminates many of the inequities and inconsistencies that arose under the previous formula for determining this amount. In considering whether to award an additional amount of child support, [ the parties' remaining income, ] the court must use the factors set forth in Melzer. It would be improper to apply the formula in Rule 1910.16-4 to [ this ] the amount of the parties' combined income which exceeds \$15,000 per month and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the

percentage share and must be determined, therefore, in accordance with the factors set forth in Melzer.

**Explanatory Comment to Rule 1910.16-2—2000**

This rule has been amended to reflect the fact that the chart of proportional expenditures formerly set forth at Rule 1910.16-3(b) has been rescinded. In addition, the rule and Explanatory Comment have been revised to clarify that the factors set forth in *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), must be applied by considering all of the parties' combined income, not just the amount over \$15,000 per month. The presumptive minimum shall apply even if the Melzer analysis results in a figure lower than the presumptive minimum.

**Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule. [ and Chart of Proportional Expenditures ]**

[ (a) Basic Child Support Schedule. ] The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

\* \* \* \* \*

(Editor's Note: Rule 1910.16-3(b) is being deleted. For the text of this section, see 231 Pa. Code pages 1910-38—1910-40, serial pages (251746)—(251748).)

**Explanatory Comment—2000**

The chart of proportional expenditures, formerly Rule 1910.16-3(b), was duplicative and is rescinded. The basic child support schedule, formerly Rule 1910.16-3(a), is now Rule 1910.16-3.

**Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.**

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

*PART I. BASIC CHILD SUPPORT.*

\* \* \* \* \*

6. BASIC CHILD SUPPORT OBLIGATION (Determine [ either ] from Schedule based on number of children and line 5 combined monthly net income) [ OR from Chart by finding proportion of combined income spent on the children ]

\* \* \* \* \*

(c) *Substantial or Shared Physical Custody.*

\* \* \* \* \*

(3) This subdivision shall not apply when the obligor's income falls within the shaded area of the schedule in Rule 1910.16-3 [ (a) ] or when the obligee's income is 10% or less of the parties' combined income.

(d) *Divided or Split Physical Custody.*

(1) When calculating a child support obligation, and one or more children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child

support. For example, if the parties have three children, one of whom resides with Husband and two of whom reside with Wife, and their net monthly incomes are \$1,500 and \$800 respectively, Husband's child support obligation is calculated as follows. Using the formula with [either] the schedule [or the chart] in Rule 1910.16-3 for two children, Husband's support obligation for the two children living with Wife is \$508. Using the formula with the schedule [or chart] in Rule 1910.16-3 for one child, Wife's support obligation for the child living with Husband is \$188. Subtracting \$188 from \$508 produces a net support amount of \$320 payable to Wife as child support.

\* \* \* \* \*

**Explanatory Comment—1998**

\* \* \* \* \*

Subdivision (b) incorporates former Rule 1910.16-5(e) relating to orders for more than four children. It has been changed only to reflect the expansion of the guidelines from four to six children and the use of the [chart and] schedule in lieu of the grids.

\* \* \* \* \*

Subdivision (d) is derived from previous Rule 1910.16-5(h) relating to divided or split custody cases. The new provision has been rewritten to update the examples in conformity with the new levels of child support reflected in the [chart and] schedule. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children reside with each party, but eliminates the exception which previously existed in cases where one party's income was minimal and the other party's income was significantly greater. This exception was confusing as well as erroneous in its suggestion that offsetting should not be used because it would result in less than the full guideline amount of child support being paid to the party with minimal income. To the contrary, the offset method actually works to protect against this result and therefore should be used in these cases.

\* \* \* \* \*

**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.**

\* \* \* \* \*

*(b) Health Insurance Premiums.*

\* \* \* \* \*

**(4) In cases in which the obligor is paying the cost of health insurance coverage and the obligee has no income or minimal income such that the obligor will bear 90% or more of the proportional share of the cost of the health insurance premiums, the trier of fact may, as fairness requires, deduct part or all of the cost of the premiums actually paid by the obligor to provide coverage for the other party or the children from the obligor's gross income to determine net income for support purposes. If such a deduction is taken from the obligor's gross income, then the allocation of premium costs as set forth in (b)(1) above shall not be applied.**

**Official Note:** Subdivision (b) of this Rule does not apply to Medical Assistance. See 23 Pa.C.S. § 4326(l).

\* \* \* \* \*

*(e) Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, APL and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. For purposes of this subdivision, the term "mortgage" [include] includes shall first [and subsequent] mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

**Explanatory Comment—1998**

\* \* \* \* \*

Subdivision (b) reflects a major change in the treatment of health insurance premiums. Under the old rules, the cost of health insurance was deducted from the party's gross income to determine net income. Under the new Rule, this cost is now generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. In addition, subsection (1) of the new Rule permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. Subsection (2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action.

\* \* \* \* \*

**Explanatory Comment to Rule 1910.16-6—2000**

Subdivision (b) has been amended to permit an alternative method for dealing with the cost of health insurance premiums in certain circumstances. In general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes. However, in cases in which the obligee has no income or minimal income, new subsection (4) authorizes the trier of fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. Under this subdivision (b) as originally promulgated, the entire cost of health insurance would have been borne by the obligor when the obligee had little or no income, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of the amendment to this subdivision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (e) has been amended to correct a drafting error in the definition of "mortgage". It always was the intention of the Committee to include in the definition the real estate taxes and homeowners' insurance referenced in the first sentence of the rule. In addition, while real estate taxes and homeowners' insurance must now be included if the trier of fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by



the marital residence is within the discretion of the trier of fact based upon the circumstances of the case.

\* \* \* \* \*

CHAPTER 1940. VOLUNTARY MEDIATION IN CUSTODY ACTIONS

Rule 1940.9. Effective Date.

These rules shall not affect any existing mediation program established in any judicial district pursuant to local rule prior to October 29, 1999. However, any changes or amendments to any existing program shall be consistent with these rules.

Explanatory Comment—2000

This new rule is consistent with 23 Pa.C.S. § 3904.

[Pa.B. Doc. No. 00-1930. Filed for public inspection November 10, 2000, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule 6<sup>1</sup>; No. 265; Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the October 24, 2000 amendments to Pa.R.Crim.P. 6 (Local Rules). These amendments, effective January 1, 2001, (1) more clearly define "local rule," (2) emphasize the requirements that must be followed before a local rule is effective and enforceable, and (3) establish procedures for the enforcement of local rules with a limitation on the sanctions for non-compliance. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 24th day of October, 2000, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 30 Pa.B. 2573 (May 27, 2000), and in the Atlantic Reporter (Second Series Advance Sheets, Vol. 749), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 6 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2001.

Annex A

Title 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

Rule 6. Local Rules.

[ (a ) ] (A) For the purpose of this rule, the term "local rule" shall include every rule, regulation, directive, policy,

<sup>1</sup> Rule 6 will be renumbered Rule 105 as part of the renumbering and reorganization of the Rules of Criminal Procedure the Court adopted on March 1, 2000, effective April 1, 2001.

custom, usage, form or order of general application, however labeled or promulgated, [ which is ] adopted or enforced by a court of common pleas to govern criminal practice and procedure, which requires a party or party's attorney to do or refrain from doing something.

[ (b ) ] (B) \* \* \*

\* \* \* \* \*

[ (c ) ] (C) [ To be effective and enforceable ] A local rule shall not become effective and enforceable until the adopting court has fully complied with all the following requirements:

(1) A local rule shall be in writing.

\* \* \* \* \*

(6) A local rule promulgated before the effective date of this rule shall be filed on or before that effective date with the prothonotary or clerk of court and shall be kept by the prothonotary or clerk for inspection, copying, and furnishing as provided in [ sub ] paragraph [ (c ) ] (C)(5).

[ (d ) ] (D) A local rule shall become effective not less than [ thirty ] 30 days after the date of publication of the rule in the Pennsylvania Bulletin.

(E) No case shall be dismissed nor request for relief granted or denied because of failure to comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the attorney to comply with the local rule.

[ (e ) ] (F) The Criminal Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule and may suspend that local rule pending action by the Court on that recommendation.

Comment

The policy of the Supreme Court as declared in the Order promulgating this rule is "to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of criminal procedure normally preempts the subject covered." In accordance with the Court's policy, it is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation shall not determine whether something is or establishes a local rule; if the definition in paragraph [ (a ) ] (A) of this rule is satisfied the matter is a local rule regardless of what it may be called. The provisions of this rule are also intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

To simplify the use of local rules, local criminal rules are required to be given numbers that are keyed to the number of the general criminal rules to which the local rules correspond. This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general criminal rule.

**Paragraph (C) was amended in 2000 to emphasize that the adopting authority must comply with all the provisions of paragraph (C) before any local rule, or any amendments to local rules, will be effective and enforceable.**

**[It is contemplated under subparagraph (c) ] Paragraph (C)(5) requires** that a separate consolidated set of local rules **[ shall ]** be maintained in the prothonotary's or clerk's office.

Although under paragraph **[ (d) ] (D)** a local rule shall not be effective until at least 30 days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

**The purpose of paragraph (E) is to prevent the dismissal of cases, or the grant or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (E) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.**

**After the court has alerted the party to the local rule pursuant to paragraph (E), the court may impose a sanction for subsequent noncompliance either on counsel or the defendant if proceeding pro se, but may not dismiss the case, or grant or deny relief because of non-compliance.**

**Official Note:** Rule 6 adopted January 28, 1983, effective July 1, 1983; amended May 19, 1987, effective July 1, 1987; renumbered Rule 105 and amended March 1, 2000, effective April 1, 2001; **amended October 24, 2000, effective January 1, 2001.**

#### **Committee Explanatory Reports:**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).**

**Final Report explaining the October 24, 2000 amendments published with the Court's Order at 30 Pa.B. 5842 (November 11, 2000).**

### **FINAL REPORT<sup>1</sup>**

#### **Proposed amendments to Pa.R.Crim.P. 6<sup>2</sup>**

##### **LOCAL RULE PROCEDURES**

On October 24, 2000, effective January 1, 2001, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 6 (Local Rules) to (1) more clearly define "local rule," (2) emphasize the requirements that must be followed before a local rule is effective and enforceable, and (3) establish procedures for the enforcement of local rules with a limitation on the sanctions for non-compliance.

#### **I. Background**

Since the 1983 adoption of Pa.R.Crim.P. 6 (Local Rules), the Committee has been monitoring local criminal rules and local practices. Experience has shown Rule 6 is being honored in the breach, and this circumvention of the Rule

6 requirements hampers rather than promotes the statewide practice of law. Some judges continue to implement local practices and procedures that do not comply with Rule 6 by calling them something other than a "local rule," even though they clearly are local rules within the definition of Rule 6. Often these "local rules" are not published or made available to the members of the bar, which only serves to impede the ability of out-of-county practitioners to practice in that judicial district. We also found that some local rules provide for the dismissal of the case as sanctions for non-compliance. Finally, in many cases, these local practices and procedures conflict with the statewide rules.

Over the years, the Committee has attempted to work with the judicial districts on problem local rules, and has been successful in resolving many of the conflicts. However, the Committee continues to be frustrated in its efforts, and counsel are hindered in their representation of defendants, because many local rules continue not to be published or publicly available as required in Rule 6.

Recognizing the Committee has not been completely successful in resolving the problems with local rules, we agreed that some action was necessary, and, as a first step, Rule 6 should be amended to make the definition of "local rule" clearer and the requirements for the effectiveness and enforceability of local rules more emphatic, and to address limitations on the sanctions for non-compliance with local rules.<sup>1</sup> The amendments are discussed below.

#### **II. Discussion**

##### **A. Definition of "Local Rule"**

One of the major problems uncovered as the Committee researched the issue of local rules is that some president judges issue orders that are intended to govern local practice and procedure, but do not call them local rules and do not comply with Rule 6. As noted above, bypassing the Rule 6 requirements impedes the statewide practice of law and violates the spirit, if not the letter, of Rule 6. With this in mind, the Committee agreed that the definition of "local rule" should be strengthened. Paragraph (A) has been amended by the addition of the phrase "which requires a party or party's attorney to do or refrain from doing something," which makes it clear that any locally mandated practice or procedure, no matter what its label or designation, requiring some action or inaction is indeed a local rule.

##### **B. Prerequisites to Effectiveness**

The Committee agreed another step in clarifying the rule would be to underscore the requirements that must be followed before a local rule will be effective and enforceable. To accomplish this, the introductory phrase for paragraph (C) has been reworded to place emphasis on the fact that, unless the requirements of Rule 6 are followed, the local rule is not effective or enforceable.

##### **C. Sanctions**

When the Committee recommended Rule 6 in 1982, we did not include a provision similar to the one included in Civil Rule 239 prohibiting the dismissal of an action for violation of a local rule. The Committee reasoned that in practice such dismissals rarely, if at all, occur in criminal cases, and therefore such a provision was unnecessary. See Committee explanatory Report, 13 Pa.B. 761 (February 19, 1983). Experience with local rules has demon-

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> Rule 6 will be renumbered Rule 105 as part of the renumbering and reorganization of the Rules of Criminal Procedure that the Court adopted on March 1, 2000, effective April 1, 2001.

<sup>3</sup> The Committee is aware that the Supreme Court's Judicial Council has undertaken a study of statewide local rule practices, and we reviewed our proposal with the Judicial Council's local rules subcommittee staff prior to submission to the Court to insure that the proposed changes to Rule 6 were consistent with the Judicial Council's work.

strated the opposite to be true: cases are dismissed, or requests for relief are granted or denied, when a party fails to comply with a local criminal rule, and this is a major concern among practitioners, as well as for the Committee.

Recognizing one of the major problems contributing to non-compliance is that many local rules are not published, and are not easily accessible, the Committee concluded that it was inappropriate to dismiss cases in these circumstances. Considering how best to resolve the problem of lack of notice and address sanctions, the Committee agreed the rule should (1) prohibit the dismissal of a case and the grant or denial of a request for relief because of failure to comply with a local rule, and (2) place with the court the responsibility for alerting a non-complying party to the specific provision of the local rule. The court also would be required to provide the party with a reasonable amount of time to comply. These provisions have been incorporated into new paragraph (E).

Although agreeing with the proposal, some members expressed concern that the "sanction" limitation in new paragraph (E) might be construed as limiting a judge's options when a party in a particular case refuses to comply with procedural orders that apply only to that case. For clarification purposes, the Committee agreed to add a provision to the Comment pointing out the distinction between local rules of general application and orders or directives regulating the procedures in a particular case, i.e., "case-specific" orders.

Finally, the Comment explains that when the party continues to ignore the local rule, the only appropriate sanctions would be against the attorney who is not complying, or the non-complying defendant if proceeding pro se, rather than the case being dismissed or the relief granted or denied.

[Pa.B. Doc. No. 00-1931. Filed for public inspection November 10, 2000, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Water Usage Reporting Requirements

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to its Water Code and Comprehensive Plan to establish water usage reporting requirements for source water withdrawals and water service. The Commission established source metering, recording, and reporting requirements in 1986 for withdrawals of surface or ground water in excess of an average of 100,000 gallons per day over a 30-day period, but it did not specify the types of information to be reported. The Commission established service metering and recording requirements in 1987 for purveyors meeting the same volume threshold, but it did not require them to report service by use category. Thus, key pieces of information are missing and reported data are inconsistent among the states, impeding the Commission's ability to perform critical water use analyses. The Commission now proposes to amend its regulations to institute reporting requirements that ensure it has the source and service information needed to evaluate how and where water is being used in the basin.

#### *Dates*

The public hearing will be held on Tuesday, January 9, 2001 during the Commission's regular business meeting. The meeting will begin at 1 p.m. and continue until all those present who wish to testify are afforded an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary.

The deadline for submission of written comments will be December 20, 2000.

#### *Addresses*

The public hearing will be held at the Sykes Student Union, Rosedale Avenue, West Chester University, West Chester, Pennsylvania. Directions to that location will be posted on the Commission's web site, [www.drbc.net](http://www.drbc.net), in December 2000. Written comments should be submitted to Pamela M. Bush, Delaware River Basin Commission, P. O. Box 7360, West Trenton, NJ 08628-0360.

#### *For Further Information Contact*

The existing regulations and proposed amendment are posted on the Delaware River Basin Commission web site at [www.drbc.net](http://www.drbc.net). Please contact Esther Siskind at (609) 883-9500 ext. 202 with questions about the proposed amendment and Pamela M. Bush, ext. 203 with questions about the rulemaking process.

#### *Supplemental Information*

##### *Background and Rationale*

##### The Need for Water Use Information Requirements

The Commission needs accurate and consistent basin-wide water use data in order to fulfill its mandate to manage water resources of the Delaware River Basin. The data are critical to many of the Commission's programs and responsibilities, including developing con-

sumptive use estimates, projecting water use trends, determining the effectiveness of water conservation programs, determining the need for new sources of supply and developing a water use budget for the Basin.

The Commission has received data from the four basin states since it adopted source metering requirements in 1986 under Resolution No. 86-12 and service metering requirements the following year under Resolution No. 87-7, revised in 1988. These resolutions are codified at section 2.50.2 and section 2.50.1 of the Commission's Water Code. Under section 2.50.2, Source metering, recording and reporting, users withdrawing over 100,000 gallons of surface or ground water per day on average during any 30-day period are required to report their monthly withdrawals to state agencies. Under section 2.50.1, Service metering, owners of water supply systems serving the public (purveyors) that distribute over 100,000 gallons per day on average over 30 days are required to install meters at all service connections. The data reported under the existing rules are incomplete and inconsistent from state to state, however, because section 2.50.2 does not specify the types of data to be reported and Section 2.50.1 does not require reporting of service metering information such as water uses by usage category.

Deficiencies in current reporting include the following. First, reporting categories vary from state to state. Second, public water suppliers do not provide water use data by use category. Thus residential, commercial and industrial uses cannot be distinguished. Third, some critical data categories are completely lacking. For instance, unaccounted-for water is not reported at all. Information on the location of the service area and wastewater discharge points also are missing. The proposed amendment will standardize reporting requirements to facilitate basin-wide evaluation and provide additional data in key areas.

#### *Development of the Proposed Amendment*

On September 12, 2000, the Commission's Water Management Advisory Committee (Committee), composed of members from administrative agencies of the four basin states, the Federal government, the cities of New York and Philadelphia, local water agencies, utilities, industry, agriculture, not-for-profit watershed and civic organizations and academia, formally recommended that the Commission amend its source and service metering, recording and reporting policy to require reporting of specific water use information. On September 28, 2000 the Commission directed Commission staff to provide notice for a public hearing on the proposed amendment establishing consistent reporting requirements for water uses throughout the basin.

Much of the data proposed to be collected already are being collected by the states. This is particularly so in Pennsylvania, where the State currently collects nearly all of the data included in the proposed amendment. New data proposed to be collected are likely to be readily available from purveyors, even though they currently are not reported to the states other than Pennsylvania. In addition, because redundant reporting is not required, a one-time effort is needed to initiate reporting of new data for the year 2000, while a much smaller effort is required to continue reporting in subsequent years. The proposed amendment addresses the existing data gaps and will greatly facilitate the Commission's water use evaluations.

The subject of the public hearing is as follows: An Amendment to the Comprehensive Plan and Water Code of the Delaware River Basin Commission in relation to information requirements for water usage.

It is proposed to:

Amend the Comprehensive Plan and Article 2 of the Water Code of the Delaware River Basin Commission by revising the title of section 2.50 of the Water Code to read as follows: Water Metering and Reporting Requirements, and by adding a new subsection 2.50.3, to read as follows:

2.50.3 Reporting Requirements

A. Year 2000 Reporting Requirements

1. *Water Supply Systems Serving the Public.* The owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.2 and subsection 2.50.1 shall report the following data for the year 2000 to the designated state agency.

a. *Source Data*

i. *Withdrawals.* The following data shall be reported for each withdrawal source separately (that is, each well or surface water intake).

- Year—2000
- Facility Identification Code (State Code)
- State Permit Number
- DRBC Docket Number(s)
- Facility Name
- Source Type: Surface Water/Ground Water
- Source Name and/or Source ID Number
- Withdrawal Location—Municipality—County—Latitude and Longitude (method used)

ii. *Bulk Purchases from Other Suppliers.* The following data shall be reported for each bulk purchase separately.

- Bulk Supplier Name
- Bulk Supplier's Source Name(s)
- Monthly Bulk Purchase Amount (mg)

b. *Service Area Data.* If the withdrawal or purchased water serves more than one county, the following data shall be reported separately for each county.

- i. Service Area Name(s)
- ii. Service Area Location(s)
  - Municipalities
  - Counties
- iii. Population Served

iv. Total Annual Water Use by Category (mg) (To the extent available, provide a breakdown of water use by the following categories.)

- Residential metered (including apartment complexes)
- Commercial metered
- Institutional metered
- Industrial metered
- Bulk Sales
- Other metered (Specify)

• Unaccounted for (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)<sup>1</sup>

- Total
- v. Wastewater Disposal (if known)
  - Facility Identification Code (State Code)
  - State Permit Number
  - Facility Name

vi. United States Geological Survey (USGS) quadrangle map (1:24K) or other equivalent or higher resolution map identifying withdrawal, service area and discharge locations.

2. *Other Withdrawals.* Each person, firm, corporation, or other entity, except water supply systems serving the public, subject to requirements under subsection 2.50.2 shall report the following data for the year 2000 to the designated state agency. The data shall be reported for each withdrawal source separately (that is, each well or surface water intake).

- a. Year—2000
- b. Facility Identification Code (State Code)
- c. State Permit Number
- d. DRBC Docket Number(s)
- e. Facility Name
- f. Source Type: Surface Water/Ground Water
- g. Source Name and/or Source ID Number
- h. Use Category
  - Self supplied commercial
  - Self-supplied industrial
  - Self-supplied institutional
  - Self-supplied agriculture (including crop irrigation, nurseries, aquaculture & livestock)
  - Self-supplied non-agricultural irrigation (that is, golf course, country club, athletic field)
  - Self-supplied mining
  - Self-supplied thermoelectric power
  - Self-supplied hydroelectric power
  - Self-supplied other (specify) \_\_\_\_\_

- i. Withdrawal Location
  - Municipality
  - County
  - Latitude and Longitude (method used)
- j. Use Location
  - Municipalities
  - County
  - Latitude and Longitude (method used)(if known)

- k. Monthly Withdrawal Amount (mg)
- l. Evaporative Loss Amount (mg) (if known)
- m. Product Use Amount (mg) (if known)
- n. Are withdrawals metered (Y/N)?

o. Wastewater Disposal (To the extent available, provide the following information on wastewater disposal.)

<sup>1</sup> Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

- Type (municipal wastewater treatment plant, package wastewater treatment plant, subsurface discharge system, other)

- Facility Identification Code (State Code)
- State Permit Number
- Facility Name
- Discharge Location—Surface Water Body (wastewater treatment plants only)—Municipality—County— Latitude and Longitude (method used) (if known)
- Estimated Monthly Discharge Amount (mg)

p. USGS quadrangle map (1:24K) or other equivalent or higher resolution map identifying withdrawal, use, and discharge locations.

#### B. Annual Reporting Requirements for Subsequent Years

1. *Water Supply Systems Serving the Public.* Commencing with reporting year 2001, the owner(s) of each water supply system serving the public and subject to requirements under subsection 2.50.2 and subsection 2.50.1 shall report the following data on an annual basis to the designated state agency. Changes to any other information required under Section 1 above, shall also be reported.

##### a. *Source Data*

i. *Withdrawal Data.* The following data shall be reported for each withdrawal source separately (that is, each well or surface water intake).

- Year
- Facility Identification Code (State Code)
- State Permit Number
- Facility Name
- Monthly Withdrawal Amount (mg)

ii. *Bulk Purchases from Other Suppliers.* The following data shall be reported for each bulk purchase separately.

- Bulk Supplier Name
- Bulk Supplier's Source Name(s)
- Monthly Bulk Purchase Amount (mg)

b. *Service Area Data.* If the withdrawal or purchased water serves more than one county, the following data shall be reported separately for each county.

- Service Area Name(s)
- Total Annual Water Use by Category (mg) (All usage shall be reported according to the following categories.)
  - Residential metered (including apartment complexes)
  - Commercial metered
  - Institutional metered
  - Industrial metered
  - Public metered
  - Bulk Sales
  - Other metered (Specify)

- Unaccounted for (defined as the amount of water entering the distribution system minus the amount of water delivered through service meters)<sup>2</sup>

- Total

2. *Other Withdrawals.* Commencing with reporting year 2001, each person, firm, corporation, or other entity, except water supply systems serving the public, subject to requirements under subsection 2.50.2 shall report the following data on an annual basis to the designated state agency. The data shall be reported for each withdrawal source separately (that is, each well or surface water intake). Changes to any other information required under Section A above, shall also be reported.

- Year
- Facility Identification Code (State Code)
- State Permit Number
- Facility Name
- Monthly Withdrawal Amount (mg)
- Evaporative Loss Amount (mg) (if known)
- Product Use Amount (mg) (if known)
- Estimated Monthly Wastewater Discharge Amount (mg)

C. To avoid duplication of effort and to insure proper enforcement of this regulation, the Executive Director is hereby authorized to enter into administrative agreements with the Delaware Department of Natural Resources and Environmental Control, New Jersey Department of Environmental Protection, New York Department of Health, Pennsylvania Department of Environmental Protection, and other state agencies where appropriate, authorizing such agencies to administer and enforce the provisions of this regulation and to adopt such rules and regulations of procedure as may be necessary to insure proper administration and enforcement of this regulation. Designated state agencies are encouraged to implement and maintain automated data collection and reporting systems to facilitate the efficient transfer of data to the Delaware River Basin Commission. The administrative agreements shall specify the format for data submission.

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** 68-40. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART V. DELAWARE RIVER BASIN COMMISSION

#### CHAPTER 901. GENERAL PROVISIONS

#### § 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [ (1996) ] (2000) and the Water Quality Standards as set forth in 18 CFR Part 410 [ (1996) ] (2000) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 00-1932. Filed for public inspection November 10, 2000, 9:00 a.m.]

<sup>2</sup>Further breakdown of unaccounted for water can be provided. For example, estimated fire hydrant use, other unmetered public uses, and leakage losses.

# DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 191]

## Reimbursement Amounts for National School Lunch and Breakfast Programs

The Department of Education (Department) proposes to add Chapter 191 (relating to school lunch and breakfast reimbursements) which specifies State school lunch and breakfast reimbursement rates, as set forth at Annex A, under the authority of the act of May 10, 2000 (P. L. \_\_\_\_\_, No. 16) (Act 16) and section 1337 of the Public School Code of 1949 (24 P. S. § 13-1337 (act)).

### *Purpose*

Under section 1337(b) of the act, the Department is authorized to disburse funds appropriated for school meals programs. Act 16 specifies State reimbursement rates for eligible school breakfasts and lunches for Fiscal Year 2000-2001 and subsequent fiscal years.

The act provides a flat reimbursement rate of 10¢ for every eligible school breakfast served and 10, 12 or 14¢ for every eligible school lunch served. "Eligible" means that meals served to children comply with Federal nutrition standards for the Federal National School Lunch or School Breakfast Program, or both.

If a school participates in the National School Lunch Program but does not participate in the School Breakfast Program, the school will earn 10¢ for every lunch served. If a school participates in the National School Lunch and School Breakfast Programs, the school will earn an additional 2¢ (12¢ total) for every lunch served. If more than 20% of the school's enrollment participates in the School Breakfast Program, the school will earn an additional 4¢ (14¢ total) for every lunch served. The differential in reimbursement rates available for school lunches served is intended to provide an incentive for schools to offer new breakfast programs or to increase participation in existing breakfast programs.

### *Requirements of the Proposed Regulations*

These proposed regulations specify the reimbursements to be paid to approved public schools, nonprofit private schools, and public and nonprofit residential childcare institutions participating in the Federal National School Lunch or School Breakfast Program, or both. The regulations also reference the requirement to comply with nutrition and other standards contained in 7 CFR Parts 210, 220 and 245 (relating to National School Lunch Program; School Board Breakfast Program; and determination of eligibility for free and reduced meals and free milk in schools) as criteria for earning meal reimbursements submitted to the Department on monthly claims for reimbursement.

### *Cost and Paperwork Estimates*

The proposed regulations increase reimbursements for eligible meals served in approved entities participating in the Federal National School Lunch or School Breakfast Program, or both. There are no additional paperwork requirements.

The cost of providing reimbursements for school meals for Fiscal Year 2000-2001 is estimated at \$24.2 million. Approximately 44% of this State appropriation (\$10.56 million) amounts to required State matching funds. Fed-

eral reimbursements for school meals in the Commonwealth amounted to approximately \$200 million in Fiscal Year 1999.

### *Effective Date*

The new reimbursement rates will become effective on July 1, 2001, in accordance with Act 16.

### *Sunset Date*

Chapter 191 will be reviewed and the reimbursements for the National School Lunch and School Breakfast Programs fixed every school year as required by Act 16.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on October 31, 2000, the Department submitted copies of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Education Committees. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1 Regulatory Review and Promulgation. A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed regulations, they will notify the Department within 20 days from the beginning of their review period. Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

### *Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Patricia Birkenshaw, Chief, Division of Food and Nutrition, Bureau of Budget and Fiscal Management, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, within 30 days following publication in the *Pennsylvania Bulletin*. Persons needing additional information regarding this proposal may contact Patricia Birkenshaw at (717) 787-7698 or at pbirkensha@state.pa.us.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Patricia Birkenshaw at the number referenced in this Preamble or TDD (717) 787-7367.

Alternative formats of these proposed regulations (for example, braille, large print, cassette tape) can be made available to members of the public upon request to Patricia Birkenshaw at the telephone and TDD numbers listed above.

EUGENE W. HICKOK,  
*Secretary*

**Fiscal Note:** 6-271. (1) General Fund; (2) Implementing Year 2000-01 is \$21,186,000; (3) 1st succeeding Year 2001-02 is \$24,414,634; 2nd Succeeding Year 2002-03 is \$24,667,569; 3rd Succeeding Year 2003-04 is \$24,923,514; 4th Succeeding Year 2004-05 is \$25,182,504; 5th Succeeding Year 2005-06 is \$25,444,575; (4) Fiscal Year 1999-00 \$16,383,640; Fiscal Year 1998-99 \$16,301,197; Fiscal Year 1997-98 \$16,018,733; (7) For grants to school districts to

assist in meeting Federal matching requirements for grants received under the Federal Child Nutrition Act and to aid in providing a food program for needy children (8) recommends adoption.

### Annex A

## TITLE 22. EDUCATION

### PART XII. BASIC EDUCATION

#### CHAPTER 191. SCHOOL LUNCH AND BREAKFAST REIMBURSEMENTS

Sec.	
191.1.	Purpose.
191.2.	Definitions.
191.3.	Payment of State Reimbursements.

##### § 191.1. Purpose.

This chapter provides notice of the State reimbursement rates and payment procedures for eligible school breakfasts and lunches for Fiscal Year 2000-2001 and subsequent fiscal years as required by section 1337.1 of the Public School Code of 1949 (24 P. S. § 13-1337.1). The Department's responsibility for providing reimbursements can be found in Article XIII of the Public School Code of 1949 (24 P. S. §§ 13-1301—13-1394).

##### § 191.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Department*—The Department of Education of the Commonwealth.

*Eligible breakfasts and lunches*—Breakfasts and lunches that meet Federal nutrition standards for the National School Lunch and School Breakfast Programs as defined in 7 CFR 210.10 and 220.8 (relating to what are the nutrition standards and menu planning approaches for lunches and the requirements for afterschool snacks?; and what are the nutrition standards and menu planning approaches for breakfast?).

*Eligible school*—A school as the term is defined in 7 CFR 210.2 (relating to definitions).

*Reimbursements*—State payments to school food authorities that are in compliance with Federal National School Lunch or School Breakfast Programs regulations as specified in 7 CFR Parts 210, 220 and 245 (relating to National School Lunch Program; Child Nutrition Programs; and determination of eligibility for free and reduced price meals and free milk in schools).

*School food authority*—The governing body responsible for the administration of one or more schools and has the legal authority to operate the National School Lunch or School Breakfast Programs.

*School lunch program*—The Federal National School Lunch Program as permanently authorized in section 2 of the Richard B. Russell National School Act (42 U.S.C.A. § 1751).

*School breakfast program*—The Federal School Breakfast Program as permanently authorized in amendments to the Child Nutrition Act of 1966 (42 U.S.C.A. §§ 1771—1791).

*Schools that participate*—A public school district, intermediate unit, charter school, area vocational-technical school, tax exempt private or parochial school, public residential childcare institution or tax exempt private residential childcare institution, participating in the National School Lunch or School Breakfast Programs as approved by the Department, and in compliance with 7 CFR Parts 210, 220 and 245.

##### § 191.3. Payment of State reimbursements.

(a) Reimbursements will be paid to participating school food authorities (SFAs) for eligible breakfasts and lunches served to children.

(b) Reimbursements will be paid to an SFA after the SFA submits a monthly claim for reimbursement to the Department for review and approval.

(c) Reimbursements paid will not be less than the following amounts for State Fiscal Year 2000 and subsequent fiscal years:

(1) Schools that participate in the school breakfast program will receive 10% for every eligible breakfast served.

(2) Schools that participate in the school lunch program will receive 10¢ for every eligible lunch served if the schools do not participate in the school breakfast program.

(3) Schools that participate in both the school lunch and school breakfast programs will receive an incentive reimbursement of 2¢ (12¢ total) for every eligible lunch served if 20% or less of the school's enrollment participates in the school breakfast program.

(4) Schools that participate in both the school lunch and school breakfast programs will receive an incentive reimbursement of 4¢ (14¢ total) for every eligible lunch served if more than 20% of the school's enrollment participates in the school breakfast programs.

[Pa.B. Doc. No. 00-1933. Filed for public inspection November 10, 2000, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Historical and Museum Commission

The Executive Board approved a reorganization of the Pennsylvania Historical and Museum Commission effective October 27, 2000.

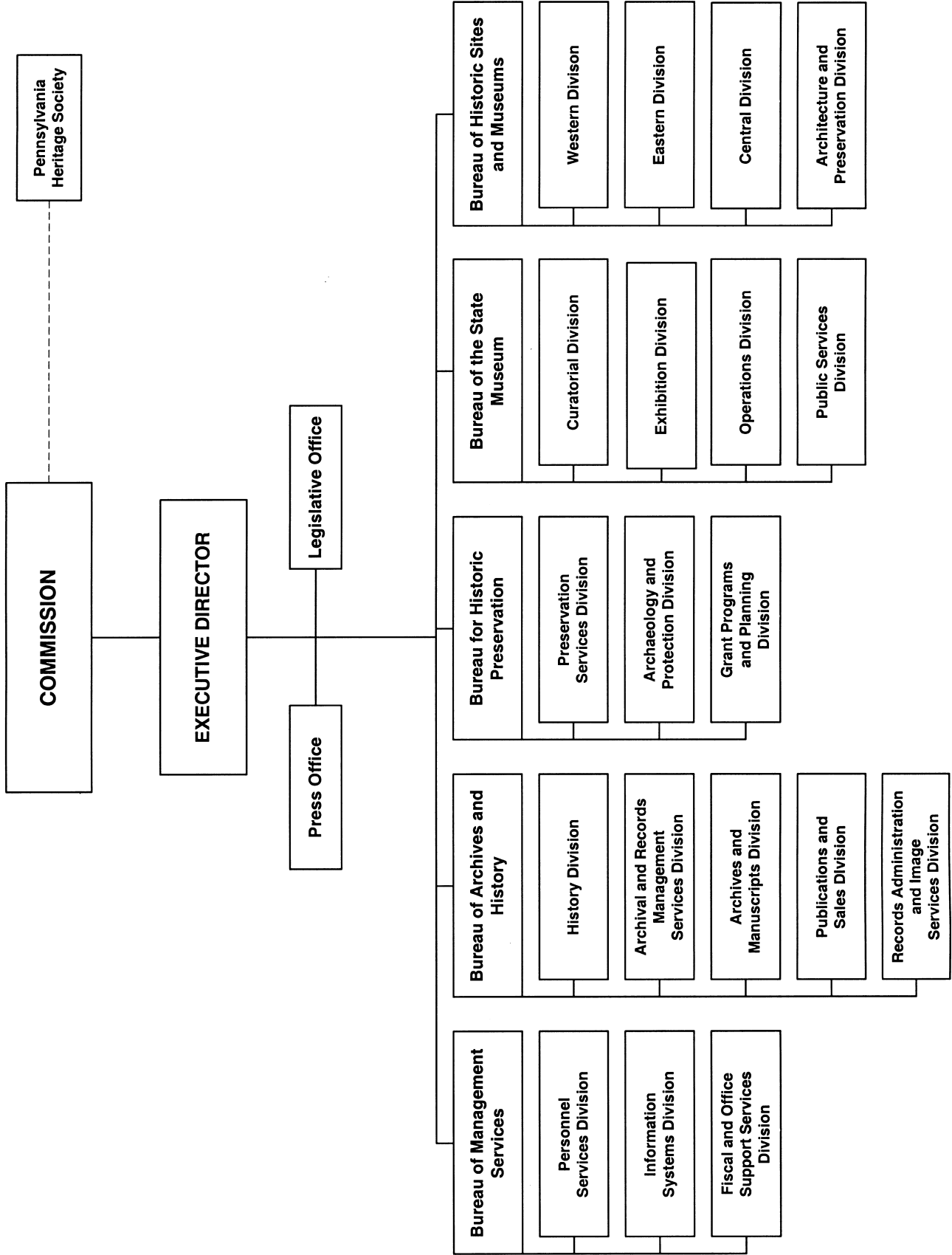
The organization chart at 30 Pa.B. 5850 (November 11, 2000) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 00-1934. Filed for public inspection November 10, 2000, 9:00 a.m.]

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PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, November 15, 2000. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Sheraton Bucks County Hotel, 400 Oxford Valley Road, Langhorne, PA.

The conference among the Commissioners and staff will begin at 9:30 a.m. Topics of discussion will include progress reports on the Commission's Comprehensive Plan and Flow Needs Study; a status report on a resolution amending water usage reporting requirements; a proposal for the DRBC to continue to house the Delaware Estuary Program Coordinator and perform certain other administrative functions; and, time permitting, a proposal to institute project review upon retirement of entitlements. Summaries of the following five meetings will be presented: the Water Quality Advisory Committee meeting of October 4; the Toxics Advisory Committee meetings of October 6, October 18 and November 2; and the Christina Basin Policy Committee meeting of November 3. Also scheduled for the conference session is a dialogue with citizens from the West Branch fishery.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include, in addition to the dockets listed, two proposed resolutions—one amending the Comprehensive Plan with respect to recreation areas in the Commonwealth of Pennsylvania and another adopting the Commission's FY 2002 budgets.

The dockets scheduled for public hearing will be as follows:

1. *Pennsylvania Department of Conservation and Natural Resources D-80-7 CP RENEWAL 3*. A renewal of a ground water withdrawal project to supply up to 3 million gallons (mg)/30 days of water to French Creek State Park from Wells A and B in the Hammer Creek Formation. The applicant requests that the total withdrawal from all wells remain limited to 3 mg/30 days. The project is located in Union Township, Berks County in the Southeastern Pennsylvania Ground Water Protected Area.

2. *PSEG Nuclear LLC D-90-71 RENEWAL*. A renewal of a ground water withdrawal project to supply up to 43.2 mg/30 days of water for use at the applicant's Salem and Hope Creek nuclear powered electric generating stations from existing Wells Nos. PW-2 and PW-3 in the Mount Laurel-Wenonah aquifer; Well No. PW-6 in the Middle Raritan aquifer; and Wells Nos. PW-5, HC-1 and HC-2 in the Upper Raritan aquifer. No increase in maximum allocation is proposed, and the water will continue to be used mainly for onsite potable supply as well as industrial processes. The project is located in Lower Alloways Creek Township, Salem County, NJ.

3. *City of Wilmington D-98-26 CP*. A project to rerate the applicant's existing sewage treatment plant (STP) from an average monthly flow of 90 million gallons per day (mgd) to a yearly average flow of 105 mgd, with a maximum allowable monthly flow of 134 mgd to treat additional Combined Sewer Overflow. The STP is located

in the City of Wilmington, New Castle County, DE, and will continue to serve most of northern New Castle County and provide advanced secondary treatment prior to discharge to the Delaware River in Water Quality Zone 5.

4. *Asbury Farms c/o The Cotton Group, Inc. D-98-52*. A ground water withdrawal project to supply up to 11 mg/30 days of water to the applicant's golf course from new holding Pond No. 1, supplemented as needed with water from new Well No. 1 in the Kittatinny Formation. The project is located in Washington Township, Warren County, NJ.

5. *Northampton, Bucks County Municipal Authority D-99-1 CP*. A ground water withdrawal project to supply up to 7.2 mg/30 days of water to the applicant's public water distribution system from new Well No. 16, and to retain the existing withdrawal limit from all wells at 66 mg/30 days. The project is located in Northampton Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

6. *Bucks County Water & Sewer Authority D-2000-22 CP*. A project to expand the applicant's existing Green Street sewage treatment plant from 0.7 mgd to 1.2 mgd. The STP is located off Green Street near the State Route 202 bypass in Doylestown Borough and Doylestown Township, Bucks County, PA and will continue to provide advanced secondary treatment for Doylestown Borough and Doylestown Township. The STP will continue to discharge to Country Club Run, a tributary of Neshaminy Creek.

7. *Nova-Borealis Compounds LLC D-2000-39*. A ground water withdrawal project to supply up to 27 mg/30 days of water to the applicant's industrial facility from existing Wells Nos. 1, 2 and 3 in the Martinsburg Shale Formation, and to limit the withdrawal from all wells to 27 mg/30 days. The project is located in Mansfield Township, Warren County, NJ.

In addition to the public hearing, the Commission will address the following at its 1:30 p.m. business meeting: minutes of the September 28, 2000 business meeting; announcements; report on hydrologic conditions in the basin; reports by the Executive Director and General Counsel; and public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY) to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 00-1935. Filed for public inspection November 10, 2000, 9:00 a.m.]

# DEPARTMENT OF AGRICULTURE

## Order of Quarantine; Plum Pox Virus

*Whereas*, the Plant Pest Act (3 P. S. §§ 258.1—258.27) empowers the Pennsylvania Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

*Whereas*, the powers granted the Department under the Plant Pest Act include (at 3 P. S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

*Whereas*, Plum Pox Virus—a serious non-native plant pest that injures and damages stone fruits such as peaches, nectarines, plums, and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable—has been detected in certain areas of this Commonwealth; and

*Whereas*, the Department has exercised its authority under the Plant Pest Act and issued several Orders of Quarantine—affecting portions of Adams, Cumberland and York Counties—in an effort to contain, identify and eradicate the Plum Pox Virus; and

*Whereas*, the Department is satisfied it is appropriate to *rescind* one of these Orders of Quarantine, in that the three separate fruit tree nursery locations covered by the Order are no longer potential reservoirs of the Plum Pox Virus; and

*Whereas*, the Department has determined it is appropriate to issue a new Order of Quarantine, covering two Boroughs that are encircled or nearly encircled by townships that are currently subject to Orders of Quarantine

*Now, therefore*, under authority of section 21 of the Plant Pest Act (3 P. S. § 258.21), the Pennsylvania Department of Agriculture hereby enters the following orders:

**1. Order Rescinding Quarantine.** The Order of Quarantine dated March 3, 2000 and published at 30 Pa.B. 1558 (March 18, 2000) is hereby rescinded. That Order had imposed a quarantine on three separate fruit tree nursery locations in order to facilitate the containment and eradication of Plum Pox Virus, and to make the affected fruit tree nursery owners eligible for reimbursement of certain costs related to the destruction of nursery stock, herbicide applications, insect control measures and other PPV eradication activities under the Department's Commercial Orchard and Fruit Tree Nursery Indemnity Program. All stone fruit stock has since been removed from the quarantined locations, and the owners of that stock compensated for the losses attendant to this removal. The locations covered by that Order of Quarantine are no longer a potential reservoir of the PPV virus. The locations hereby released from quarantine are described

in detail in the March 18, 2000 Order of Quarantine. In summary, these tracts are described as:

A. Two separate fruit tree nursery locations owned and/or operated by Adams County Nursery, Inc. (ACN, Inc.), P. O. Box 108, Nursery Road, Aspers, PA 17304, Nursery Certificate No. 044009: (1) portions of the "Hinkle" Farm, in Tyrone Township, Adams County, located between the seed orchard on Upper Bermudian Road (Global Positioning Satellite coordinates 39° 59' 11" N, 77° 10' 41" W) and a scion block on Cranberry Road (GPS coordinates 39° 58' 35" N, 77° 10' 35" W); and (2) portions of the "Ripley" Farm, in Butler Township, Adams County, adjoining Orchard Lane (and formerly the "Slaybaugh" nursery area).

B. Portions of the Worley Nursery, owned and/or operated by Melvin Worley, 98 Braggstown Road, York Springs, PA 17372, Nursery Certificate No. 046265.

**2. Order Establishing Quarantine.** Under authority of Section 21 of the Plant Pest Act (3 P. S. § 258.21), the Department hereby establishes a quarantine effective with respect to (1) the Borough of York Springs, Adams County, PA; and (2) the Borough of Mount Holly Springs, Cumberland County, PA.

The Borough of York Springs is completely surrounded by Huntington Township and Latimore Township—townships that are subject to an Order of Quarantine issued by the Department on October 21, 1999, and published at 30 Pa.B. 5735 (November 6, 1999).

The Borough of Mount Holly Springs is surrounded on all sides by South Middleton Township—a township that is subject to an Order of Quarantine issued by the Department on June 15, 2000, and published at 30 Pa.B. 3269 (July 1, 2000).

This quarantine prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

PDA will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. PDA will issue further restrictions under authority of this Quarantine Order, as is required under the Plant Pest Act (at 3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

This quarantine is effective as of October 31, 2000, and shall remain in effect until terminated by subsequent order.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1936. Filed for public inspection November 10, 2000, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 31, 2000.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-27-00	Citizens & Northern Corporation, Wellsboro, to acquire 100% of voting shares of Peoples Ltd., Wyalusing	Wellsboro	Filed

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-27-00	Landmark Community Bank Pittston Luzerne County	2 South Main St. Pittston Luzerne County	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-00	Farmers First Bank Lititz Lancaster County	1950 Old Philadelphia Pike East Lampeter Twp. Lancaster County	Approved
10-27-00	Citizens & Northern Bank, Wellsboro, and Peoples State Bank of Wyalusing, Wyalusing Surviving Institution— Citizens & Northern Bank, Wellsboro	Wellsboro	Filed
10-28-00	Fulton Bank, Lancaster, and Great Valley Savings Bank, Reading Surviving Institution— Fulton Bank, Lancaster  <i>Branch Acquired Via Merger:</i> 210 North Fifth Street Reading Berks County	Lancaster	Effective

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-18-00	Premier Bank Doylestown Bucks County	General Hancock Shopping Center Horsham & Upper State Roads Montgomeryville Montgomery County	Opened
10-19-00	Northwest Savings Bank Warren Warren County	800 State Street Erie Erie County	Opened
10-26-00	The Madison Bank Blue Bell Montgomery County	1232 Egypt Road Oaks Montgomery County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-26-00	Somerset Trust Company Somerset Somerset County	7109 Mason Dixon Hwy. Meyersdale Summit Township Somerset County (Drive-Up Facility)	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-27-00	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 683 McMurray Rd. Bethel Park Allegheny County  <i>From:</i> 3400 South Park Rd. Bethel Park Allegheny County	Authorization Rescinded

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-00	Fulton Bank Lancaster Lancaster County	2900 Oregon Pike Lititz Lancaster County	Filed
10-27-00	First Commonwealth Bank Indiana Indiana County	3400 South Park Rd. Bethel Park Allegheny County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 00-1937. Filed for public inspection November 10, 2000, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Recruits Applicants for Trails Board

The Department of Conservation and Natural Resources (DCNR) is accepting nominations through November 30, 2000, for three new appointments to the Pennsylvania Recreational Trails Advisory Board (PARTAB). The Board was created on October 29, 1992, in accordance with the provisions of the Transportation Equity Act for the 21st Century (TEA 21).

The Board consists of one member from each of the following nine recreational trail user organizations: Hiking; Cross-Country Skiing; Off-Highway Motorcycling; Snowmobiling; Horseback Riding; All-Terrain Vehicle Driving; Bicycling; Four-Wheel Driving and Water Trails. One member also represents physically challenged individuals.

The Board's main responsibilities include advising DCNR on the use of Federal trails funding in Pennsylvania, reviewing and ranking trail project applications and presenting an annual report to the Secretary on the accomplishments of the preceding Federal fiscal year, including recommendations for changes.

Nominations for the three new appointees are to be made from individuals representing the following trail user organizations: Hiking, Bicycling and Off-Highway Motorcycling.

Nominations must be submitted to DCNR by November 30, 2000. Appointments will be made by the Secretary of the Department of Conservation and Natural Resources. Appointees will serve for 3 consecutive years.

To obtain a nomination form, please contact:

Pennsylvania Recreational Trails Program  
P. O. Box 8475  
Harrisburg, PA 17105-8475  
(717) 783-2654  
E-mail: vtierney@dcnr.state.pa.us

For more information, visit us through the Pennsylvania homepage at [www.state.pa.us](http://www.state.pa.us), or visit DCNR directly at [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us)

Persons with a disability who wish to submit a nomination for the Pennsylvania Recreational Trails Advisory Board and require special assistance should contact Vanyla Tierney at (717) 783-2654 to discuss how the Department may best assist their needs. TTY or TDD users call (800) 654-5984.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 00-1938. Filed for public inspection November 10, 2000, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

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

Where indicated, the EPA, Region III, Regional Administrator has waived his 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 Field Office 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 this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office the exact basis of a 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. 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 received and other information are on file and may be inspected and arrangements made for copying at the Field Office that has been indicated above the application.

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

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

**PA 0064017.** Industrial waste, SIC: 3241, **Essroc Cement Corporation**, Nazareth Plant # 3, Route 248 and Easton Road, Nazareth, PA 18064.

This proposed action is for issuance of an NPDES permit to discharge treated cooling water, noncontact cooling and stormwater into unnamed tributary to Schoeneck Creek, Nazareth Borough, **Northampton County**.

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

##### *Internal Monitoring Point 102*

The proposed effluent limits based on a design flow of 0.003 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	26 lbs/day	52 lbs/day	
Temperature			110°F
Oil and Grease	15.0 mg/l	30.0 mg/l	
pH	6.0 to 9.0 standard units at all times		

##### *Outfall 002, Stormwater*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		50.0	
pH	6.0 to 9.0 standard units at all times		

##### *Outfall 003, Stormwater*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids		50.0	
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

**PA 0080683.** SIC Code 6515, Sewage, **Miller's Skyview Sales, Inc.**, 200 Ridge Road, Etters, PA 17319-9110.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Bennett Run in Watershed 7-F (Conewago Creek), in Newberry Township, **York County**.

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

The proposed effluent limits for Outfall 001 for 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 <sub>5</sub>	25	XXX	50
Total Suspended Solids	30	XXX	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0	XXX	4.0
(11-1 to 4-30)	6.0	XXX	12
Total Residual Chlorine	0.25	XXX	0.9
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		3,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

**PA 0030473.** SIC Code 8211. Sewage, **West Shore School District (Fairview Elementary)**, P. O. Box 803, New Cumberland, PA 17070-0803.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Yellow Breeches Creek in Watershed 7-E (Yellow Breeches Creek), in Fairview Township, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	
CBOD <sub>5</sub>	10	20	
Total Suspended Solids	10	20	
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0	6.0	
(11-1 to 4-30)	9.0	18	
Total Residual Chlorine	0.6	2.0	
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

**PA 0009865.** SIC Code 0921, Industrial waste, **Pennsylvania Fish and Game Commission**, Big Spring Fish Culture Station, 1225 Shiloh Road, State College, PA 16801-8495.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Big Spring Creek in Watershed 7-B (Conodoguinet Creek), in North Newton Township, **Cumberland County**.

The receiving stream is classified for Exceptional Value, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Newville Borough Water & Sewer Authority located in North Newton Township, Cumberland County. The discharge is not expected to impact any potable water supply.



The proposed interim effluent limits for Outfall 001 for a design flow of 8.64 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen		minimum of 6.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Suspended Solids	7.0	14	17.5
CBOD <sub>5</sub>	6.0	12	15
Total Phosphorus	0.30	0.60	0.75
PCBs	4 x 10 <sup>-8</sup>	8 x 10 <sup>-8</sup>	10 x 10 <sup>-8</sup>
Formaldehyde	monitor and report	monitor and report	XXX
Hydrogen Peroxide	nondetect	nondetect	nondetect
Total Dissolved Solids	monitor and report	monitor and report	XXX
Terramycin	monitor and report	monitor and report	XXX
Romet B	monitor and report	monitor and report	XXX
Chloramine T	monitor and report	monitor and report	XXX
Flow (mgd)	8.64	monitor and report	XXX

The proposed final effluent limits for Outfall 001 for a design flow of 10.317 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen		minimum of 6.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Suspended Solids	3.0	6.0	7.5
CBOD <sub>5</sub>	3.0	6.0	7.5
Total Phosphorus	0.30	0.60	0.75
PCBs	4 x 10 <sup>-8</sup>	8 x 10 <sup>-8</sup>	10 x 10 <sup>-8</sup>
Formaldehyde	0.43	0.86	1.07
Hydrogen Peroxide	nondetect	nondetect	nondetect
Total Dissolved Solids	monitor and report	monitor and report	XXX
Terramycin	monitor and report	monitor and report	XXX
Romet B	monitor and report	monitor and report	XXX
Chloramine T	monitor and report	monitor and report	XXX

An additional requirement is to develop a compliance schedule for final effluent limits.

Part C requirements are briefly listed as:

1. Whole effluent toxicity test requirement.
2. Biological monitoring requirement for PCBs.
3. Biological monitoring requirement for instream benthos.
4. Biosolids analysis for PCBs.

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

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.*

**PA 0113433.** SIC 4952, **Lanny R. Fetterman**, 2074 Old Reading Road, Catawissa, PA 17820.

This proposed action is the renewal of an existing NPDES permit for the discharge of treated sewage to an Unnamed Tributary to Roaring Creek in Roaring Creek Township, **Columbia County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Shamokin Dam Municipal Authority and the Sunbury Municipal Authority, located 39 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0003 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS	20	40
Total Chlorine Residual	monitor and report	
Fecal Coliform	200/100 mL	
pH	6.0—9.0 at all times	

*Other Considerations:*

none

The EPA waiver is in effect.

**PA 0110965.** Sewerage, SIC: 4952, **Mid-Centre County Authority**, P. O. Box 811, Milesburg, PA 16853-0811.

This proposed action is for renewal of an NPDES permit for an existing discharge plus an increase in the discharge of treated sewage to Bald Eagle Creek in Boggs Township, **Centre 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply (PWS) considered during the evaluation is at Lock Haven on Bald Eagle Creek, approximately 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.78 mgd until the new plant has been built are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3	4.5	6
(11-1 to 4-30)	9	13.5	18
Total Dissolved Phosphorus	1.0	1.5	2.0
Chlorine Residual			2.3
pH	Not less than 6.0 standard units, nor greater than 9.0 standard units at all times.		
Fecal Coliforms			
(10-1 to 4-30)	2,000/100 ml as geometric mean		
(5-1 to 9-30)	200/100 ml as a geometric mean		

**PA 0209023.** SIC: 9959. **TA Operating Corporation**, Travel/Centers of America, 24601 Center Ridge Road, Suite 200, Westlake, OH 44145-5634.

This proposed action is for renewal of an NPDES permit for discharge of treated industrial waste to an unnamed tributary to Hemlock Creek in Hemlock Township, **Columbia 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Danville Borough Water Authority located approximately 15 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.02 mgd, are:

<i>Specific Substance</i>	<i>DA. Max. (ug/l)</i>
1,1-Dichloroethylene	3.0
1,1,1-Trichloroethane	5.0
pH	6.0—9.0 SU at all times

*Other Conditions:*

(1) Quarterly groundwater quality monitoring requirements.

The EPA waiver is in effect.

**PA 0112411.** SIC: 4952. **Shirley A. Hanson (Hillside Acres Mobile Home Park)**, R. R. 1, Box 161, Harvey's Lake, PA 18618.

This proposed action is for a new NPDES permit for the discharge of treated sewage to Buck Creek in Ridgebury Township, **Bradford County**. This is an existing discharge.

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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the PA-NY Border, located 4.4 river miles downstream.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
TSS		
(5-1 to 10-31)	10	10
(11-1 to 4-30)	20	20

<i>Discharge Parameter</i>	<i>Average Monthly (mg/L)</i>	<i>Instantaneous Maximum (mg/L)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 mL as a geometric average 2,000/100 mL as a geometric average
pH		6.0—9.0 at all times
Total Chlorine Residual		monitor and report

*Other Considerations:*

None

The EPA waiver is in effect.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0 mgd and effective after plant expansion are:

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	10 20	15 30	20 40
Total Suspended Solids (5-1 to 10-31) (11-1 to 4-30)	10 20	15 30.0	20 40.0
N-NH <sub>3</sub> (5-1 to 10-31) (11-1 to 4-30)	3.0 9.0	4.5 13.5	6.0 18.0
Total Dissolved Phosphorus	1.0	1.5	2.0
Chlorine Residual	0.5		1.6
pH	not less than 6.0 standard units, nor greater than 9.0 standard units at all times		
Fecal Coliforms (10-1 to 4-30) (5-1 to 9-30)		2,000/100 ml as geometric mean 200/100 ml as a geometric mean	

*Other Conditions:* none

The EPA waiver is in effect.

**PA 0007455.** SIC: 3724, **Textron Lycoming**, 652 Oliver Street, Williamsport, PA 17701.

This proposed action is for renewal of an NPDES permit for discharge of treated industrial waste to Lycoming Creek and Cemetery Run in Williamsport, **Lycoming County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the PA American Water Company located approximately 30 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.01 mgd, are:

<i>Specific Substance</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30.0	60.0	75.0
O&G	15.0	30.0	30.0
Cadmium	0.20	0.40	0.53
Chromium	1.71	2.77	4.28
Chromium (Hex.)	0.21	0.42	0.53
Copper	1.0	2.0	2.5
Nickel	2.38	3.98	5.95
Lead	0.15	0.30	0.38
Silver	0.10	0.20	0.25
Zinc	1.48	2.61	3.7
Cyanide	0.65	1.20	1.63
TTO		2.13	
Trichloroethylene		0.20	
Iron	monitor		
Manganese	monitor		
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 002, based on a design flow of 0.014 mgd, are:

<i>Specific Substance</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Trichloroethylene		0.20
1,2-Trans-Dichloroethylene		0.70
Iron	monitor	
Manganese	monitor	
pH	6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 003, based on a design flow of 0.029 mgd, are:

<i>Specific Substance</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.06	0.09
pH	6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 004, based on a design flow of 0.742 mgd, are:

<i>Specific Substance</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.01	0.015
pH	6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 005, based on a design flow of 0.15 mgd, are:

<i>Specific Substance</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chromium	1.71	2.77	4.28
Chromium (Hex.)	0.15	0.30	0.45
Zinc	1.0	2.0	2.5
Trichloroethylene		0.20	
Iron	monitor		
Manganese	monitor		
pH	6.0 to 9.0 at all times		

The EPA waiver is in effect.

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

**PA 0217085.** Industrial waste, SIC: 3312, **Gautier Steel, Ltd.**, 80 Clinton Street, Johnstown, PA 15901.

This application is for renewal of an NPDES permit to discharge untreated cooling water, stormwater and groundwater from its Johnstown facility in the City of Johnstown, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters of Little Conemaugh 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 the Saltsburg Municipal W. W., located at 308 Point Street, Saltsburg, PA, 49 miles below the discharge point.

*Outfall 003:* existing discharge, design flow of 0.11 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				
Temperature (°F)					
pH	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Outfall 014 also discharges emergency overflow from 12" mill pumping stations. Outfall 303 also serves as an emergency overflow from scale pit and pumping station.

The EPA waiver is in effect.

*Outfall 001: existing discharge, design flow of varied 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	monitor and report				
pH	This outfall receives and discharges emergency overflow from 9"-2 and 14" mill pumping station and stormwater/groundwater. The above limits only apply when there is an emergency overflow discharge. not less than 6.0 nor greater than 9.0				

*Outfall 303: existing discharge, design flow of varied 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	monitor and report				
pH	not less than 6.0 nor greater than 9.0				

*Outfall 004: existing discharge, design flow of 0.01 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	monitor and report				
Temperature (°F)					
pH	not less than 6.0 nor greater than 9.0				110

*Outfall 334/304: existing discharge, design flow of 3.03 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	monitor and report				
Total Suspended Solids	282.5	752.5	15	40	
Oil and Grease		188.45		10	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 014: existing discharge, design flow of 0.06 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				
Temperature (°F)					
pH	not less than 6.0 nor greater than 9.0				110

*Outfalls 002, 005—013, 015—019: existing discharge, design flow of varied 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>
	The discharge from these outfalls shall consist of uncontaminated stormwater runoff and groundwater.				

**PA 0021628.** Sewage, **Salisbury Borough**, P. O. Box 343, Salisbury, PA 15558.

This application is for renewal of an NPDES permit to discharge treated sewage from the Salisbury Borough Sewage Treatment Plant in Salisbury Borough, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.1 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0036331.** Sewage, **George and Marion Fleeher**, 18 Timbercrest Circle, Cecil, PA 15321.

This application is for renewal of an NPDES permit to discharge treated sewage from George and Marion Fleeher Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Millers Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			60
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	4.3			8.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.1			0.2
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA 0041921.** Sewage. **Holy Sepulcher Parish**, 1304 East Cruikshank Road, Butler, PA 16002-8906.

This application is for renewal of an NPDES Permit, to discharge treated sewage to unnamed tributary to Glade Run in Middlesex Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: Warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Waterworks on Connoquenessing Creek located at river mile 22.5 and is located 20.7 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.02500 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10	20
TSS	30	60
Ammonia-Nitrogen	3	6
Phosphorus		
(4-1 to 10-31)	2	4
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	3.5
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0101087.** Sewage. **Twilight Mobile Home Park**, 1324 South Shore Drive # 601, Erie, PA 16505-2536.

This application is for renewal of an NPDES Permit, to discharge treated sewage to unnamed tributary to Sanky Run in Mahoning Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the New Castle District Pennsylvania-American Water Company on the Shenango River located at river mile 5.1 and is located 5.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.01750 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	5	10
(11-1 to 4-30)	15.0	30
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	7,500/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0102580.** Sewage. **Baxter Mobile Home Park**, 457 Jamisonville Road, Butler, PA 16001.

This application is for renewal of an NPDES Permit, to discharge treated sewage to unnamed tributary to Stony Run in Center Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Zelienople Municipal Waterworks on Connoquenessing Creek located at rivermile 22.5 and is located 12.0 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.02500 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
TSS		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Ammonia-Nitrogen (5-1 to 10-31)	1.5	3
(11-1 to 4-30)	4.5	9
Phosphorus (4-1 to 10-31)	2	2
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
Total Residual Chlorine	0.5	1.2
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0102041.** Sewage. **Morrison Mobile Home Park**, R. D. 6, Box 457, New Castle, PA 16101.

This application is for renewal of an NPDES Permit, to discharge treated sewage to unnamed tributary to Big Run in Slippery Rock Township, **Lawrence County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority on the Beaver River located at river mile 3.8 and is located 32.9 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.01365 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Ammonia-Nitrogen (5-1 to 10-31)	11	22

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4	3.2
Dissolved Oxygen	minimum of 3 mg/l at all times	
pH	6.0—9.0 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 wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). 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 Office 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 the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA-0060631	Stroud Township 1211 North Fifth Street Stroudsburg, PA 18360	Monroe County Stroud Township	Pocono Creek	Total Residual Chlorine

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

**Applications under the Pennsylvania Clean  
Streams Law**

**(Part II Permits)**

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

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number, identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest. Each writer will be notified in writing of the time and place if a hearing or

conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

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

**Applications received for Industrial Waste and Sewage Applications under The Clean Stream Law (35 P. S. §§ 691.1—691.1001).**

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harris-*



burg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

**A. 2900402.** Sewage submitted by **McConnellsburg Sewerage Authority**, South Second Street, P. O. Box 681, McConnellsburg, PA 17233 in Ayr Township, **Fulton County** for a proposed public sanitary sewer extension and pumping station at the South Central Business Park was received in the Southcentral Region on October 19, 2000.

**A. 0693201, Amendment 00-1.** Industrial waste submitted by **Process Recovery Corporation**, 2909 Windmill Road, Sinking Spring, PA 19608 in Cumru Township, **Berks County** to construct additional storage/treatment tanks and modify operating procedures was received in the Southcentral Region on October 19, 2000.

**A. 6700412.** Sewage submitted by **Newberry Township Sewer Authority**, 1915 Old Trail Road, Etters, PA 17319-9676 in Newberry Township, **York County** to construct and operate a temporary sanitary sewage pump station to serve Phase I of a proposed subdivision was received in the Southcentral Region October 25, 2000.

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

**WQM Permit No. 3700405.** Sewage, **Sue A. Brown and Amy J. Wagner**, R. R. 1, Box 490, New Wilmington, PA 16142. This project is for the construction of a Single Residence Sewage Treatment Plant in Wilmington Township, **Lawrence County**.

**WQM Permit No. 6200414.** Sewage, **Joseph P. Sitarik**, 21 Paddock Dr., New Hope, PA 18938. This project is for the construction of a Single Residence Sewage Treatment Plant in Watson Township, **Warren County**.

**WQM Permit No. 6200415.** Sewage, **Charles A. Betts**, 400 Weiler Road, Warren, PA 16365. This project is for the construction of a Single Residence Sewage Treatment Plant in Conewango Township, **Warren County**.

## INDIVIDUAL PERMITS

(PAS)

### NPDES Individual

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day

permit 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 the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the office noted above the application.

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

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

**NPDES Permit PAS10-G443.** Stormwater. **First Leader Development Corporation**, One Abington Plaza, Suite No. 403, Jenkintown, PA 19046, has applied to discharge stormwater from a construction activity located in Tredyffrin Township, **Chester County**, to Valley Creek (EV).

**NPDES Permit PAS10-G444.** Stormwater. **West Vincent Associates**, 707 Eagleview Boulevard, Exton, PA 19341, has applied to discharge stormwater from a construction activity located in West Vincent Township, **Chester County**, to Birch Run Creek (EV).

*Northeast Regional Office: 2 Public Square, Wilkes-Barre, PA, (570) 826-2511.*

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

**NPDES Permit PAS10S021-R-1.** Stormwater. **Blue Mountain Lake**, Blue Mtn. Lake Associates, L.P., One Blue Mtn. Lake, E. Stroudsburg, PA 18301, has applied to discharge stormwater from a construction activity located in Stroud and Smithfield Townships, **Monroe County**, to Blue Mtn. Lk/ UNT Brodhead Ck., HQ-CWF and Sambo Ck., TSF.

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

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

**NPDES Permit PAS10F079-1.** Stormwater. **PA Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830 has applied to discharge stormwater from a construction activity located in Patton, Huston, Worth, Taylor Townships, **Centre County** and Snyder Township, **Blair County** to North and South Bald Eagle Creek (CWF & TSF); Buffalo Run (HQ-CWF); Unt. to Bald Eagle Creek (Waddle Run-CWF).

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**BIOSOLIDS INDIVIDUAL PERMITS  
(PABIG and PABIS)**

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The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible Department Regional 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 determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement 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 Management Regional 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, comments received, and other information are on file and may be inspected and arrangements made for copying at the responsible 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 Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Contact Office: Bureau of Water Quality Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 787-8184.*

**PABIG 9901. Edward J. Patten Water Reclamation Facility,** Middlesex County Utilities Authority, P. O. Box 159, Main Street Extension, Sayreville, NJ has applied to have their biosolids approved for beneficial use by land application.

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**GENERAL CAFO NPDES PERMIT**

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

**PAG124802. Myers Farm (George S. and Deborah A. Myers, Jr.),** R. R. 6, Box 332, Wellsboro, PA 16901. George S. & Deborah A. Myers Jr. have submitted an application for a general NPDES permit for a concentrated animal feeding operation (CAFO), located along Faulkner Road in Delmar Township, **Tioga County.** The CAFO is situated in the East Branch of Stony Fork Creek, which is classified for Cold Water Fishes (CWF). The CAFO will be designed to maintain an animal population of approximately 550 animal equivalent units (AEUs) consisting of 4,200 wean to finish swine, average weight of 145 pounds. These animals will be housed in

two barns (one existing and one proposed). Manure will be collected through slatted floors in reinforced concrete manure storage facilities beneath each barn. The total capacity of the manure storage facilities will be 1.14 million gallons. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were properly constructed. Manure will be pumped from the facilities and spread onto fields owned by Myers Farm (61.5 acres) or available under agreement (568 acres) in accordance with the Nutrient Management Plan approved by the Tioga County Conservation District dated September 21, 2000. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue a general NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the general permit.

The permit application is on file at the Northcentral Regional Office of the Department. Persons may make an appointment to review the files by calling Robert Workman, File Review Coordinator, at (570) 327-0551.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) applies to this general NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to the above address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

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

**PAG124801. Gary A. Pfleegor Farm,** R. D. 2, Box 529, Lewisburg, PA 17837-9636. Gary A. Pfleegor has submitted an application for a general NPDES permit for a concentrated animal feeding operation (CAFO) located on Goodman Road in Kelly Township, **Union County.** The CAFO is situated near Little Buffalo Creek, which is classified for Cold Water Fishes (CWF). The CAFO will be designed to maintain an animal population of approximately 534 animal equivalent units (AEUs) consisting of 4,160 finish swine, of average weight 145 pounds. These animals will be housed in two barns, one existing and one proposed. Manure will be collected through slatted floors in reinforced concrete manure storage facilities beneath each barn. The total capacity of the manure storage facilities will be 1.67 million gallons. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were properly constructed. All manure from this operation will be exported to surrounding farms for agricultural uses, in accordance with the Nutrient Management Plan, ap-

proved by the Union County Conservation District Board of Directors on June 14, 2000. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue coverage under the general NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the general permit.

The permit application is on file at the Northcentral Regional Office of the Department. Persons may make an appointment to review the files by calling Robert Workman, File Review Coordinator, at (570) 327-0551.

The Environmental Protection Agency (EPA) permit review waiver provision under 40 CFR 123.24(e) applies to this general NPDES permit.

Persons wishing to comment on the proposed permit are invited to submit written comments to the above address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based. A public meeting/hearing may be held if the Department considers the public response or interest significant.

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

## SAFE DRINKING WATER

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

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

**A. 1400508.** The Department has received a permit application from **Howard Borough**, 780 Black Street, Howard, PA 16841, Howard Township/Borough, **Centre County**. The application is for development of an additional well and the interconnecting pipe to the existing distribution system.

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

**5656493. Evangeliste Spring Water Vending**, HC 63, Box 35, Donegal, PA 15628. On-site vending of spring water from an enclosed spring through a vending machine located in Donegal, **Westmoreland County**.

**1100502. Krayn Water Cooperative**, 1245 Krayn Road, Windber, PA 15963. The construction of a water booster station, 6" transmission main and 53,000 gallon water storage tank serving Adams Township (Krayn), **Cambria County**.

**1100503. Redevelopment Authority of Cambria County**, 401 Candlelight Drive, P. O. Box 93, Ebensburg, PA 15931. The construction of a water booster station, 6" water distribution system, 8" transmission main and 53,000 gallon water storage tank serving Summerhill and Onnalinda, **Cambria County**.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified as proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Environmental Cleanup Program Manager in 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 (800) 654-5984.

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

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

**Burns Residence, Bristol Township, Bucks County.** Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier* on August 18, 2000. A Final Report was simultaneously submitted.

**Tomlinson Residence, Warminster Township, Bucks County.** Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier* on September 11, 2000. A Final Report was simultaneously submitted.

**Thomas H. Bliss, Patricia Bliss and Blissco Partnership, East Nottingham Township, Chester County.** Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Oxford Tribune* on September 28, 2000.

**Former Atlantic Service Station 0363-0431, Upper Darby Township, Delaware County.** Michael Sarcinello, Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet Statewide health and site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The News of Delaware County* on August 30, 2000.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**A. 100434. Evergreen Landfill, Inc.,** P. O. Box 195, Carol, PA 15731. Evergreen Landfill, P. O. Box 195, Coral, PA 15731. An application for a permit renewal to a municipal waste landfill in Brushvalley/Center Townships, **Indiana County** was received in the Regional Office on October 26, 2000.

## AIR QUALITY

### Notice of Plan Approval and Operating Permit Applications

#### Non-major Sources and Modifications

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

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

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

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice, and must file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### OPERATING PERMITS

**Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements).**

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

**66-315-036: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) for operation of a tissue/towel converting operation and associated air cleaning device along Route 87 in Washington Township, **Wyoming County**.

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

**32-00085: Information Display Technology, Inc.** (2170 Barr Slope Road, Dixonville, PA 15434) for operation of furniture manufacturing at the Greensteel Division in Green Township, **Indiana County**.

**32-00266: Evergreen Landfill, Inc.** (2000 Cliff Mine Road, Park W2, Suite 420, Coral, PA 15731) for operation of a sanitary landfill at the Evergreen Landfill in Center Township, **Indiana County**.

**11-00084: United Metal Fabricators, Inc.** (1316 Eisenhower Boulevard, Johnstown, PA 15904) for operation of a metal furniture manufacturing facility at the Richland Facility in Richland Township, **Cambria County**.

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

Under 25 Pa. Code § 127.521 and § 127.424, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified below. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

**46-00077: Pottstown Precision Casting, Inc.** (400 Old Reading Pike, Stowe, PA 19464) in West Pottsgrove Township, **Montgomery County**. The facility melts and die-casts aluminum into various parts for automotive and industrial markets. Facility is a major source of nitrogen oxides because of the natural gas furnaces that are used in melting and casting aluminum. This facility was formerly known as Doeler-Jarvis Pottstown, Inc. and is a wholly owned subsidiary of Harvard Industries.

**46-00198: Bloomer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) in Upper Hanover Township, **Montgomery County**. The facility processes cocoa beans for production of chocolate and other cocoa products. Facility uses winnowers, micronizers, roasters, dutching reactors and vaporizers in their processes, which makes this facility a major source of volatile organic compounds and particulate matter.

**46-00032: SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19046) in Abington Township, **Montgomery County**. The facility produces high strength fasteners for the aerospace industry. Facility is a major source of nitrogen oxides, hazardous air pollutants and volatile organic compounds from the boilers, plating operations and vapor degreasing operations.

#### PLAN APPROVALS

**Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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

**48-310-040: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) for construction of a stone crushing operation and associated air cleaning device in Williams Township, **Northampton County**.

**54-317-002B: Kaytee Products, Inc.** (Bay-Mor Division, 55 North Sillyman Street, Cressona, PA 17929) for modification of a grain processing operation in Cressona Borough, **Schuylkill County**.

**54-399-029: Silberline Manufacturing Co., Inc.** (P. O. Box B, Tamaqua, PA 18252) for construction of an aluminum pigment manufacturing process in Rush Township, **Schuylkill County**.

**40-320-013: Bemis Co., Inc.** (20 Jaycee Drive, Valmont Industrial Park, West Hazleton, PA 18201-1142) for construction of two flexo-graphic printing lines and associated air cleaning devices in West Hazleton Borough, **Luzerne County**.

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

**06-03019A: Pennsylvania Handcrafted Cabinetry** (P. O. Box 337, Bernville, PA 19506) for construction of a wood furniture manufacturing facility controlled by dry filters and low VOC coatings in Bernville Borough, **Berks County**.

**36-05112: PPL Global, LLC** (Suite 400, 11350 Random Hill Road, Fairfax, VA 22030) for construction of 10 gas fired simple cycle combustion turbines nominally rated at 45 MW each for electrical generation for a new facility in West Earl Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

**36-05113: PPL Global, LLC** (Suite 400, 1350 Random Hill Road, Fairfax, VA 22030) for construction of two gas fired simple cycle combustion turbines nominally rated at 45 MW each for electrical generation for a new facility in Eden Township, East Drumore Township and Quarryville Borough, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

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

**17-399-021: Wickett and Craig of America, Inc.** (120 Cooper Road, Curwensville, PA 16833) for construction of a fertilizer manufacturing operation and associated air cleaning devices (a fabric collector and a packed bed scrubber) in Curwensville Borough, **Clearfield County**.

**19-322-002D: White Pines Corp.** (515 State Route 442, Millville, PA 17846) for construction of a municipal waste landfill in Pine Township, **Columbia County**. The landfill will be subject to Subpart WWW of the Standards of Performance for New Stationary Sources.

**59-304-002K: Ward Manufacturing, Inc.** (P. O. Box 9, 115 Gulick Street, Blossburg, PA 16912-0009) to increase the allowable volatile organic compound emission limit for various pieces of iron foundry shakeout, sand handling, etc. equipment located at Plant 1 in Blossburg Borough, **Tioga County**. Ward Manufacturing is requesting an increase in the allowable volatile organic compound emission limit of 24.49 pounds per hour and 48.98 tons per year.

**53-00006A: Dominion Transmission Corp.** (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) for installation of replacement air cleaning devices (either "screwn-in prechambers" or "high pressure fuel injection" systems) on six natural gas-fired reciprocating internal combustion compressor engines (Engines 3, 4, 5, 6, 7 and 8) at the Ellisburg Compressor Station in Genesee Township, **Potter County**. The air cleaning device installations will not result in any change in the amount of nitrogen oxides or any other air contaminant allowed to be emitted from the engines but may result in a reduction in the emission rate of one or more air contaminants from the levels now actually occurring. This is a Title V facility.

**41-305-012: Fisher Mining Co.** (P. O. Box 374, Montoursville, PA 17754) for reactivation of a coal railcar loading operation in the City of Williamsport, **Lycoming County**.

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

**04-412A: Philip Metals, Inc.** (20521 Chagrin Boulevard, Cleveland, OH 44122) for installation of an auto shredder at the Koppel Plant in Big Beaver Borough, **Beaver County**.

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

**42-176G: Temple-Inland Forest Products Corp.—Mt Jewett** (Hutchins Road, Mt. Jewett, PA 16740) for installation of a new RTO to control VOC emissions from the press and unloader at the MDF Operation at the MDF Plant in Sergeant Township, **McKean County**.

**42-176H: Temple-Inland Forest Products Corp.—Mt. Jewett** (Hutchins, Road, Mt. Jewett, PA 16740) for

post construction of the Westec Panel Burner that was a previously unpermitted natural gas burner for the Westec Dryer at the MDF Operation at the MDF Plant in Sergeant Township, **McKean County**.

**42-158B: Temple-Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) for post construction of the Rotary Natural Gas Burners that were previously unpermitted for the three rotary dryers at the Particleboard Plant in Sergeant Township, **McKean County**.

**42-158C: Temple-Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) for construction of an overs removal system to replace both System 9 and 17 with a newer larger baghouse at the Particleboard Plant in Sergeant Township, **McKean County**.

**42-158D: Temple-Inland Forest Products Corp.—Mt. Jewett** (Hutchins, Road, Mt. Jewett, PA 16740) for construction of a new baghouse and upgrade of System 5 and 6 at the Particleboard Plant in Sergeant Township, **McKean County**.

**42-158E: Temple-Inland Forest Products Corp.—Mt. Jewett** (Hutchins, Road, Mt. Jewett, PA 16740) for increase of production by improvements to several plant sources including the press to 220 MMSF of board product for the Particleboard Plant in Sergeant Township, **McKean County**.

**42-176I: Temple-Inland Forest Products Corp.—Mt. Jewett** (Hutchins, Road, Mt. Jewett, PA 16740) for increase of production by improvements to several plant sources including the press to 120 MMSF of board for the MDF Plant in Sergeant Township, **McKean County**.

**24-120A: Dominion Transmission—Ardell Station** (State Route 2004, Saint Marys, PA 15857) in Benezette Township, **Elk County** for modification of the existing turbine and addition of two new engines, a generator and a dehydrator. The facility has a Title V permit.

## MINING

### APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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

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

Written comments or objections, or requests for informal conferences on applications, may be submitted by any

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

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

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

**101478-33990108-E-1. T.L.H. Coal Company** (R. D. 1, Box 170, Rochester Mills, PA 15571) Revision to an existing stream encroachment to conduct mining activities within 100 feet of unnamed tributary to Sawmill Run in Young Township, **Jefferson County**. Receiving streams: Unnamed tributary to Sawmill Run. Application received: October 19, 2000.

**37000302. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Commencement, operation, and restoration of a limestone operation in Wayne Township, **Lawrence County** affecting 100 acres. Receiving streams: Unnamed tributaries to Duck Run and unnamed tributaries to Connoquenessing Creek. Application received October 23, 2000.

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

**13940201C3. Rossi Excavating Company** (9 West 15th Street, Hazleton, PA 18201), correction to an existing coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 11.5 acres, receiving stream—none. Application received October 19, 2000.

**19950101R. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Conyngham Township and

Centralia Borough, **Columbia County** affecting 846.0 acres, receiving stream—none. Application received October 23, 2000.

**54851343R3. Buck Mountain Coal Company** (P. O. Box 6, Tremont, PA 17981), renewal of an existing underground mine operation in Frailey Township, **Schuylkill County** affecting 4.6 acres, receiving stream—Swatara Creek. Application received October 25, 2000.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

#### *Small Industrial Mineral Applications Received:*

**56000802. Brantview Farms Excavating, Inc.** (365 Vanyo Road, Berlin, PA 15530), commencement, operation and restoration of small noncoal (industrial minerals) operation in Stonycreek Township, **Somerset County**, affecting 5.0 acres, receiving stream unnamed tributary to Stonycreek River, application received October 19, 2000.

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

#### *Noncoal Applications Received*

**26970401. Laurel Aggregates, Inc.** (P. O. Box 23, Gans, PA 15439). Application received to revise permit to add acreage and for a stream variance at a large noncoal (limestone) quarry located in Springhill Township, **Fayette County**, currently affecting 153 acres. Receiving streams: Rubles Run. Application received October 25, 2000.

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

#### *Coal Applications Returned*

**61990102. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Clinton and Venango Townships, **Venango and Butler Counties** affecting 40.7 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Revision to add the placement of fly ash within the permit area. Application received August 11, 2000. Application returned October 23, 2000.

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

#### *Coal Applications Withdrawn*

**54733020C15. Lehigh Coal & Navigation Company**, (P. O. Box 311, Tamaqua, PA 18252), withdrawal of a permit correction application for biosolids in Summit Hill and Nesquehoning Boroughs, **Carbon County**. Application received August 24, 2000. Application withdrawn October 23, 2000.

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**07990101. Cooney Brothers Coal Company** (P. O. Box 246, Cresson, PA 16630), commencement, operation and restoration of bituminous strip mine in Logan Township, **Blair County**, affecting 31.0 acres, receiving stream unnamed tributary to Kittanning Run and Kittanning Run, application received December 6, 1999, application withdrawn October 24, 2000.

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

**03980105. Dutch Run Coal, Inc.** (R. R. 2, Shelocta, PA 15774). Application withdrawn for commencement, operation and reclamation of a bituminous surface mine located in Plumcreek Township, **Armstrong County**,

proposed to affect 217.2 acres. Receiving streams: unnamed tributaries to Buffalo Creek; unnamed tributaries to Patterson Creek to Patterson Creek; and all to Buffalo Creek to the Allegheny River. A social and economic justification was included with this application. Application received: September 9, 1998. Application withdrawn October 23, 2000.

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

*Coal Bond Release Application*

**19851301. Keno Coal Co.** (1433 Poplar Street, Kulpmont, PA 17834), Stage I, II and III bond release of an anthracite underground mine operation in Conyngham Township, **Columbia County** affecting 4.8 acres for \$5,000 on property owned by Pagnotti Enterprises, Inc. Application received October 26, 2000.

**APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS**

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

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

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

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

**E46-876.** Encroachment. **The Philadelphia Cricket Club**, 415 W. Willow Grove Avenue, Philadelphia, PA 19118. To construct and maintain water obstructions and encroachments, as listed below, which will impact 928 linear feet of Lorraine Run (TSF), unnamed tributaries and 0.15 acre of adjacent wetland (PFO). This work is associated with the construction of the Philadelphia Cricket Club Golf Course. The site is bounded by Joshua Road and Fort Washington State Park to the north, West Valley Green Road to the south and Stenton Avenue to the west (Germantown, PA Quadrangle N: 20.05 inches; W: 15.0 inches) in Whitemarsh Township, **Montgomery County**.

*Activities*

1. To install and maintain 13 stormwater outfalls;
2. To install and maintain 8 golf cart bridges;
3. To construct a pond along the bank and within the floodway of Lorraine Run associated with hole #13;
4. To relocate and fill approximately 330 linear feet of an unnamed tributary to Lorraine Run by constructing a new sediment pond in accordance with mining permit #8074SM2T2 and constructing 260 linear feet of new channel.

**EA51-001SE.** Encroachment. **U. S. Army Corps of Engineers**, Philadelphia District, 100 Penn Square East, Philadelphia, PA 19107. To modify the existing East Central Incinerator pier by demolishing the Incinerator building down to the pier deck and to remove the associated truck access ramp by cutting the pilings which support the ramp approximately 2 feet from the riverbed. The facility is located at the terminus of Spring Garden Street along Delaware Avenue (Philadelphia, PA-NJ Quadrangle, N: 15.3 inches; W: 1.5 inches) in the **City and County of Philadelphia**.

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

**E45-392.** Encroachment. **Judy Cherepko**, 7 Sylvan Lane, East Stroudsburg, PA 18301. To maintain a channel change and road crossing in Bulgers Run (HQ-CWF) that were constructed after an on-stream pond was backfilled and eliminated. The project is located 800 feet west of the intersection of Township Road T-537 and T-509 (Mt. Pocono, PA Quadrangle N: 10.5 inches; W: 3.8 inches), Pocono Township, **Monroe County** (Philadelphia District, U. S. Army Corps of Engineers).

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

**E34-098.** Encroachment. **Cheri Peck**, Delaware Township, R. R. 1, Box 410, Thompsontown, PA 17094. To remove an existing bridge and restore the channel across the channel of Cocolamus Creek (TSF) at a point at T-464 (Beaver Springs, PA Quadrangle N: 0.6 inch; W: 11.0 inches) in Delaware Township, **Juniata County**.

**E67-692.** Encroachment. **William Erwin**, 19796 Grove Mill Road, Stewartstown, PA 17363. To construct and maintain a treated timber footbridge having a clear span of 18-foot with a 5-foot underclearance across an unnamed tributary to the South Branch of Muddy Creek. The bridge will provide walking access to private property located near Grove Mill (Stewartstown, PA Quadrangle N: 2.9 inches; W: 3.0 inches) in Hopewell and East Hopewell Townships, **York County**.

**E67-693.** Encroachment. **Jeffrey Peeling**, Princess Street, Inc., 458 W. Market Street, York, PA 17404. To construct and maintain a 43-foot long and 15-foot wide wooden deck for an outdoor dining area and an arched wooden pedestrian bridge having a span of 40 feet and an underclearance of 6 feet across Tyler Run (WWF). The purpose of the bridge is for access to a parking area located at the rear of the Cove Restaurant along South George Street (York, PA Quadrangle N: 11.0 inches; W: 12.7 inches) in Spring Garden Township, **York County**.

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



**E30-195.** Encroachment. **Greene County**, 93 East High Street, Waynesburg, PA 15370. To remove the existing Greene County Bridge No. 71 and to construct and maintain a single span bridge having a normal span of 16.05 meters and an underclearance of 1.91 meters across an unnamed tributary to Harts Run (WWF) for the purpose of improving roadway standards and transportation safety. The project is located on T-417 (Cameron, West Virginia, PA Quadrangle N: 7.9 inches; W: 1.8 inches) in Aleppo Township, **Greene County**.

**E30-196.** Encroachment. **Greene County**, 93 East High Street, Waynesburg, PA 15370. To rehabilitate, operate and maintain existing County Bridge No. 38 across Hoovers Run (WWF) located on T-371, approximately 0.1 mile west of its intersection with S. R. 3013 (Holbrook, PA Quadrangle N: 1.28 inches; W: 3.2 inches) in Wayne Township, **Greene County**.

**E30-197.** Encroachment. **Greene County**, 93 East High Street, Waynesburg, PA 15370. To rehabilitate, operate and maintain existing Greene County Bridge No. 42 across Pursley Creek (HQ-CWF) located on T-487, approximately 0.1 mile west of its intersection with S. R. 3013 (Oak Forest, PA Quadrangle N: 20.48 inches; W: 15.35 inches) in Center Township, **Greene County**.

**E32-426.** Encroachment. **D. L. Resources, Incorporated**, R. R. 1, Box 215, Smicksburg, PA 16256. To operate and maintain an existing culvert crossing consisting of two (2) 60-inch cnp culverts in Muddy Run (CWF) authorized for construction under the Department's General Permit BDWM-GP 8 (temporary road crossings for the purpose of providing access to an existing gas well. The crossing is located off of Muddy Run Road, approximately 0.6 mile from its intersection with Route 3015 (Bolivar, PA Quadrangle N: 22.6 inches; W: 16.0 inches) in Blacklick Township, **Indiana County**.

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

**E37-132.** Encroachment. **Norfolk Southern Railway Company**, 600 West Peachtree Street, Suite 1840, Atlanta, GA 30308. Project Description: To install and maintain a fiber optic communication cable across the following watercourses along the existing Norfolk Southern Railway Company line in Lawrence County beginning at the Pennsylvania-Ohio state line (Campbell, OH-PA Quadrangle N: 5.4 inches; W: 2.65 inches) and extending southeast to the **Lawrence-Beaver County Line** (Beaver Falls, PA Quadrangle N: 18.7 inches; W: 9.9 inches):

1. PA-CAMP01, a tributary to Mahoning River (WWF) by boring (Campbell, OH-PA Quadrangle N: 4.85 inches; W: 0.95 inch) in Mahoning Township.

2. PA-EDIN05, a tributary to Mahoning River (WWF) by boring (Edinburg, PA Quadrangle N: 4.3 inches; W: 17.06 inches) in Mahoning Township.

3. PA-EDIN04, a tributary to Mahoning River (WWF) by boring (Edinburg, PA Quadrangle N: 3.2 inches; W: 14.6 inches) in Mahoning Township.

4. PA-EDIN03, a tributary to Mahoning River (WWF) by boring (Edinburg, PA Quadrangle N: 3.6 inches; W: 13.0 inches) in Mahoning Township.

5. PA-EDIN02, a tributary to Mahoning River (WWF) by boring (Edinburg, PA Quadrangle N: 2.9 inches; W: 10.3 inches) in Mahoning Township.

6. PA-EDIN01, a tributary to Mahoning River (WWF) by boring (Edinburg, PA Quadrangle N: 1.8 inches; W: 8.4 inches) in Mahoning Township.

7. PA-BESS07, a tributary to Mahoning River (WWF) by boring (Bessemer, PA Quadrangle N: 21.9 inches; W: 5.9 inches) in Mahoning Township.

8. PA-BESS06, a tributary to Mahoning River (WWF) by boring (Bessemer, PA Quadrangle N: 21.6 inches; W: 4.7 inches) in North Beaver Township.

9. PA-BESS05, a tributary to Mahoning River (WWF) by boring (Bessemer, PA Quadrangle N: 20.9 inches; W: 3.9 inches) in North Beaver Township.

10. PA-BESS04, a tributary to Mahoning River (WWF) by boring (Bessemer, PA Quadrangle N: 19.9 inches; W: 3.1 inches) in North Beaver Township.

11. PA-BESS03, Mahoning River (WWF) by bridge attachment (Bessemer, PA Quadrangle N: 7.4 inches; W: 1.1 inches) in North Beaver Township.

12. PA-BESS02, Mahoning River (WWF) at its confluence with Shenango River by bridge attachment (Bessemer, PA Quadrangle N: 15.0 inches; W: 0.6 inch) in North Beaver Township.

13. PA-BESS01, a tributary to Beaver River (WWF) by rail plow (Bessemer, PA Quadrangle N: 10.25 inches; W: 0.9 inch) in North Beaver Township.

14. PA-NCAS08, Edwards Run (WWF) by boring (New Castle South, PA Quadrangle N: 8.4 inches; W: 17.25 inches) in North Beaver Township.

15. PA-NCAS07, Jenkins Run (WWF) by rail plow (New Castle South, PA Quadrangle N: 6.1 inches; W: 16.4 inches) in North Beaver Township.

16. PA-NCAS06, Eckles Run (WWF) by bridge attachment (New Castle South, PA Quadrangle N: 3.4 inches; W: 13.4 inches) in New Beaver Borough.

17. PA-NCAS05, a tributary to Beaver River (WWF) by boring (New Castle South, PA Quadrangle N: 2.7 inches; W: 13.0 inches) in New Beaver Borough.

18. PA-NCAS04, Wampum Run (WWF) by boring (New Castle South, PA Quadrangle N: 2.2 inches; W: 12.1 inches) in New Beaver Borough.

19. PA-NCAS03, Beaver River (WWF) by bridge attachment (New Castle South, PA Quadrangle N: 2.25 inches; W: 11.6 inches) in Wayne Township.

20. PA-NCAS02, a tributary to Beaver River (WWF) by boring (New Castle South, PA Quadrangle N: 2.0 inches; W: 11.1 inches) in Wayne Township.

21. PA-NCAS01, a tributary to Beaver River (WWF) by bridge attachment (New Castle South, PA Quadrangle N: 0.25 inch; W: 9.5 inches) in Wayne Township.

22. PA BEAF09, a tributary to Beaver River (WWF) by boring (Beaver Falls, PA Quadrangle N: 20.75 inches; W: 9.2 inches) in Wayne Township.

23. PA-BEAF08, Connoquenessing Creek (WWF) by bridge attachment (Beaver Falls, PA Quadrangle N: 18.75 inches; W: 9.75 inches) in Wayne Township.

**E37-134.** Encroachment. **IMS Steel Services**, International Mill Service, Inc., 1155 Business Center Drive, Horsham, PA 19044-3454. To construct and maintain a slag storage and processing/gradation facility on an 8.1 acre parcel of land including grading and placement of fill for roadways, parking areas, slag sorting and storage facilities, material stockpiles and other related structures or activities within the mapped FEMA 100-year floodway at the confluence of Neshannock Creek with the

Shenango River (New Castle South, PA Quadrangle N: 21.9 inches; W: 14.0 inches) in the City of New Castle, **Lawrence County**.

#### DAM SAFETY

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

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

**D45-033. Dam. Pocahontas Rod and Gun Club** (302 East Main Street, Stroudsburg, PA 18360). To modify, operate and maintain Pocahontas Dam across a tributary to Brodhead Creek (HQ-CW), for the purpose of recreation (East Stroudsburg, PA Quadrangle N: 9.1 inches; W: 9.95 inches) in Stroud Township, **Monroe County**.

#### ACTIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

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

##### (Part I Permits)

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

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, Rachel Carson State Office Building, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure 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 audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

**Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 69.1—69.1001).**

*Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4795.*

**Permit No. 2900401.** Sewage. **Lee Mummau**, 7971 Bennett Branch Road, Mount Airy, MD 21771. This permit approves the construction of Sewage Treatment Facilities in Licking Creek Township, **Fulton County**.

**Permit No. 6792402, Amendment 00-1.** Sewage. **Fairview Township Municipal Authority**, 599 Lewisberry Road, New Cumberland, PA 17070-2399. This permit approves the construction of Sewage Treatment Facilities in Fairview Township, **York County**.

**Permit No. PA0008435 (transfer).** Sewerage. PP&L, Holtwood, LLC, 2 North 9th Street, Allentown, PA 18101-1179 is authorized to discharge from a facility located in Martic Township, **Lancaster County** to the receiving waters named Susquehanna River in Watershed 7-K.

**Permit No. PA0026743.** Sewerage. **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17603 in Lancaster Township and Lancaster City is authorized to discharge from a facility located in **Lancaster County** to the receiving waters named Conestoga River in Watershed 7-J.

**Permit No. PA0070157.** Sewerage. **Tulpehocken Area School District**, Bethel Elementary School, 428 New Schaefferstown Road, Bernville, PA 19506-8939 is authorized to discharge from a facility located in Bethel Township, **Berks County** to the receiving waters named UNT to Little Swatara Creek in Watershed 7-D.

**Permit No. PA0009571.** Industrial waste. **Fairmont Products**, 15 Kishacoquillas Street, Belleville, PA 17004-0977 is authorized to discharge from a facility located in Union Township, **Mifflin County** to the receiving waters named Little Kishacoquillas Creek in Watershed 12-A.

**Permit No. PA0020621.** Sewerage. **Borough of Waynesboro**, 57 East Main Street, Waynesboro, PA 17268 is authorized to discharge from a facility located in Waynesboro Borough, **Franklin County** to the receiving waters named East Branch Antietam Creek in Watershed 13-C (Conococheague-Antietam Creeks).

**Permit No. PA0088439.** Sewerage. **Lee Mummau**, School House Village MHP, 7971 Bennet Branch Road, Mount Airy, MD 21771 is authorized to discharge from a facility located in Licking Creek Township, **Fulton County** to the receiving waters named Sindeldecker Branch in Watershed 13-B (Licking—Tonoloway Creeks).

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

**NPDES PA0209147.** Sewerage. **Centre Hall-Potter Sewer Authority**, P. O. Box 497, Centre Hall, PA 16828. Permission granted to renew existing NPDES permit from facility located at Potter Township, **Centre County**.

**NPDES PA PA0228231.** Sewerage. **Lower Mahanoy Township Municipal Authority**, P. O. Box 235, Dalmatia, PA 17017-0235. Permission granted for proposed discharge treatment plant and sanitary sewer collection system which will serve the village of Dalmatia and Hickory Corners, facility located at Lower Mahanoy Township, **Northumberland County**.

**NPDES PA0022187.** Sewerage. **Beavertown Municipal Authority**, 419 Old Orchard Drive, Beavertown, PA 17813-9707. Permission granted to renew existing NPDES permit from facility located at Beavertown Borough, **Snyder County**.

**NPDES PA0113280.** Industrial waste. **Pennsylvania State University**, 101P Office of Physical Plant Building, University Park, PA 16802. Permission granted to renew existing NPDES permit from facility located at State College Borough, **Centre County**.

**NPDES PA PA0008222.** Industrial Waste. **Graymont (PA), Inc.**, P. O. Box 448, Bellefonte, PA 16823. Permission granted to renew existing NPDES permit from facility located at Spring Township, **Centre County**.

**NPDES PA0014575.** Industrial waste. **Jersey Shore Area Joint Water Authority**, P. O. Box 5046, Jersey Shore, PA 17740. Permission granted to renew existing NPDES permit from facility located at Anthony Township, **Lycoming County**.

**WQM Permit No. 5391401-T1.** Transfer Sewerage. **Susan H. Allen**, 530 Rag Hill Road, Genesee, PA 16923. Transfer of the Water Quality Management permit approved by the Department, for facility located at Genesee Township, **Potter County**.

**WQM Permit No. 1400405.** Sewerage. **Brian L. and Stacie S. Burns**, 1910 S. Eagle Valley Road, Julian, PA 16844. Approval to construct and maintain small flow treatment facility to replace malfunctioning onlot system. Facility located at Union Township, **Centre County**.

**WQM Permit No. 1700403.** Sewerage. **Leonard Boras**, 119 1/2 Peony Avenue, Pittsburgh, PA 15229. Approval to construct and maintain a single residence treatment system to facility located at Bell Township, **Clearfield County**.

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

**NPDES Permit No. PA0005037-A1.** Industrial waste. **EME Homer City Generation LP**, 18101 Von Karman Avenue, Suite 1700, Irvine, CA 92612-1046 is authorized to discharge from a facility located at Homer City Generating Station, Center Township, **Indiana County** to receiving waters named Blacklick Creek.

**NPDES Permit No. PA0031054.** Sewerage. **Ligonier Valley School District**, 120 East Main Street, Ligonier, PA 15658 is authorized to discharge from a facility located at Laurel Valley School Complex STP, St. Clair Township, **Westmoreland County** to receiving waters named Tubmill Creek.

**NPDES Permit No. PA0094536.** Sewerage. **Forest Hills School District**, P. O. Box 158, Sidman, PA 15955-0158 is authorized to discharge from a facility located at Forest Hills Middle School STP, Croyle Township, **Cambria County** to receiving waters named Unnamed Tributary of South Fork Little Conemaugh.

**NPDES Permit No. PA0095842.** Sewerage. **Rimco Properties, Inc.**, 772 Pine Valley Drive, Pittsburgh, PA 15239-2841, is authorized to discharge from a facility located at High View Acres Mobile Home Park STP, Washington Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Beaver Run.

**NPDES Permit No. PA0096954.** Sewerage. **Interstate 79 Associates**, 4839 Campbells Run Road, Pittsburgh, PA 15205 is authorized to discharge from a facility located at Meadowlands Park Sewage Treatment Plant, North Strabane Township, **Washington County** to receiving waters named Unnamed Tributary of Chartiers Creek.

**NPDES Permit No. PA0205249.** Sewerage. **Timber Creek Farms Homeowners Association**, 171 Buckthorn Road, Baden, PA 15005 is authorized to discharge

from a facility located at Timber Creek Farms Sewage Treatment Plant, Marshall Township, **Allegheny County** to receiving waters named Unnamed Tributary of Big Sewickley Creek.

**NPDES Permit No. PA0216674.** Sewerage. **RAG Cumberland Resources, LP**, P. O. Box 1020, Waynesburg, PA 15370 is authorized to discharge from a facility located at Harbor STP, Monongahela Township, **Greene County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0216879.** Sewerage. **Calandrella's Inc.**, R. D. 2, Box 320, Avonmore, PA 15618 is authorized to discharge from a facility located at Calandrella's Restaurant STP, Bell Township, **Westmoreland County** to receiving waters named Unnamed Tributary of Wolford Run.

**NPDES Permit No. PA0218600.** Sewerage. **Arthur Leonard**, 310 Spang Road, Baden, PA 15005 is authorized to discharge from a facility located at Leonard Single Residence, Middlecreek Township, **Somerset County** to receiving waters named Laurel Hill Creek.

**Permit No. 3281205-A7.** Industrial Waste. **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-9558. Construction of Electric Power Generating Station located in Center Township, **Indiana County** to serve Homer City Station Flue Gas Desulfurization Wastewater Plant.

**Permit No. 6500202.** Industrial Waste. **Texas Eastern Transmission Corporation**, 5400 Westheimer Court, Houston, Texas 77056-5310. Construction of Natural Gas Compressor Station located in Salem Township, **Westmoreland County** to serve Delmont Compressor Station (Wastewater Treatment Plant).

**Permit No. 0400409.** Sewerage. **Keith and Lori Helm**, 188 Lisbon Road, Baden, PA 15009. Construction and operation of a small flow sewage treatment facility located in Ohioville Borough, **Beaver County** to serve the Helm Residence.

**Permit No. 1100401.** Sewerage. **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904. Construction of sewage equalization line located in Richland Township, **Cambria County** to serve Laurel Packaging.

**Permit No. 2600403.** Sewerage. **Dunbar Township Municipal Authority**, P. O. Box 815, Connellsville, PA 15425. Construction of collection/conveyance/treatment facilities located in Dunbar Township, **Fayette County** to serve Villages of Leisenring, Rogerstown, Trotter, Crossland and Adelaide.

**Permit No. 5600403.** Sewerage. **Arthur J. Leonard**, 310 Spang Road, Baden, PA 15005. Construction and operation of a small flow sewage treatment plant located in Middlecreek Township, **Somerset County** to serve the Leonard SR STP.

**Permit No. 5600404.** Sewerage. **Quecreek Mining, Inc.**, 1576 Stoystown Road, Friedens, PA 15541. Construction of Sewage Treatment Plant located in Lincoln Township, **Somerset County** to serve Quecreek No. 1 Mine.

**Permit No. 6500407.** Sewerage. **Penn Township Sewage Authority**, P. O. Box 458, Harrison City, PA 15636. Construction of Pump Station Force Main located in Penn Township, **Westmoreland County** to serve Campbells Farms.

**Permit No. 6575412-A3.** Sewerage and Industrial Waste. **Menasha Corporation**, Route 70, P. O. Box 418, Yukon,

PA 15698-0418. Construction of Menasha packaging facility located in Sewickley Township, **Westmoreland County** to serve the Yukon Plant Wastewater Treatment Facility.

**Permit No. 6590414-A1.** Sewerage. **Framar Inc.**, 424 Jamie Drive, Belle Vernon, PA 15012. Modification and operation of a design revision located in Rostraver Township, **Westmoreland County** to serve the Cedarbrook Golf Course STP.

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

**NPDES Permit No. PA0093548.** Sewerage. **Castle Rubber Co.**, P. O. Box 589, Butler, PA 16003-0589 is authorized to discharge from a facility located in East Butler Borough, **Butler County** to Bonnie Brook.

**NPDES Permit No. PA0104558.** Sewerage. **Ebbert's Laundry**, c/o Gregory Ebbert, 580 Millcreek Road, Utica, PA 16362 is authorized to discharge from a facility located in Fairfield Township, **Crawford County** to an unnamed tributary to French Creek.

**WQM Permit No. 1600403.** Sewerage. **Kalyumet Campground**, R. R. 1, Box 672, Lucinda, PA 16235. This project is for the construction and operation of a small

flow treatment facility located in Highland Township, **Clarion County**.

**WQM Permit No. 4300410.** Sewerage. **Upper Shenango Valley Water Pollution Control Authority**, Orangeville Pump Station, P. O. Box 1449, Hermitage, PA 16148. This project is for the expansion of the existing pump station and includes replacement of the raw sewage pumps, comminutor and standby generator with electrical and heating and ventilating upgrades as necessary in the City of Hermitage, **Mercer County**.

**WQM Permit No. 4300409.** Sewerage. **Coolspring-Jackson Lake Latonka Joint Authority**, 420 Latonka Drive, Mercer, PA 16137. This project is for an extended aeration sewage treatment facility in Coolspring Township, **Mercer County**.

**WQM Permit No. 1097410.** Sewerage. **Best Oil, Inc.-Best Oil Travel Center**, 2939 Saw Mill Run Boulevard, Pittsburgh, PA 15227. This project is for a new travel center in Muddy Creek Township, **Butler County**.

**WQM Permit No. 3700404.** Sewerage. **Paula A. Kubik and Jonathan C. McMillen SRSTP**, 214 Maple Grove Rd., West Middlesex, PA 16159. Construction of Paula A. Kubik and Jonathan C. McMillen SRSTP located in Washington Township, **Lawrence County**.

#### INDIVIDUAL PERMITS

(PAS)

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant's Name and Address</i>	<i>County Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G433	The Pulte Home Corporation of Delaware Valley 1210 Northbrook Drive Suite 150 Trevose, PA 19053	Schuylkill Township Chester County	Unnamed Tributary Pickering Creek (HQ, TS)

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10V031	Tennessee Gas Pipeline Co. 1001 Louisiana St. Houston, TX 77002	Pike County Lackawaxen Township	West Falls Creek HQ-CWF, MF

**The following NPDES Individual Permits for Discharges of Stormwater from Industrial Sites have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS222202	Bestway Enterprises, Inc. 3877 Luker Rd. Cortland, NY 13047	Monroe County Barrett Township	Unnamed Tributary to Cranberry Creek

#### INDIVIDUAL PERMITS

(PAR)

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface of the Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater From Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit for Discharge Resulting From Hydrostatic Testing of Tanks and Pipelines
PAG-11	(TO BE ANNOUNCED)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Concord Township Delaware County	PAR10-J197	McKee Group 900 West Sproul Road Suite 301 Springfield, PA 19064	Unnamed Tributary to West Branch Chester Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Worcester Township Montgomery County	PAR10-T658	WB Homes, Inc. 538 East Main Street Lansdale, PA 19446	Towamencin Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Limerick Twp/Royersford Boro Montgomery County	PAR10-T614	Reitnour Investment Property Limerick Valley Forge Professional Center 1260 Valley Forge Rd. Phoenixville, PA	Mingo Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lower Gwynedd Township Montgomery County	PAR10-T629	Guidi Homes, Inc. 921 B North Bethlehem Pike P. O. Box 826 Spring House, PA 19477	Wissahickon Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Hatfield Township Montgomery County	PAR10-T652	Dr. Raymond Au 130 Elon Circle Fort Washington, PA	West Branch Neshaminy Creek (WWF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Lehigh County N. Whitehall Township	PAR10Q148	Nuss Enterprises Leonard Nuss 2632 Old Post Rd. Coplay, PA 18037	Coplay Creek CWF	Lehigh CD (610) 391-9583
Lehigh County N. Whitehall Township	PAR10Q143	Anoopam Mission Jay Shah R. R. 8, Box 8066 Stroudsburg, PA 18360	Coplay Creek CWF	Lehigh CD (610) 391-9583
Northampton County Upper Mt. Bethel Township	PAR10U139	Richard Hummer P. O. Box 277 Belvidere, NJ 07823	Allegheny Creek TSF, MF	Northampton CD (610) 746-1971
Hamilton Township Adams County	PAR-10-0115	Associated Wholesalers, Inc. Route 422 P. O. Box 67 Robesonia, PA 19551-0067	Beaver Creek WWF	Adams County CD 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Germany Township Adams County	PAR-10-0110	Paul Hicks 900 Teeter Road Littlestown, PA 17340	Alloway Creek WWF	Adams County CD 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
South Hanover Township Dauphin County	PAR-10-1232	Meadows of Hanover Dev. Inc. 225 N. Presidential Blvd. P. O. Box 1176 Bala Cynwyd, PA 19004	Swatara Creek WWF	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Bradford Township Clearfield County	PAR101767	Walmart Distribution Center No. 27 R. R. 1, 100 Walmart Dr. Woodland, PA 16881	Abes Run, Trib. to W. Br. Susquehanna River	Dept. of Env. Protection Water Management Soils and Waterways Sect. 208 W. Third St., Suite 101 Williamsport, PA 17701 (570) 327-3574
Centre County Rush Township	PAR10F114-1	Pa. American Water Co. Bruce Juergens 800 W. Hershey Park Dr. Hershey, PA 17033-0888	Trout Run and Unt. Trout Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Rush Township	PAR10F121	Moshannon Valley Economic Development Partnership 200 Shady Lane Philipsburg, PA 16866	One Mile Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County W. Chillisquaque Township and Northumberland Borough	PAR104939	PG Energy 1 PEI Center Wilkes-Barre, PA 18711	Susquehanna River	Northumberland County CD R. R. 3, Box 238C Sunbury, PA 17821 (570) 286-7114 Ext. 4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Crawford County Vernon Township	PAR102318	Douglas Braham Divide Development Co. Vernon Commons P. O. Box 1326 Meadville, PA 16335	UNT French Creek	Crawford Conservation District 14699 North Main Street Ext. Meadville, PA 16335-9441 (814) 724-1793
Erie County Girard Township	PAR10K173	Caron Enterprises, Inc. 227 Hathaway Street Girard, PA 16417	UNT to Lake Erie CWF: MF	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

*General Permit Type—PAG-3*

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bucks County Falls Township	PAR220002	Commonwealth Wood Preservers of PA, Inc. 400 Rock Run Road Fairless Hills, PA 19030	Rock Run	DEP Southeast Region Water Management 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Mifflin County Armagh Township	PAR603515	James D. Aumiller, Sr. Aumiller's Auto Wreckers, Inc. P. O. Box 368 Milroy, PA 17063	UNT to Laurel Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Dickinson Township and South Middleton Township	PAR803641	Penske Logistics, Inc. d/b/a ERX Logistics LLC Route 10, Green Hills P. O. Box 7635 Reading, PA 19603	Alexanders Spring Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Halifax Township	PAR803551	Aumiller's Auto Parts, Inc. P. O. Box 515 Halifax, PA 17032	UNT to Susquehanna River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR213531	Binkley & Ober, Inc. Ready Mixed Concrete Company of Lancaster P. O. Box 7 East Petersburg, PA 17520	UNT to Conestoga Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clinton County Bald Eagle Township	PAR234801	Croda Inc. P. O. Box 178 Draketown Rd. Mill Hall, PA 17751-0178	Unt to Bald Eagle Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Northumberland County Point Township	PAR704803	Viking Energy of Northumberland R. R. 2, Box 482D Cannery Rd. Northumberland, PA 17858		Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Lycoming County City of Williamsport	PAR803829	US Postal Service Williamsport Vehicle Maintenance Fac. 2901 West Reach Rd. Williamsport, PA 17701		Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
New Brighton Township Beaver County	PAR236116	Tuscarora Inc. P. O. Box 448 Blockhouse Run Rd. New Brighton, PA 15066	Blockhouse Run, then to Beaver River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Jackson Township Butler County	PAR238311	United Dominion Industries, Inc.- Zelienople Facility Route 19 North P. O. Box 338 Zelienople, PA 16063-0338	Connoquenessing Creek	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bedford County Broad Top Township	PAG043665	Broad Top Township (Wallace Fleck and Betty Rightnour) 187 Municipal Rd. P. O. Box 57 Defiance, PA 16633-0057	INT Trib. to Six Mile Run	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Hopewell Township	PAG043534	Anos King 379 Running Pump Road Shippensburg, PA 17257-9740	UNT to Conodoquinet Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Potter County Genesee Township	PAG044840	Susan H. Allen 530 Rag Hill Road Genesee, PA 16923	UNT of Middle Br. Genesee River	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Centre County Union Township	PAG045102	Brian L. and Stacie S. Burns 1910 S. Eagle Valley Rd. Julian, PA 16844	Unt. Bald Eagle Creek	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Beaver County Ohioville Borough	PAG046214	Keith and Lori Helm 188 Lisbon Road Beaver, PA 15009	UNT to South Branch Brady Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Lawrence County	PAG048694	Paula A. Kubik and Jonathan C. McMillen 214 Maple Grove Road West Middlesex, PA 16159	Unnamed Tributary of Taylor Run	DEP Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



*General Permit Type—PAG-5**Facility Location**County and Municipality**Permit No.**Applicant Name and Address**Receiving Stream, Body of Water or Site Name and Address**Contact Office and Telephone No.*Berks County  
Bethel Township

PAG053542

Bressler Service, Inc.  
P. O. Box 97  
Bethel, PA 19507-0097UNBT to Little  
Swatara  
CreekDEP—Southcentral  
Region  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Tony's Used Cars  
Rt. 53 and Rt. 453  
Madera, PA 16661  
Bigler Township  
Clearfield County

PAG054814

Anthony J. Muraik  
P. O. Box 552  
Madera, PA 16661

Clearfield Creek

Northcentral Regional  
Office  
Environmental Cleanup  
208 W. Third St.  
Ste. 101  
Williamsport, PA  
17701-6448  
(570) 321-6550**SEWAGE FACILITIES ACT  
PLAN APPROVAL****Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).***Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.**Location: Middlesex Township, Butler County. Middlesex Township Supervisors, 133 Browns Hill Road, Valencia, PA 16059. Project Description: This approved project proposes construction of a public sewer system and sewage treatment plant to serve the township. The sewage treatment plant would discharge to the South Branch of Glade Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.***SAFE DRINKING WATER****Permit issued under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).***Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.***Permit No. 1499503.** The Department issued an Operation Permit to **Snow Shoe Borough Authority**, R. D. 1, Box 81, Snow Shoe, PA 16874, Snow Shoe Borough, **Centre County**. The permit authorizes operation of Well #2 and additional service line for the first customer.**Permit No. 1798501.** The Department issued an Operation Permit to **Houtzdale Municipal Authority**, 131 I Kirk Street, P. O. Box 97, Houtzdale, PA 16651. The permit is for operation of 65,000 feet of distribution lines in the Sanbourn, Jeffries, New Castle and Ashland areas, a 244,000 gallon finished water storage tank and a booster pump and chlorination station.**Permit No. Emergency Permit #1.** The Department issued an Emergency Operation Permit to **The Pennsylvania State University**, Office of Physical Plant, University Park, PA 16802-1118, State College Borough, **Centre County**. The emergency permit is for operation of the recently reconstructed Well UN-14.**HAZARDOUS SITES CLEAN-UP****Under the Act of October 18, 1988****Settlement Under the Hazardous Sites Cleanup Act  
Butler Mine Tunnel Superfund Site**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a proposed consent decree regarding the Department's costs incurred for response activities at the Butler Mine Tunnel Superfund Site (Site). This proposed consent decree has been entered into with Amerada Hess Corporation, Auburn Technology, Inc., Avis Rent a Car System, Inc., BASF Corporation, Beazer East, Inc., Borg-Warner Automotive, Inc., Buckeye Pipe Line Company, Carrier Corporation, Caterpillar, Inc., CBS Corporation, Chemical Lehman Tank Lines, Inc., Chevron U.S.A., Inc., Conrail, Inc., Cooper Industries, Inc., Crosman Corporation, Crucible Materials Corporation, Daimler Chrysler Corporation, Dana Corporation, Eveready Battery Co., Inc., Exxon Mobile Corporation, Ford Motor Company, GAF Corporation, Gould Pumps, Inc., Heroux Corporation, Hertz Corporation, Hitchcock Gas Engine Co., Ingersoll-Rand Company, Mack Trucks, Inc., Miller Brewing Company, Neapco, Inc., Niagra Mohawk Power Corporation, Ogden Aviation Terminal Services, Inc., Old Dominion Freight Line, Inc., Pharmacia Corporation, Potomac Electric Power Company Trust, Inc., Pratt & Whitney, Reynolds Metal Company, Rome Strip Steel Co., Inc., Shepard Niles, Inc., Signature Flight Support Corporation, The Stanley Works, Texaco, Inc., Textron, Inc., United Parcel Service of America, Inc., TRW Inc., Ware Chemical Corporation, and Washington Gas Light Company, Defendants in *Commonwealth of Pennsylvania, Department of Environmental Protection v. Amerada Hess Corporation et al.*, Civil Action No. 3:CV00-1911, and has been lodged with the court for a 60-day comment period required by Section 1113 of HSCA (35 P. S. § 6020.1113).

The Site includes a network of underground mines, related caverns and waterways created by approximately 5 square miles of deep coal mine workings bordering the east bank of the Susquehanna River. These mine workings are drained by a 7,500 foot tunnel known as the Butler Mine Tunnel. The Site is located in the City of Pittston, Luzerne County. Following a discharge of oily materials containing hazardous substances from the Tunnel in 1985, EPA placed the Butler Mine Tunnel Site on the National Priorities List in 1987 under section 105 of

the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A. § 9605. EPA issued a Record of Decision (ROD) in 1996. The ROD requires that an Administrative Center be set up to monitor rainfall, flow rates and water levels, and collect water samples from the Butler Mine Tunnel effluent for chemical analysis to attempt to predict when a discharge of hazardous substances may occur. The ROD also requires the construction of access roads and anchors along the Susquehanna River's edge and the pre-purchasing of containment and absorbent booms. The ROD also requires notification of EPA and PADEP of potential discharges, and when a discharge occurs, taking immediate response actions, such as deployment of booms to reduce the migration of the discharge, and removal of discharged hazardous substances from the waters of the Susquehanna River. The Department has incurred past response costs associated with the Site, and will continue to incur response costs associated with the Site through its role as support agency in overseeing response actions implemented by the settling potentially responsible parties in this matter.

The proposed consent decree with Defendants was lodged with the Federal District Court for the Eastern District of Pennsylvania on October 31, 2000. Under the terms of the consent decree, Defendants will implement the requirements of the ROD and pay the Department \$34,072.52 for response costs incurred prior to May 5, 1999, and will, upon notice from the Department, reimburse the Department for response costs incurred after that date on an annual basis.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The Department will respond to any significant written comments and request that the Court take appropriate action regarding the proposed consent decree. The proposed consent decree containing the specific terms of the proposed settlement is available for public review and comment. The proposed consent decree can be examined from 8 a.m. to 4 p.m. at the Department's office at 2 Public Square, Wilkes-Barre, PA 18711-0790, by contacting Woodrow Cole at (570) 826-2511 or through the PA AT&T Relay Service at (800) 654-5984 (TDD). A public comment period on the proposed consent decree will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent decree to the Department by January 10, 2001, by submitting them to Woodrow Cole at the above address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the

selection of residential or non-residential 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 Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Thomas H. Bliss, Patricia Bliss and Blissco Partnership**, East Nottingham Township, **Chester County**. Philip F. Gray, Jr., Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standards.

**Tomlinson Residence**, Warminster Township, **Bucks County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standards.

**Burns Residence**, Bristol Township, **Bucks County**. Brian R. Evans, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standards.

**Former Atlantic Service Station 0363-0431**, Upper Darby Township, **Delaware County**. Michael Sarcinello, Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with BTEX and groundwater contaminated with BTEX, and petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

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

**Lewistown Hospital**, Derry Township, **Mifflin County**. Bolger Brothers, Inc., R. D. 2, Box 438, Altoona, PA 16601-9322 and Lewistown Hospital, 400 Highland Avenue, Lewistown, PA 17044 have submitted a Final Report concerning remediation of site soils contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to the Statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

### Preamble 3

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

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Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediations Standards Act (Act). Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has acted upon the following plans and reports:

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

**Milford Inn**, Milford Borough, **Pike County**. S & M Management Incorporated, P. O. Box 1429, Milford, PA 18337 submitted a Final Report (on behalf of their client, Raymond Calestini, Skytop Lane, Matamoras, PA 18336) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 home heating oil constituents. The report documented attainment of the Statewide health standard and as approved on June 20, 2000.

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

**Alex and Dawn Marie Acevedo Residence**, Rapho Township, **Lancaster County**. Alex and Dawn Marie Acevedo, 32 Crystal Court, Manheim, PA 17545 and Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 have submitted a final report concerning the remediation of site soils contaminated with BTEX and PAHs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on October 24, 2000.

**Former Mifflin County Subaru**, Armagh Township, **Mifflin County**. Juniata Valley Bank, P. O. Box 66, Mifflintown, PA 17059 and Dick Corporation, P. O. Box 10896, Pittsburgh, PA 15236 have submitted a combined remedial investigation and final report concerning the remediation of site soils and groundwater contaminated with BTEX, PHCs and PAHs and lead. The report demonstrated attainment of a combination of the Statewide health and site-specific standards, and was approved by the Department on October 24, 2000.

## SOLID AND HAZARDOUS WASTE

### LICENSE TO TRANSPORT HAZARDOUS WASTE

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**License 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.*

**KVS Transportation, Inc.**; P. O. Box 5295, Bakersfield, CA 93388; License No. **PA-AH 0536**; license expired on September 30, 2000.

**American Environmental Technologies, Inc.**, 3 Trowbridge Drive, Bethel, CT 06801; License No. **PA-AH 0421**; license expired on September 30, 2000.

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**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.*

**Race, Inc. d/b/a Envirocure**; 665 William Pitt Way, Pittsburgh, PA 15238; License No. **PA-AH 0340**; renewal license issued October 30, 2000.

**Envirite of Pennsylvania, Inc.**; 730 Vogelsong Road, York, PA 17404; License No. **PA-AH 0549**; renewal license issued October 26, 2000.

**Gary W. Gary Trucking, Inc.**; P. O. Box 48, Delaware, NJ 07833; License No. **PA-AH 0474**; renewal license issued October 24, 2000.

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**Hazardous waste transporter license voluntarily terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport hazardous waste.**

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

**Photo Chemical Systems, Inc.;** 105 Forest Drive, Knightdale, NC 27545; License No. **PA-AH S215**; license terminated October 17, 2000.

#### RESIDUAL WASTE PROCESSING FACILITIES

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

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

**General Permit No. WMGR069. Taylor Packing Co., Inc.,** P. O. Box 188, Wyalusing, PA 18853. General Permit Number WMGR069 for the beneficial use of wastewater treatment sludge generated from meat processing operations. The beneficial use is limited to land application on agricultural lands in the Commonwealth. The general permit was issued by Central Office on October 27, 2000.

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

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

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

**Permit I. D. No. 101672. Valley Composting,** Shannon Burke, R. R. 2, Box 1309, Sugarloaf, PA 18249. The withdrawal of an application for a new municipal yard waste composting facility, located in Black Creek Township, **Luzerne County**. The application was withdrawn from the Regional Office on October 20, 2000.

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

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

A permit to expand the landfill was issued to **Senaca Landfill**, P. O. Box 1080, Mars, PA 16046, Permit No. **100403**, located in Jackson and Lancaster Townships, **Butler County**, in the Regional Office on October 5, 2000.

### AIR QUALITY

#### OPERATING PERMITS

**General Plan Approval and Operating Permit usage authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**54-302-069: Good Samaritan Regional Medical Center** (700 East Norwegian Street, Pottsville, PA 17901) for construction and operation of a boiler in Pottsville, **Schuylkill County**.

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

**06-5050A: Sun Pipe Line Co.** (1801 Market Street, Philadelphia, PA 19103) for construction/operation of two storage tanks for volatile organic liquids at the Montello Pump Station in Spring Township, **Berks County**.

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

**32-0355: Dominion Peoples** (625 Liberty Avenue, Pittsburgh, PA 15222) on October 30, 2000, for construction and operation of a compressor engine at Egrey Compressor Station in Conemaugh Township, **Indiana County**.

**65-0693: USA Waste Services, Inc.** (Westpoint Corporate Center I, Suite 2, 1550 Coraopolis Heights Road, Moon Township, PA 15108) on October 30, 2000, for construction and operation of Portable Nonmetallic Mineral Processing at Valley Landfill in Penn Township, **Westmoreland County**.

**Administrative Operating Permit Amendments issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 (relating to administrative operating permit amendments).**

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

**30-00063: Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543) for correction of typographical errors in their permit for the Robena Preparation Plant in Monongahela, **Greene County**. The facility is a Title V facility.

#### PLAN APPROVALS

**Plan Approvals issued under the Air Pollution Control Act (32 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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

**48-309-112: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) on October 19, 2000, for construction of #3 Cement Load-Out Station and associated air cleaning device at Nazareth Plant #1 in Lower Nazareth Township, **Northampton County**.

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

**38-318-036: American LaFrance Aerials-Lebanon** (64 Cocalico Creek Road, Ephrata, PA 17522) on October 23, 2000, for installation of a paint booth operation at 18th and Lehman Streets in West Lebanon Township, **Lebanon County**.

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

**65-016E: Latrobe Steel Co.** (2626 Ligonier Street, P. O. Box 31, Latrobe, PA 15650) on October 25, 2000, for operation of a Melt Shop at Latrobe Plant in Latrobe Borough, **Westmoreland County**.

**Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements).**

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

**08-318-027: Mills Pride-Pennsylvania** (P. O. Box 158, Sayre, PA 18840) on October 20, 2000, to extend the deadline for performing stack testing on two wood-fired boilers and associated air cleaning devices (dual stage multiclones) and a finishing operation and associated air cleaning device (regenerative thermal oxidizer) in Athens Township, **Bradford County**.

**Plan Approvals extensions issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.13 (relating to extensions).**

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

**09-302-065A: Rohm & Haas Co.** (Route 413 and Old Route 13, Bristol, PA 19007) on October 25, 2000, for operation of two boilers to amend waste in Bristol Township, **Bucks County**.

**46-327-018: Superior Tube Co.** (3900 Germantown Pike, Colledgeville, PA 19426) on October 25, 2000, for operation of a new vapor degreaser in Lower Providence Township, **Montgomery County**.

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

**22-301-058: Pennsylvania Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) on September 20, 2000, to authorize temporary operation of an animal health laboratory multichambered incinerator controlled by a Venturi wet scrubber and a mist eliminator, covered under this Plan Approval until January 17, 2001, in Susquehanna Township, **Dauphin County**.

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

**63-307-027: American Iron Oxide Production Co.** (Foster Plaza #7, 661 Andersen Drive, Pittsburgh, PA 15220) on October 23, 2000, for operation of iron oxide production at the Allenport Plant in Allenport Borough, **Washington County**.

**30-087A: RAG Emerald Resources Corp.** (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370) on October 23, 2000, for installation of a coal preparation plant at the Emerald Mine Prep Plant in Franklin Township, **Greene County**.

**65-884A: IA Construction Corp.** (P. O. Box 290, Homer City, PA 15648) for installation of a bituminous concrete plant at the Donegal Plant in Mount Pleasant Township, **Westmoreland County**.

## MINING

### APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—

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

*Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

#### Coal Applications Issued:

**56930112. Permit Revision, Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), to change the post-mining land use on a portion of the site from "forestland" to a combination of "cropland" and "fish and wildlife habitat" in Black Township, **Somerset County**, affecting 316.0 acres, receiving stream unnamed tributaries to/and Rhoades Creek, application received August 24, 2000, issued October 24, 2000.

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

**03960107. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Permit revised to add acreage, reclaim an abandoned highwall, and abate two discharges at a bituminous surface/auger mining site located in Burrell Township, **Armstrong County**, now affecting 167.8 acres. Receiving streams: unnamed tributary to Cherry Run to Crooked Creek to Allegheny River. Application received: December 27, 1999. Revision issued: October 25, 2000.

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

**14663010. R. S. Carlin, Inc.** (P. O. Box 395, Snow Shoe, PA 16874), revision to an existing bituminous surface mine permit to apply stabilized sewage sludge to enhance vegetation, located in Snow Shoe Township, **Centre County** affecting 114 acres. Application received March 28, 2000. Permit issued October 19, 2000.

**17990122. Johnson Brothers Coal Company** (R. R. 1, Box 580, Mahaffey, PA 15757), commencement, operation and restoration of a bituminous surface mine permit in Brady and Bloom Townships, **Clearfield County** affecting 91 acres. Receiving streams: unnamed tributary #1 to Little Anderson Creek to Anderson Creek to the West Branch of the Susquehanna River. Application received November 19, 1999. Permit issued October 20, 2000.

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

**24000101. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Commencement, operation, and restoration of a bituminous strip operation in Fox Township, **Elk County** affecting 62.1 acres. Receiving streams: Unnamed Tributary "A" to Sawmill Run. Application received: March 6, 2000. Permit issued: October 23, 2000.

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

**54753044R3. Coal Contractors (1991), Inc.** (Gowen Mine, Fern Glen, PA 18241), renewal of an existing

anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 120.6 acres, receiving stream—none. Renewal issued October 24, 2000.

**40850201R3. Beaver Brook Coal Company**, (P. O. Box 2123, Hazleton, PA 18201), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 312.0 acres, receiving stream—none. Renewal issued October 24, 2000.

**54803201R3. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 17.4 acres, receiving stream—none. Renewal issued October 24, 2000.

*Small Noncoal (Industrial Mineral) Permits Issued:*

**58000833. Mark W. Lewis** (R. R. 1, Box 98L, New Milford, PA 18834), commencement, operation and restoration of a bluestone quarry operation in Harford Township, **Susquehanna County**, affecting 3.0 acres, receiving stream—none. Permit issued October 24, 2000.

**58000830. Chester E. Kilmer, Jr.** (R. R. 1, Box 1079A, Hop Bottom, PA 18826), commencement, operation and restoration of a small bluestone quarry operation in Jackson Township, **Susquehanna County**, affecting 2.0 acres, receiving stream—unnamed tributary to the Susquehanna River. Permit issued October 26, 2000.

**58000841. Douglas G. Kilmer** (R. R. 1, Box 85K, Uniondale, PA 18470), commencement, operation and restoration of a small bluestone quarry operation in Apolacon Township, **Susquehanna County**, affecting 3.0 acres, receiving stream—none. Permit issued October 26, 2000.

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

*Noncoal Permits Issued:*

**16950306. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface strip operation in Perry and Toby Townships, **Clarion County** affecting 58.0 acres. Receiving streams: Unnamed tributary to Black Fox Run. Application received: September 18, 2000. Permit issued: October 23, 2000.

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

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

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) the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rule of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice

and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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*Permits Issued and Actions on 401 Certifications:*

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

**E46-870. Encroachment. Schuylkill Canal Association and Upper Providence Township.** Schuylkill Canal Association, P. O. Box 3, Mont Clare, PA 19453-5032 and Upper Providence Township, P. O. Box 406, Oaks, PA 19456. To perform the following activities associated with the restoration of the Schuylkill Canal (WWF) Lock 60:

1. To remove a minor road crossing.
2. To construct and maintain a historically accurate bridge at the same location.
3. To install and maintain functional mitre gates at each end of the lock.
4. To construct and maintain a small toll house (lock tender's shanty).

This work is located just north of the PA Route 29 (Mont Clare) Bridge crossing (Phoenixville, PA Quadrangle N: 3.65 inches; W: 1.15 inches) in Upper Providence Township, **Montgomery County**.

This permit also includes maintenance activities at a section of the canal located approximately 1 mile southeast of Lock 60 (Phoenixville, PA Quadrangle N: 1.0 inches; W: 0.05 inch), where a culvert connects the Schuylkill Canal to the Schuylkill River (WWF). This work will consist of the removal of a set of existing metal plates that are used to control the water level in the canal and to install and maintain a new sluice gate at this location on the upstream side of the culvert. Work will also consist of construction and maintenance of wingwalls on the downstream side and local bank stabilization.

**E15-618. Encroachment. West Whiteland Township.** 222 North Pottstown Pike, Exton, PA 19341. To remove an existing dilapidated bridge and to install and maintain 26 linear feet of 22-foot by 9.0-foot reinforced concrete box culvert with an open bottom located at a point approximately 50 feet downstream from the existing location in and along Lionville Run (CWF-MF), a tributary to Valley Creek. The site is located approximately 80 feet west of the intersection of S. R. 100 and Township Line Road (Downingtown, PA Quadrangle N: 7.8 inches; W: 1.4 inches) in West Whiteland Township, **Chester County**.

**E51-185. Encroachment. Penn's Landing Corporation and Simon Property Group.** 121 North Columbus Boulevard, Philadelphia, PA 19106. To install and maintain approximately 120 concrete-filled piles through the

existing platform and into the riverbed of the Delaware River (WWF, MF) to support the new structures at the proposed Penn's Landing Entertainment Center, located 2,000 feet downstream of the Benjamin Franklin Bridge on the west bank of the Delaware River (Philadelphia, PA-NJ Quadrangle N: 13.3 inches; W: 2.1 inches) in the City of Philadelphia, **Philadelphia County**.

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

**E35-330.** Encroachment. **South Abington Township**, 104 Shady Lane Road, Chinchilla, PA 18410. To remove the existing structure and to construct and maintain a 12-foot by 12-foot concrete box culvert, depressed one foot below streambed elevation, in Summit Lake Creek. The project, known as the Leach Street Culvert Replacement Project, is located 0.5 mile west of the intersection of Shady Lane Road and S. R. 0006 (Scranton, PA Quadrangle N: 17.5 inches; W: 9.2 inches), in South Abington Township, **Lackawanna County**.

**E35-331.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structures and to construct and maintain a 13-foot  $\times$  7-foot concrete box culvert, having alternating 6-inch-high concrete baffles, with its invert depressed 1.0 foot below streambed elevation, in Lucky Run Creek; and to remove an existing commercial building along the right bank and within the floodplain of Lucky Run Creek. The project is associated with the Keyser Avenue Rehabilitation Project and is located on S. R. 3011, Section 204, Segment 0120, Offset 0259 (Scranton, PA Quadrangle N: 6.9 inches; W: 11.1 inches) in Taylor Borough and the City of Scranton, **Lackawanna County**.

**E35-332.** Encroachment. **Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. To remove the existing structures and to construct and maintain a 16-foot  $\times$  6-foot concrete box culvert, with its invert depressed 1.0 foot below streambed elevation, in Keyser Creek. The project is associated with the Keyser Avenue Rehabilitation Project and is located on S. R. 3011, Section 204, Segment 0150, Offset 0000 (Scranton, PA Quadrangle N: 9.9 inches; W: 9.2 inches), in Taylor Borough and the City of Scranton, **Lackawanna County**.

**E40-554.** Encroachment. **Luzerne County**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711. To maintain a road crossing of Browns Creek consisting of three 29-inch  $\times$  42-inch C.M.P. arch culverts with the center depressed 6 inches below the streambed. This project was constructed under Emergency Permit No. EP4000402 and is located along Township Road T609 (Hardisky Road), approximately 0.4 mile north of T712 (Gates Road) (Kingston, PA Quadrangle N: 6.6 inches; W: 13.5 inches) in Jackson Township, **Luzerne County**.

**E64-208.** **Oregon Township**, R. R. 3, Box 2140, Honesdale, PA 19431. To remove the existing superstructure and to modify and maintain the existing bridge by constructing a concrete cap on each existing stone abutment to which a new steel bridge superstructure will be attached. The modified bridge will have a single span of approximately 19 feet and an underclearance of 6.8 feet across Big Brook. The project is located along Township Road T564, approximately 300 feet east of its intersection with S. R. 0191 (Aldenville, PA Quadrangle N: 7.2 inches; W: 0.6 inch) in Oregon Township, **Wayne County**.

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

**E07-330.** Encroachment. **Antis Township**, 909 N. Second St., Bellwood, PA 16617. To (1) remove a stone masonry arch culvert, and about 55 feet of stone masonry retaining wall along with about 50 feet of gabion wall; (2) construct and maintain a single span concrete bridge having a normal clear span of 18.32 feet and an underclearance of 4.5 feet and construct a sandbag diversion dike with two 18-inch diameter, 180 foot long pipes to convey the stream flow through the construction; (3) excavate about 750 cubic yards of material from the stream banks and channel and construct about 525 cubic yards of R-7 rock riprap stream bank protection with live steak plantings on the south stream bank for about 160 feet, 50 feet upstream, about 90 feet downstream of the bridge, in Riggles Gap Run (CWF); (4) impact a total of 0.044 de minimis acre of wetlands by constructing along the west side of Asbury Lane (T-489) about 95 feet of a jute matted vegetated trapezoidal channel on the south side of Riggles Gap Run (CWF) and constructing on the west side of Asbury Lane (T-489) about 190 feet of AASHTO No. 1 rock lined trapezoidal channel on the north side of Riggles Gap Run (CWF) to convey natural drainage to Riggles Gap Run (CWF) located on Township Road T-489 about 300 feet from its intersection with Township Road T-483 (Altoona PA Quadrangle N: 14.5 inches; W: 1.6 inches) in Antis Township, **Blair County**. This permit also includes 401 Water Quality Certification.

**E44-098.** Encroachment. **PA Lions Beacon Lodge Camp, Inc.**, 114 SR 103 South, Mount Union, PA 17066. To (1) repair about 274 feet of existing gabion wall, and to add or replace about 63 feet of gabion wall stream bank protection on the east bank of an unnamed tributary to the Juniata River (HQ-CWF), (2) repair about 371 feet of existing gabion wall, and add or replace about 543 feet of gabion wall stream bank protection on the west bank of the same unnamed tributary to the Juniata River (HQ-CWF), (3) remove about 405.6 cubic yards of debris and gravel deposits in about 504 feet of the 1,800 foot reach of stream channel of the same unnamed tributary to the Juniata River (HQ-CWF), (4) place a total of 23.4 cubic yards of concrete at three locations in the stream channel of the same unnamed tributary to the Juniata River (HQ-CWF) to encase three utility pipe lines, (5) repair or replace a concrete walk across an existing low head dam on the same unnamed tributary to the Juniata River (HQ-CWF)—all for the purpose of restoring damage done to the stream during the January 19, 1996 flood event; and, (5) to partially drain an existing on-stream impoundment to lower the water level in the pool for the purpose of removing silt and other sediment deposits to restore the impoundment to its original contours located in Sugar Valley at Beacon Lodge near the confluence of the Juniata River and the unnamed tributary (Aughwick, PA Quadrangle N: 22.5 inches; W: 8.63 inches) in Wayne Township, **Mifflin County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-677.** Encroachment. **South Branch Limited Partnership**, R. D. 1, Box 131AA, Seven Valleys, PA 17360. To construct and maintain a 129-foot, 8-inches long three-span steel truss bridge supported by reinforced concrete piers with two 30-foot steel approach spans and a center span of 66-foot, 8-inches having an underclearance of 11.5-foot across the South Branch of Codorus Creek (WWF). The project purpose is a 16-foot wide

access road and pedestrian walkway from Glatfelter Station Road (SR 3020) to the York County Rail Trail and McWilliams Farm located east of Station Road (Glen Rock, PA Quadrangle N: 22.0 inches; W: 17.2 inches) in Springfield Township, **York County**. Wetland impacts total 0.53 acre from the access road and bridge abutments and 0.01 acre from the proposed Rail-Trail parking lot access road located north of the access road. The permittee is required to provide a minimum of 0.54 acre of replacement wetlands which is proposed onsite. This permit also includes 401 Water Quality Certification.

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

**E55-165.** Encroachment. **Matthew Metzger**, 19 Greenbrier Avenue, Selinsgrove, PA 17870. To construct, operate and maintain a road crossing on an unnamed tributary to Middle Creek and a contributory channel of the same waterway for access to private property. The road crossing the unnamed tributary shall be constructed with two 6-foot diameter by 25-foot long culvert pipes. The road crossing the contributory channel shall be constructed with a single 3-foot diameter by 25-foot long culvert pipe. The project is located along the northern right-of-way of SR 2010 approximately 879-feet west of SR 2007 and SR 2010 intersection (Freeburg, PA Quadrangle N: 2.7 inches; W: 3.0 inches) in Washington Township, **Snyder County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-166.** Encroachment. **Sheri B. and Jon L. Ficken**, P. O. Box 344, Middleburg, PA 17842. To construct and maintain a 10' x 15' pre-fab storage shed on her property in the floodway of Middle Creek. The project is located in the third back yard off the alley by "Big Daddys" (Middleburg, PA Quadrangle N: 7.13 inches; W: 6.23 inches) in Middleburg Borough, **Snyder County**. This permit was issued under Section 105.13(e) "Small Projects."

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

**E26-270.** Encroachment. **Westmoreland County Industrial Development Corporation**, Courthouse Square, Suite 601, Greensburg, PA 15601. To place and maintain fill in 0.57 acre of wetland, 0.43 acre POW and 0.14 acre PEM/PSS for the purpose of constructing an interchange track that will connect the Southwest Pennsylvania Railroad and the Wheeling and Lake Erie Railroad. The project is located at the Village of Owensdale (Connellsville, PA Quadrangle N: 14.0 inches; W: 14.7 inches) in Upper Tyrone Township, **Fayette County**. The permittee will construct 0.21 acre of replacement wetlands adjacent to the project.

**E65-762.** Encroachment. **Joseph A. Laspina, Sr.**, 111 Laspina Lane, Irwin, PA 15642. To construct and maintain two 54-inch SWPP culverts in an unnamed tributary to Brush Creek (TSF) for the purpose of providing access to a residence located off of S. R. 4029, approximately 4,000 feet north of Paintertown (Irwin, PA Quadrangle N: 21.4 inches; W: 10.7 inches) in Penn Township, **Westmoreland County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E10-310.** Encroachment. **Butler County Commissioners**, 124 West Diamond Street, P. O. Box 1208, Butler, PA 16003-1208. To remove the existing Peffer Bridge and to construct and maintain a prestressed concrete or steel beam bridge having two clear spans of 21.5 meters and a minimum underclearance of 4.57 meters on a 75° skew across Connoquenessing Creek on T-332 (Textor Hill Road) approximately 1.1 kilometers north of S. R. 68 (Evans City, PA Quadrangle N: 9.6 inches; W: 13.1 inches) in Jackson Township, **Butler County**.

**E25-603A.** Encroachment. **Commodore Perry Yacht Club**, P. O. Box 3455, Erie, PA 16508-0455. Permit No. E25-603 is hereby amended to remove two existing solid fill breakwalls and 20 boat slips and to conduct the following activities associated with the expansion of the existing Commodore Perry Yacht Club Marina in Presque Isle Bay, Lake Erie north of the Bayfront Highway approximately 0.8 mile west of State Street (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) in the City of Erie, **Erie County**:

1. Construct and maintain a 550-foot long by 20-foot wide steel sheet pile solid fill breakwall extending east from the end of existing western breakwall.

2. Construct and maintain a 60-foot long by 20-foot wide steel sheet pile solid fill breakwall extending west approximately 75 feet south of the end of the existing eastern breakwall between Commodore Perry Yacht Club and the Cherry Street Marina.

3. Excavate existing rock rubble from the lakebed in the area between the existing northern marina breakwall and the proposed breakwall to be used as interior fill for the proposed breakwalls.

4. Construct and maintain steel tube floating docks to provide 98 boat slips.

**E33-199.** Encroachment. **Jefferson County Commissioners**, Jefferson Place, 155 Main Street, Brookville, PA 15825. To remove the existing County Bridge No. 15 and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 15.25 meters and a minimum underclearance of 2.77 meters across Stump Creek within the U. S. Army Corps of Engineers Sykesville Flood Protection Project on Station Street approximately 220 meters south of S. R. 119 (West Main Street) (DuBois, PA Quadrangle N: 9.1 inches; W: 9.4 inches) in Sykesville Borough, **Jefferson County**.

#### WATER QUALITY CERTIFICATION

##### Notice of Final Action on Request for Certification Under Section 401 of the Federal Water Pollution Control Act

Except as otherwise noted below, the Department of Environmental Protection (Department), under section 401(a) of the Federal Clean Water Act, as amended, (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of that act, and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

A. Water Obstruction and Encroachment Permits must be obtained from the Department of Environmental Protection, Soils and Waterways Section, Water Management, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.



B. The proposed activity must comply with Chapters 93, 95, 102 and 105 of the Department's rules and regulations and all other applicable state regulations and other state requirements.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a U. S. Army Corps of Engineers individual permit or a nationwide permit 14, 18 or 26 will be published with Applications and Actions filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

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, 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 procedures may be obtained from the Board. The appeal form and the Board's rules of practice and procedures are also available in braille or on audiotape from the Secretary of 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.

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

Certification Request Initiated by: **Frank J. Kempf, P.E.**, Assistant Chief Engineer, Development Projects/Programs, PA Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. Date of Initial *Pennsylvania*

*Bulletin Notice: August 26, 2000. Project Description:* To construct approximately 15 miles of new, 4-lane, limited access, tolled highway connecting PA Turnpike 43 in Centerville Borough, Washington County and U. S. Route 119 in North Union Township, Fayette County. The project will impact the following streams: Twomile Run (WWF), six Unnamed Tributaries to Twomile Run (WWF), Monongahela River (WWF), two Unnamed Tributaries to Monongahela River (WWF), Rush Run (WWF), three Unnamed Tributaries to Rush Run, Cox Run (WWF), five Unnamed Tributaries to Cox Run (WWF), Dunlap Creek (WWF), nine Unnamed Tributaries to Dunlap Creek (WWF), Fourmile Run (WWF), Colvin Run (WWF), ten Unnamed Tributaries to Colvin Run (WWF), three Unnamed Tributaries to Rows Run (WWF), Fans Run (WWF), one Unnamed Tributary to Fans Run (WWF), Jennings Run (WWF), nine Unnamed Tributaries to Jennings Run (WWF), Redstone Creek (WWF), and two Unnamed Tributaries to Redstone Creek (WWF). In addition, a total of 6.32 acres of wetlands are proposed to be permanently impacted (2.66 acres PEM, 0.28 acre PSS, 0.13 acre PFO, and 3.25 acres POW). Stream and wetland mitigation will be required. *Location:* Luzerne Township, Menallen Township, North Union Township, Redstone Township, and South Union Township in **Fayette County**; Centerville Borough in **Washington County**. *Final Action on Request:* Approval.

## STORAGE TANKS

### SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permits under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and 25 Pa. Code Chapter 245, Subchapter C have been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
00-03-001	Kathleen M. Furlong Spicer Energy LLC 100 Nyala Farm Westport, CT 06880	Armstrong County Plum Creek Township	4 ASTs storing FTH-200 Additive 30,000 gallons each 2 ASTs storing FTH-200 Additive 8,000 gallons each
00-19-001	Leo R. Niedzwiecki Bear Fuel Service, Inc. 227 State Route 118 Benton, PA 17814	Columbia County Sugarloaf Township	1 AST storing Kerosene 25,000 gallons

## SPECIAL NOTICES

### Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for South Branch Wyalusing Creek

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL, established in accordance with the requirements of section 303(d) of the Clean Water Act. The South Branch of Wyalusing Creek was listed on Pennsylvania's 1996 and 1997 Section 303(d) listed because of impairment to uses due to sedimentation (Total Suspended Solids—TSS) and excess nutrient (Phosphorus & Nitrogen) loads to the creek.

The Department currently does not have water quality criteria for phosphorus, nitrogen or sediment. Therefore, the Department established a water quality objective for them. The water quality objectives for nitrogen, phosphorus and sediment were established using a reference watershed approach. These water quality objectives were set with the expectation that they could be reasonably achieved.

The TDML sets allowable loading rates for nitrogen, phosphorus and sediment for each land use category identified. The basis of information used in establishment of this TMDL are aquatic biological surveys and water quality analysis modeling using the AVGWLF model designed by the Pennsylvania State University.

The following table shows the current loading for the watershed and the necessary reductions to meet the TMDL. The loads are expressed in pounds per year.

<i>Parameter</i>	<i>Existing Load (lb/yr)</i>	<i>Load Allocation (lb/yr)</i>	<i>% Reduction to Meet TMDL</i>
Nitrogen	23,104	12,976	44
Phosphorus	3,529	1,672	53
Sediment	5,033,030	2,232,837	56

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact: Kate Crowley, Program Manager, Water Management Program, Northeast Regional Office, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553, E-mail: crowley.kate@dep.state.pa.us.

The TMDL can be viewed and printed from this Website. Please note that at the current time attachments and appendices must be requested through paper mail.

Written comments will be accepted at the above address and must be postmarked by January 11, 2001.

Additionally, the Department will accommodate small group meetings of interested parties to discuss this TMDL. A meeting can be arranged by contacting Raymond Kempa, Sanitary Engineer III (Northeast Regional Office) at (570) 826-2310.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

[Pa.B. Doc. No. 00-1939. Filed for public inspection November 10, 2000, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny Valley Hospital has requested exceptions to 28 Pa. Code §§ 553.1—553.4, 553.31, 555.1, 555.3, 555.4, 557.2, 561.1, 563.2, 563.3 and 567.2.

Allegheny Valley Hospital also requests that the required notice be published in the *Pennsylvania Bulletin* as an emergency situation without comment period under 28 Pa. Code § 51.33(c). The Department will review any comments received by close of business on November 14, 2000.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, Telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: JINKS@STATE.PA.US.

Persons with a disability who wish to obtain a copy of the request or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1940. Filed for public inspection November 10, 2000, 9:00 a.m.]

notice that Lance O. Yarus, D.O. has requested an exception to § 551.22(3)(ii) of 28 Pa. Code, which requires the practitioner performing surgery on pediatric patients to be either board certified by or have obtained preboard certification status with the American Board of Medical Specialties, the American Osteopathic Board of Surgery, the American Board of Podiatric Surgery or the American Board of Oral and Maxillofacial Surgery.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, Telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: JINKS@STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1941. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Application of Lance O. Yarus, D.O. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

### Application of Quantum PET for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Quantum PET requests an exception to the requirements of 28 Pa. Code § 51.23 which requires Positron Emission Tomography scanning services to be provided only in a hospital.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, Telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: JINKS@STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1942. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to § 138.11(b) of 28 Pa. Code, which requires that a hospital obtain the approval of the Department when it appoints an interim director of the cardiac catheterization services.

The request is on file with the Department. Persons may receive a copy of the request for exception by requesting a copy from: Division of Acute and Ambulatory Care, Department of Health, Room 532 Health and Welfare Building, Harrisburg, PA 17120, Telephone: (717) 783-8980, Fax: (717) 772-2163, E-Mail Address: JINKS@STATE.PA.US.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed above.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request or provide comments to the Department and require an auxiliary aide service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514

for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1943. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Statewide Coordinated Statement of Need

In accordance with the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (Ryan White CARE Act) (42 U.S.C.A. §§ 300ff-21—300ff-30), as amended, the Department of Health, Bureau of Communicable Diseases (Department) is issuing a draft Statewide Coordinated Statement of Need (SCSN) for public comment. See 42 U.S.C.A. § 300ff-27(b)(2)(C) and (3).

The purpose of a SCSN is to provide a mechanism to collaboratively identify and address the needs of people living with HIV/AIDS within the Commonwealth, and to maximize coordination, integration and effective linkages related to these needs.

The Department will accept written comments on the draft SCSN until 4 p.m. on December 4, 2000. These written comments should be sent to the Bureau of Communicable Diseases at the address noted.

For additional information, or to obtain copies of the Department's SCSN, contact Joseph Pease, Director, Division of HIV/AIDS, Bureau of Communicable Diseases, Department of Health, 2635 Paxton Street, Harrisburg, PA 17111, (717) 783-0572; jpease@state.pa.us.

Persons with a disability who require an alternative format of the Department's SCSN, or who desire to comment in an alternate format (for example, large print, audio tape, Braille), should contact Joseph Pease at the above address or numbers, or at V/TT: (717) 783-6154 for Speech and Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 {TT}.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 00-1944. Filed for public inspection November 10, 2000, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Prior Authorization Requirement for Therapeutic Staff Support Services

The Public Welfare Code, at 62 P.S. § 443.6(b)(7), authorizes the Department of Public Welfare (Department) to add items and services to its list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*. The purpose of this Notice is to announce the Department's intent to add Therapeutic Staff Support (TSS) services to the list of services requiring prior authorization under the Medical Assistance Program before payment can be made for the service. The Department is proposing to adopt this requirement effective with dates of service beginning February 1, 2001.

TSS, a behavioral health rehabilitation service for children under age 21 years, is individualized one-to-one

treatment prescribed by a psychiatrist or psychologist and directed by a child's treatment plan that includes planned interventions which are typically provided in the home. This service will be prior authorized to ensure appropriate utilization and quality management.

#### *Fiscal Impact*

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

#### *Contact Person*

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

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

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-263. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 00-1945. Filed for public inspection November 10, 2000, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

#### Montgomery County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to realign Main Street and 1st Avenue within the business district of Collegeville Borough, Montgomery County to eliminate offset intersections where S.R. 0029 intersects S.R. 4031 (Main Street).

The proposed improvements consist of realigning the 1st Avenue/Main Street intersection from the current "T" configuration with Main Street as the major road, to a curved "T" alignment with 1st Avenue as the major road. Dual left turn lanes will be constructed for vehicles turning from 1st Avenue onto Main Street traveling toward the Perkiomen Creek Bridge. Associated improvements include superelevation and vertical profile adjustments, stormwater management improvements, driveway adjustments and traffic signal installation and/or coordination at 2nd Avenue, 1st Avenue, and Germantown Pike.

The realignment of Main Street will require the use of property within the National Register Boundaries of the Perkiomen Bridge Hotel, a National Register listed site, Section 4(f) and Section 2002 resource. The Pennsylvania Historic and Museum Commission has concurred that the project will have no adverse effect on the Perkiomen Hotel, and no effect on the Perkiomen Bridge, a National

Register listed resource and no effect on the Schuylkill Valley Traction Company Power House, a National Register eligible resource.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the construction of this project.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 00-1946. Filed for public inspection November 10, 2000, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Boarhead Farms Superfund Site v. DEP; EHB Doc. No. 2000-220-MG

Boarhead Farms Superfund Site has appealed the issuance by the Department of Environmental Protection of an equivalent NPDES permit to same for a facility in Bridgeton Twp., Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 00-1947. Filed for public inspection November 10, 2000, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Sections 5(d) and 5(g) of the Regulatory Review Act (71 P. S. §§ 745.5(d) and 745.5(g)) provide that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commis-

sion) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (75 P. S. §§ 745.5a(h) and 745.5a(i)).

The Commission issued Comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

Reg. No.	Agency/Title	Issued	<i>Final-Form</i>
			<i>Submission</i>
			<i>Deadline</i>
7-350	Environmental Quality Board Radiological Health	10/26/00	09/25/02
7-355	Environmental Quality Board	10/27/00	09/27/02

**Environmental Quality Board Regulation No. 7-350  
Radiological Health  
October 26, 2000**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Environmental Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 25, 2002, the regulation will be deemed withdrawn.

**1. Section 215.1. Purpose and Scope.—Clarity.**

*Subsections (e) and (f)*

Subsection (e) incorporates several parts of Chapter I of Title 10 CFR by reference. However, it also provides that notwithstanding the requirements incorporated by reference, regulated parties are not relieved from complying with the "laws of the Commonwealth," including the Radiation Protection Act and the Low-Level Radioactive Waste Disposal Act. Subsection (f) provides that if a section of the CFR incorporated by reference "is inconsistent with the *Pennsylvania Code*, the *Pennsylvania Code* controls to the extent Federal law does not preempt the Commonwealth law." Additionally, if a section of the CFR incorporated by reference exceeds the EQB's statutory authority, that section is effective "only to the extent authorized by law."

These subsections do not provide sufficient notice as to the requirements with which regulated parties must comply. Since noncompliance may result in penalties under Section 308 of the Radiation Protection Act (35 P. S. § 7110.308) and Sections 504 and 505 of the Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.504 and 7130.505), regulated parties must have a clear understanding of which state or Federal provisions apply to their activities. Therefore, there should be a citation to the specific provisions of Chapter 1 of Title 10 that are incorporated by reference. In the alternative, the EQB could provide that Title 10 is incorporated by reference with the exception of specific provisions that are not incorporated by reference. Additionally, the regulation should specifically reference the provisions of any other "laws of the Commonwealth" and any other provisions of the *Pennsylvania Code*, besides Article V, that apply.

A similar concern is discussed below for Section 217.131 relating to incorporation by reference.

**2. Section 215.2. Definitions.—Clarity; Protection of Public Health and Safety.**

*Misadministration*

Two commentators expressed concerns with this definition. There are five related issues.

First, the Federal regulations contain a definition of "misadministration" at 10 CFR 35.2. The Federal definition is substantively different from the definition proposed in this regulation. In response to this conflict, it is our understanding that the title of this proposed definition will be changed from "misadministration" to "medical event from x-ray producing machine." The regulation should also clarify whether the Federal definition of "misadministration" is incorporated by reference.

Second, the provisions of the proposed definition identify the events that must be reported under Section 219.228 relating to reports of misadministration from x-ray. The proposed provisions are also substantive in nature. Hence, it would improve clarity to move the provisions of this definition to Section 219.228 in this regulation.

Third, the commentators suggested adding words such as "therapeutic" or "therapy" and "diagnosis" to the description of dose in Subparagraph (i). The types of doses covered by this definition of "misadministration" are unclear. Does this term apply to doses for both therapy and diagnosis?

Fourth, Subparagraph (ii) defines "misadministration" as a "dose that results in or is likely to result in functional damage to tissue." What is "functional damage" and how is it determined? Who determines whether "functional damage" has occurred? The subparagraph includes an exception for situations when damage is "an expected outcome of the prescribed procedure" or it "can not [sic] be avoided without compromising the efficacy of the procedure." Who makes the determination that these exceptions apply and when to file a report? The regulation should identify who is responsible for determining when an incident needs to be reported and who is responsible for the actual report.

Fifth, what is meant by the term "wrong site" in Subparagraph (iii)? Does it include partial misalignment or exposure to areas surrounding the treatment site?

**3. Section 215.27. Vacating premises.—Clarity.**

This section states "When deemed necessary by the Department, the licensee shall decontaminate the premises as the Department may specify." In what situations would the Department deem it necessary to decontaminate? The regulation should include the criteria that the Department will use in making its determination. If there are certain levels of radioactive contamination that trigger the need for decontamination, the regulation should include this standard.

**4. Section 215.28. Deceptive exposure of a monitoring device.—Clarity.**

This section states "Exposure of a personnel monitoring device or area monitoring device to deceptively indicate the dose delivered to an individual is prohibited [emphasis added]." This is unclear. Please explain the intent of this provision.

**5. Section 217.131. Incorporation by reference.—Clarity.**

*Subsection (a)*

Under this subsection, the requirements of 10 CFR Part 30 are incorporated by reference, except as provided in Subchapter B. For two reasons, this provision is vague. First, it does not provide sufficient notice to regulated parties as to the standards in Part 30 with which they must comply. Second, it does not specifically indicate when the requirements of Part 30 are superseded by the requirements of Subchapter B. A preferable approach would be to cite those sections of Part 30 that are incorporated by reference. In the alternative, the EQB could provide that Part 30 is incorporated by reference with the exception of specific provisions that are not incorporated by reference.

*Subsection (b)*

This subsection lists several sections of Part 30 that are not incorporated by reference, notwithstanding the requirements of Part 30 that are incorporated by reference. If specific provisions of Part 30 were incorporated by reference, this subsection would not be necessary.

The same concerns apply to Sections 217.141, 217.151, 217.161, 217.171, 217.181, 217.201, 219.5, 220.9, 225.2a, 226.4, 230.3, and 232.2.

**6. Section 217.191. Transfer of material.—Clarity; Reasonableness.**

*Subsection (a)*

Subsection (a)(3) refers to “[a] person exempt from this article to the extent permitted under the exemption.” The regulation should indicate who would be exempt and how an exemption is granted.

Subsection (a)(4) refers to “a general license or its equivalent, or a specific license or equivalent licensing document.” Are equivalent licenses issued by another jurisdiction? The final-form regulation should clarify what documents are equivalent to general or specific licenses.

Subsection (a)(5) refers to “[a] person otherwise authorized by the Department in writing.” The regulation should specify who would fall into this category.

*Subsection (c)*

Subsection (c) lists the acceptable methods for verifying that the transferee’s license authorizes receipt of the type, form and quantity of radioactive material to be transferred. Subsection (c)(3) refers to “oral certification.” A definition of “oral certification” would improve clarity.

Subsection (c)(4) authorizes the transferor to “obtain other sources of information compiled by a reporting service from official records of the Department, the NRC, the licensing agency or an agreement state or a licensing state as to the identity of licensees and the scope and expiration dates of licenses.”

A commentator noted that using the type of service referenced in Subsection (c)(4) would not allow the transferor to know if the quantity to be transferred falls within the transferee’s license limits. This is because there is no way of knowing how much radioactive material is already at the licensee’s facility. Therefore, the only way to know if the amount transferred is permissible under the license is to contact the licensee. We request the EQB explain how verification through the method identified in Subsection (c)(4) would be sufficient to determine that the quantity to be transferred falls within the licensee’s limits.

The same concern applies to Subsection (c)(1), which provides that the transferor may have a copy of the transferee’s license to verify that the transferee is authorized to receive the radioactive material. Without contacting the licensee directly, how would the transferor know that the amount of material to be delivered would not result in the transferee exceeding the limits in the license?

**7. Section 225.71. Definitions.—Clarity.**

*RSO—Radiation Safety Officer*

The last sentence of this definition is substantive. Further, the information in this sentence is included in Section 255.72. For these reasons, the last sentence should be deleted from the definition.

**8. Section 225.74. Training and testing.—Public health, safety and welfare; Clarity.**

Subsection (a)(3) requires a radiographer to receive “instruction covering regulatory requirements, operating and emergency procedures and the use of radiation-producing machines . . . .” How many hours of instruction are required? The minimum number of hours of required training should be specified in the final-form regulation.

Subsection (a)(4) provides that a registrant may not permit an individual to act as a radiographer until that individual has: “demonstrated competency and understanding of the information in this subsection to the satisfaction of the registrant or licensee as evidenced by the successful completion of a written test and a field examination.” Are there industry standards to determine competency? Since each licensee drafts its own tests for radiographers, what protections exist in the regulation for public health, safety and welfare without the assurances of standardized testing?

**9. Section 225.76. Reporting requirements.—Clarity.**

Subsection (c) provides for reports of overexposures and excessive exposures. It is not clear if these reports are subject to the same 30-day requirement provided in Subsection (a). Reporting requirements in Subsection (c) should be clarified in the final-form regulation.

**10. Section 225.82. Operating requirements.—Clarity.**

Subsection (b)(4) and Subsection 225.84(5) refer to a “pocket dosimeter” in quotes. The quotes should be removed in the final-form regulation. Further, if “pocket dosimeter” has a specific meaning, it should be included in Section 215.2 relating to definitions.

Additionally, Subsection (b)(4) characterizes, a pocket dosimeter as “an operable, calibrated pocket ionization chamber.” It is characterized in Subsection 225.84(5) as a “direct reading personnel monitoring device.” Subsection 225.83(5) refers to a “daily pocket ionization chamber.” Subsection 225.93(a) refers to “a direct reading pocket dosimeter” while Subsection 225.93(d)(1) refers to an “electronic personal dosimeter.” The references to a “pocket dosimeter” should be consistent in the final-form regulation.

**11. Section 225.83. Records required at temporary job sites.—Clarity.**

This section provides for the maintenance and availability for inspection of records or documents at the temporary job site. This section does not address how these records are supposed to be handled after they are removed from the temporary job site. Does the record

keeping requirement in Section 225.93 apply? If so, Section 225.93 should be referenced in Section 225.83 in the final-form regulation.

**12. Section 225.85. Surveys and survey records.—Clarity.**

Subsection (b) provides “if the survey has been used to determine an individual’s exposure, the records of the survey shall be maintained until the Department authorizes their disposition.” The final-form regulation should include a timetable for the retention of the surveys and records.

**13. Section 225.93. Personnel monitoring control.—Clarity.**

Subsection (d)(1) requires dosimeters to be recharged “at least daily or at the start of each work shift.” If the minimum requirement is for the start of each work shift then why is it necessary to include the option for “at least daily”? Consideration should be given to deleting the phrase “at least daily.”

Subsection (d)(1) also permits “electronic personal dosimeters” to be used in place of direct reading pocket dosimeters. Is the term “personal” appropriate for the term “electronic dosimeters”? If not, then it should be deleted from the final regulation. Further, this requirement is not easily discerned from this subsection and should be moved to Subsection (a) so that the information is readily apparent to licensees.

**14. Section 225.101. Cabinet X-ray systems and baggage/package X-ray systems.—Clarity.**

The first sentence in Subsection (b) does not appear to be a requirement. Is it? If so, the EQB should explain the intent for this provision and rephrase the sentence to make it clear.

**15. Section 225.104. X-ray detection systems for explosives, weapons and illegal items.—Clarity.**

Subsection (f)(2) requires safety or warning devices to be repaired “in a timely manner.” This requirement is not clear. In the final-form regulation, a specific time frame should be added.

**16. Section 230.13. Transportation of licensed material.—Clarity.**

This section references the regulations of the NRC, Pennsylvania Department of Transportation, and U.S. Department of Transportation (USDOT). However, the section does not contain specific citations to the applicable regulations of the USDOT. In the *Pennsylvania Bulletin*, the amendment to this section changes it to one long sentence. The end of this sentence reads:

... the licensee shall conform to the standards and requirements of those *regulations* to the same extent as if the shipment was subject to the *regulations* [emphasis added].

The intent of this section is unclear. To which rules and standards, is the term “regulations” referring? The provision should be clarified in the final-form regulation.

**Environmental Quality Board Regulation No. 7-355**

**Storage Tank Program**

**October 27, 2000**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Environmental

Quality Board (EQB) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 27, 2002, the regulation will be deemed withdrawn.

**1. Section 245.1. Definitions.—Clarity.**

*General*

This section defines five terms that are defined in 35 P. S. § 6026.103. Rather than reiterate the definitions in the regulation, this section should reference the definitions of “aquifer,” “background,” “cleanup or remediation,” “contaminant” and “groundwater” in 35 P. S. § 6026.103.

*Reportable Release*

Paragraphs (ii)—(iv) have been deleted from the definition of “reportable release,” and a provision has been added that states, “A release of petroleum to the surface of the ground that is less than 25 gallons.” Commentators have expressed confusion with this new provision. The definition should clarify whether all releases of 25 gallons or greater are reportable even if the release is contained or on an impervious surface.

*Survey*

This definition contains the phrase, “sufficient level of detail.” What is a “sufficient level of detail?”

**2. Section 245.305. Reporting Releases.—Reasonableness; Duplication; Clarity.**

Subsection (a) has been amended to require the owner or operator to notify the Department of Environmental Protection (Department) no later than 24 hours after the owner or operator has confirmation of a reportable release. Currently, a report must be made within 2 hours.

What constitutes “confirmation” of a reportable release? Is it when the release is discovered by the operator or by someone walking by who reports it? The regulation should clearly define the term “confirmation” so that it is clear when the 24-hour notification period begins.

A commentator requests that the 24-hour standard also apply to releases reported under the requirements of 25 Pa. Code § 91.33. This section requires “immediate” notice, but does not specify a maximum time limit.

We have two concerns. First, there is confusion over whether a tank owner or operator should follow the timeframe in Section 245.305 or Section 91.33 to report a release. A release that poses a threat to public safety should be reported immediately. On the other hand, reporting within 24 hours may be appropriate for a minor release in a containment area. For clarity, this section ought to establish a timeframe to report any release.

Second, a release could be subject to both Sections 245.305(a) and 91.33. Does a single notice of a release meet the requirements of both sections?

**3. Section 245.309. Site characterization.—Clarity.**

*Subsection (b)*

Subsection (b)(5) requires the registrant to determine “values for input parameters including hydraulic conductivity, source dimensions, hydraulic gradient, water table fluctuation and fraction organic carbon necessary for fate and transport analysis.” Is this information readily available? How much detail is required to meet this requirement?

Subsections (b)(6) and (7) require a licensee to “provide sufficient information.” What is “sufficient information” to meet Subsections (b)(6) and (7).

**4. Section 245.310. Site characterization report.—Reasonableness; Clarity.**

*Subsection (a)*

This section requires the site characterization report to “be complete and concisely organized” and to “contain” specific elements. This section is silent as to the consequences of not submitting a complete site characterization report. The regulation should define the consequences if a registrant does not meet the objectives of a site characterization report. Will the Department add provisions addressing a deficient site characterization report? Or will the Department notify the registrant of any deficiencies and the procedure to correct them?

*Reports*

Subsection (a) requires a site characterization report to be filed within 180 days of reporting a release. Subsection (b) allows a less detailed report if the site has been remediated. However, the regulation is not clear whether a report filed under Subsection (b) eliminates the filing requirement under Subsection (a).

*Review period*

The regulation does not address the amount of time the Department will take to review the site characterization report. It would be helpful to a responsible party to have a specified period of time for Department review established in the regulation. The regulation should contain a maximum time period for Department review of these reports.

*Subsection (b)*

Subsection (b)(4) provides the “results of the evaluation of ecological receptors” should be included in the site characterization report. A cross-reference to Section 250.311 relating to the evaluation of ecological receptors would clarify this requirement.

**5. Section 245.311. Remedial action plan.—Reasonableness; Clarity.**

*Subsection (a)(5)*

This subsection requires “the results of treatability, bench scale or pilot scale studies or other data collected to support remedial action.” How often and under what circumstances would this information be necessary? Is this information readily available? How much detail is included in this requirement?

*Subsection (c)*

This subsection states “a remedial action plan is not required and no remedy is required if the site specific standard is chosen and no current or future exposure pathways exist.” A commentator questioned whether a remedial action plan is required when the Statewide Health Standard is selected and no current or future exposure pathways exist. This provision should be clarified in the regulation.

Additionally, can a remedial action plan be denied based on the type of remediation standard selected? Also, how can the responsible party show attainment of the selected standard?

**6. Section 245.312. Remedial action.—Reasonableness; Clarity.**

*Reporting requirements*

A commentator suggests allowing a responsible party to combine the reports required by Section 245.310, relating to site characterization reports, and this section. Section 245.303(e) states the Department may waive or combine

requirements. Can the reports required by Sections 245.310 and 245.312 be combined? If so, is Department permission required prior to submittal?

*Subsection (e)*

This subsection requires the responsible party to request an amendment to the remediation plan if the plan is not achieving the remediation standard. However, there is no time requirement for the Department to respond to the request to amend a remediation plan that is not working. Commentators suggest adding a fixed review period of 30 or 90 days for the Department to respond to a request. This subsection should include a time limit to expedite correction of remediation plans.

*Subsection (g)*

Subsection (g) is being deleted. It requires designated monitoring wells to be sampled quarterly for 1 year. Since this section relates to remedial action, in place of Subsection (g), a cross-reference should be added to Section 250.704, which relates to general attainment requirements for groundwater.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-1948. Filed for public inspection November 10, 2000, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its Website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-655	State Board of Physical Therapy Fees	10/30/00
16A-623	State Board of Examiners of Nursing Home Administrators Continuing Professional Education	10/30/00
16A-555	State Board of Accountancy Continuing Education Program Sponsors	10/30/00
16A-557	State Board of Accountancy Commissions and Referral Fees	10/30/00
16A-422	State Board of Barber Examiners Fees	10/30/00
54-55	Pennsylvania Liquor Control Board Corrections and Revisions	10/31/00

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 00-1949. Filed for public inspection November 10, 2000, 9:00 a.m.]



## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws: Benjamin Nelson, Jr.; Doc. No. SC00-07-023

Notice is hereby given of the Order to Show Cause issued on October 25, 2000 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: Section 604 of the Insurance Department Act (40 P. S. § 234), and sections 37.46—37.48 of the Insurance Department Regulations (31 Pa. Code §§ 37.46—37.48).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1950. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Alleged Violation of Insurance Laws: Francis E. Sniezek; Doc. No. SC00-08-025

Notice is hereby given of the Order to Show Cause issued on October 27, 2000 by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: the Insurance Department Act (40 P. S. § 234) and 31 Pa. Code §§ 37.46—37.48.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code §§ 31.1—35.251 (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

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

Persons with a disability who wish to attend the above-referenced administrative hearing, and require an

auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1951. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Appeal of Paul and John Bickerton under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; File No. 87-1704; Doc. No. CF00-10-023

A telephone prehearing conference initiated by this office shall be conducted on December 12, 2000 at 10 a.m. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation. On or before November 15, 2000. Each party shall file with the Administrative Hearings Office a prehearing statement which shall contain (1) a comprehensive statement of undisputed facts to be stipulated between parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with the service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing settlement telephone conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene, or notice of intervention, if any must be filed on or before November 21, 2000 with the Docket Clerk, Administrative Hearings Office, Capitol Associates Bldg., Room 200, 901 N. 7th Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before December 5, 2000.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1952. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Children's Health Insurance Program; Advisory Council Meeting

The Insurance Department has scheduled a meeting of the Children's Health Advisory Council at 1 p.m., Tuesday, November 28, 2000 in Room 1125, Strawberry Square, Harrisburg, PA 17120. The Children's Health Care Act (Act 68 of 1998), charges the Advisory Council with the responsibilities of overseeing outreach activities and evaluating access and quality of services provided to children enrolled in the Children's Health Insurance Program (CHIP). The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meeting, should contact Tracey Pontius, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, or call (717) 787-4298, at least 24 hours in advance so that arrangements can be made.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1953. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Medical Professional Liability Catastrophe Loss Fund; 2001 Hospital Experience Modification Factors Filing

On October 30, 2000, the Insurance Department received a filing from the Medical Professional Liability Catastrophe Loss Fund for the adjustments to the prevailing primary premiums for hospitals under section 701(e)(4) of Act 135 of 1996.

The filing indicates the following:

"... the requested hospital experience modification factors (are) ... between -20% and +20%, as provided for in the statute."

"... the overall impact of the program on hospitals as a class is revenue neutral."

The filing applies to any new policies effective on or after January 1, 2001.

Copies of the rate filing will be available for public inspection during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1954. Filed for public inspection November 10, 2000, 9:00 a.m.]

### MIIX Insurance Company; Physicians and Surgeons Professional Liability; Rate and Rule Revision

On October 23, 2000, the Insurance Department received from MIIX Insurance Company a filing for a rate level change for physicians and surgeons professional liability insurance.

MIIX Insurance Company requests an overall 50.8% increase to be effective January 1, 2001 for new and renewal business. Included in this increase is a 10%

increase to provide the higher statutory limits required by Act 135 of 1996, effective January 1, 2001.

Unless formal administrative action is taken prior to December 7, 2000 the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Chuck Romberger, CPCU, Pennsylvania Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at cromberg@ins.state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1955. Filed for public inspection November 10, 2000, 9:00 a.m.]

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

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

The administrative hearings will be held in the Insurance Department's Offices in Harrisburg or Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Edward G. and Elaine H. Tichy; file no. 00-188-06891; Erie Insurance Exchange; doc. no. P00-10-026; November 29, 2000, at 10 a.m.;

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Michael and Linda Tabas; file no. 00-265-03235; AAA Mid-Atlantic Insurance Company; doc. no. PH00-10-014; December 14, 2000, at 3 p.m.

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

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

hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1956. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's residential or personal coverage. The hearing will be held in accordance with the requirements of the Act, 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure) and 31 Pa. Code Ch. 56 (relating to Special Rules of Administrative Practice and Procedure).

These administrative hearings will be held in the Insurance Department Offices in Harrisburg or Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North 7th Street, Harrisburg, PA 17102.

Appeal of Anna Gorbaty; file no. 00-265-03828; State Farm Fire and Casualty Co.; doc. no. PH00-10-027; November 30, 2000, at 1:30 p.m.

The following hearing will be held at the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Leo Restifo; file no. 00-280-03570; Travelers Insurance Company; doc. no. PH00-10-016; December 15, 2000, at 2:30 p.m.

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

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

representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1957. Filed for public inspection November 10, 2000, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's residential or personal property policy. The administrative hearing will be held in the Insurance Department's Administrative Hearings Office in Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in the Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 00-188-06083; Richard and Margaret Barrientos; doc. no. P00-10-025; November 29, 2000, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701-704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1958. Filed for public inspection November 10, 2000, 9:00 a.m.]

**State Farm Mutual Automobile Insurance Company; State Farm Fire and Casualty Company; Private Passenger Automobile—Vehicle Safety Discount (VSD) and Revised Insurance Rating Group (IRG) Designations**

On October 30, 2000, the Insurance Department received from State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company a filing for a rate level change for private passenger automobile insurance.

The companies request an overall 0.1% decrease amounting to -\$964,000 for State Farm Mutual Insurance Company and -\$54,000 for State Farm Fire and Casualty Company annually, to be effective March 1, 2001.

The proposed reduction in premium results from enhancing and renaming the "Passive Restraint Discount" to "Vehicle Safety Discount."

Unless formal administrative action is taken prior to December 29, 2000 the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@ins.state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 00-1959. Filed for public inspection November 10, 2000, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bradford County, Wine & Spirits Shoppe #0805, 81 Troy Street, Canton, PA 17724-1413.

*Lease Expiration Date:* September 30, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,200 to 1,800 net useable square feet of new or existing retail commercial space within the Borough of Canton or in the adjacent portions of the surrounding municipalities.

*Proposals due:* December 15, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

Tioga County, Wine & Spirits Shoppe #5905, 181 N. Main Street, Mansfield, PA 16933-1324.

*Lease Expiration Date:* October 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,300 to 2,800 net useable square feet of new or existing retail commercial space within the Borough of Mansfield or in the adjacent portions of the surrounding municipalities.

*Proposals due:* December 15, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

Lycoming County, Wine & Spirits Shoppe #4109, 510 W. Southern Avenue, South Williamsport, PA 17701-7223.

*Lease Expiration Date:* October 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,300 to 2,800 net useable square feet of new or existing retail commercial space within the Borough of South Williamsport or in the adjacent portions of the surrounding municipalities.

*Proposals due:* December 15, 2000 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Ronald Hancher, Jr., (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 00-1960. Filed for public inspection November 10, 2000, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before December 4, 2000, 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 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 as described under each application.**

**A-00117307, Folder 2. Ernest Trotter, t/d/b/a Cell Cleaning Service Co.** (8312 Lynnewood Road, Philadelphia, PA 19150)—household goods in use, between points in the counties of Bucks, Chester, Delaware, Montgomery

and Philadelphia, and from points in said counties, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1961. Filed for public inspection November 10, 2000, 9:00 a.m.]

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### Telecommunications

**A-311026. North Pittsburgh Telephone Company and Pittsburgh SMSA Limited Partnership d/b/a Verizon Wireless.** Joint Petition of North Pittsburgh Telephone Company and Pittsburgh SMSA Limited Partnership d/b/a Verizon Wireless for approval of an interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

North Pittsburgh Telephone Company and Pittsburgh SMSA Limited Partnership d/b/a Verizon Wireless, by its counsel, filed on October 23, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

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. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and Pittsburgh SMSA Limited Partnership d/b/a Verizon Wireless Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1962. Filed for public inspection November 10, 2000, 9:00 a.m.]

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### Telecommunications

**A-310696F0002. Verizon North, Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company.** Joint Petition of Verizon North Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company for Approval of an Interconnection Agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company, by its counsel,

filed on October 25, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

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. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and DIECA Communications, Inc. d/b/a Covad Communications Company Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1963. Filed for public inspection November 10, 2000, 9:00 a.m.]

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### Telecommunications

**A-310884F0002. Verizon North, Inc. and New Edge Network, Inc. d/b/a/ New Edge Networks.** Joint Petition of Verizon North Inc. and New Edge Network, Inc. d/b/a New Edge Networks for Approval of an Interconnection Agreement under Section 252(e) of The Telecommunications Act of 1996.

Verizon North Inc. and New Edge Network, Inc. d/b/a New Edge Networks, by its counsel, filed on October 26, 2000, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

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. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and New Edge Network, Inc. d/b/a New Edge Networks Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 00-1964. Filed for public inspection November 10, 2000, 9:00 a.m.]

# STATE BOARD FOR CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

## 2001 Examination Announcement

### Examination Dates:

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|------------------------------------|---|
| *January 27, 2001                  | All applications must be received by the Board, complete and correct by close of business December 28, 2000.  |
| *March 10, 2001                    | All applications must be received by the Board, complete and correct by close of business February 8, 2001.   |
| ◆April 13, 2001<br>Exton, PA       | All applications must be received by the Board, complete and correct by close of business March 14, 2001.     |
| *May 19, 2001                      | All applications must be received by the Board, complete and correct by close of business April 19, 2001.     |
| ◆June 1, 2001<br>State College, PA | All applications must be received by the Board, complete and correct by close of business May 1, 2001.        |
| ◆July 20, 2001<br>Warren, PA       | All applications must be received by the Board, complete and correct by close of business June 20, 2001.      |
| *July 21, 2001                     | All applications must be received by the Board, complete and correct by close of business June 19, 2001.      |
| ◆August 24, 2001<br>Scranton, PA   | All applications must be received by the Board, complete and correct by close of business July 25, 2001.      |
| *September 15, 2001                | All applications must be received by the Board, complete and correct by close of business August 16, 2001.    |
| ◆October 26, 2001<br>Somerset, PA  | All applications must be received by the Board, complete and correct by close of business September 26, 2001. |
| *November 10, 2001                 | All applications must be received by the Board, complete and correct by close of business October 11, 2001.   |

\* These certification examinations will be administered in the area of the following cities: Erie, Harrisburg, Philadelphia, Pittsburgh, State College and Wilkes-Barre

◆ These certification examinations will be administered the Friday following completion of the Precertification Academy at the city listed below the date.

To qualify to sit for the certification exam, all SEO candidates must complete the SEO precertification academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 3001 Gettysburg Road, Camp Hill, PA 17011-7296, telephone (717) 763-0930.

The Sewage Enforcement Officer written examination contains 80 multiple choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5 hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an *open book* exam, however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market St., P. O. Box 8454, Harrisburg, PA 17105-8454, telephone (717) 787-6045.

Approximately 3 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

Persons with a disability who require accommodation to take the SEO examination, should contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

KATHY W. KEYES,  
*Secretary*

[Pa.B. Doc. No. 00-1965. Filed for public inspection November 10, 2000, 9:00 a.m.]

# STATE BOARD FOR CERTIFICATION OF SEWAGE TREATMENT PLANT AND WATERWORKS OPERATORS

## 2001 Examination Announcement

### *Examination Dates:*

April 28, 2001—Applications must be received, complete and correct, no later than February 12, 2001.

November 3, 2001—Applications must be received, complete and correct, no later than August 20, 2001.

The certification examination will be offered in the area of the following cities: Altoona, Harrisburg, Meadville, Philadelphia, Pittsburgh, Williamsport and Wilkes-Barre

Applications may be obtained from and must be returned to the Department of Environmental Protection, Certification and Licensing, P. O. Box 8454, 400 Market Street, Harrisburg, PA, 17105-8454, telephone (717) 787-5236, by the established cutoff dates stated above (not postmarked). Information regarding the certification examination can be obtained by contacting this same address and telephone number.

Information on training courses can be obtained by contacting the Department of Environmental Protection, Technical Training, P. O. Box 8467, Harrisburg, PA, 17105-8467, telephone (717) 787-0122.

Applicants requesting two examinations (water and sewage) must be examined in the Harrisburg area.

Qualified applicants will receive a "letter of notification" approximately 3 weeks prior to the examination. This letter must be presented at the examination center for admission to the examination.

All applicants will be notified of examination results within 75 days after the examination date.

The sewage and water treatment plant operator examination consists of 100 multiple-choice questions. A formula conversion table is provided with the examination package at the test site.

Persons with a disability who require accommodation to take the sewage treatment plant or waterworks operator

exam should contact the Board at (717) 787-5236 or through PA AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

ROBERT J. SLATICK,  
*Secretary*

[Pa.B. Doc. No. 00-1966. Filed for public inspection November 10, 2000, 9:00 a.m.]

# STATE SYSTEM OF HIGHER EDUCATION

## Request for Proposals

The State System of Higher Education (The System) is seeking proposals from interested vendors for the provision of integrated central banking and investment services. The request for proposals (RFP) will be available as of November 10, 2000. To obtain a copy of the RFP, send a request to James S. Dillon, Treasurer by fax to (717) 720-7126 or electronic mail at jdillon@sshechan.edu.

There will be a preproposal conference at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110 on December 5th, in Conference Room B of the Administration Building at 10 a.m. Information will be shared with prospective vendors that may be vital for inclusion in a proposal for the successful contractor. Proposals will be due January 12, 2000.

The System encourages responses from small firms, minority firms, women owned firms, and firms that have not previously worked for the System. Non-discrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** 14 State owned universities and the Office of the Chancellor  
**Duration:** 2-year contract with a 3-year annual renewable option commencing 6/1/01  
**Contact:** James S. Dillon, Treasurer, (717) 720-4126

JAMES H. MCCORMICK,  
*Chancellor*

[Pa.B. Doc. No. 00-1967. Filed for public inspection November 10, 2000, 9:00 a.m.]